

1 ARKANSAS RIVER COMPACT ADMINISTRATION

2
3 COMPACT YEAR 1998

4 ANNUAL MEETING

5 TUESDAY, DECEMBER 8, 1998

6 8:30 A.M. (MST)

7
8 HELD AT THE

9 COW PALACE INN

10 LAMAR, COLORADO

11
12
13 Reported By:

14 TRI-STATE REPORTING SERVICE

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20 Steve Miller & Andrew Rickert, Colorado Water Conservation Board

21 Kevin Salter & Rachel Duran, Kansas Division of Water Resources

22 Approved by motion of the Arkansas River Compact Administration on December 05, 2019, at
23 its Annual Meeting held in La Junta, Colorado.

24 
James Rizzuto, Chairman


Date

APPEARANCES

Chairman, Arkansas River Compact Administrator: Larry E. Trujillo

FOR COLORADO:

Mr. James Rogers

Mr. Peter Evans

Mr. Tom Pointon

Ms. Wendy Weiss

Mr. Steve Miller

Mr. Dennis Montgomery

Mr. Hal Simpson

FOR KANSAS:

Mr. Randy Hayzlett

Mr. Dave Brenn

Mr. David Pope

Mr. John Draper

Mr. Dale Book

Mr. Leland Rolfs

1 CHAIRMAN TRUJILLO: Good morning. We'll call the 1998 meeting of the
2 Arkansas River Compact Administration to order and I would like to make a few
3 announcements. Can you hear this back there? Fine. The first announcement is that as we
4 get the meeting going and you wish to be recognized to speak, please use the podium. Please
5 state your name and who you represent before speaking and that's because the entire meeting, of
6 course, is being recorded and we need that information for the record.

7 All of you have a copy of the agenda. It is my intention to go through the
8 agenda with a break sometime in the morning, mid-morning, then a break for lunch, returning
9 back here at 1:30 and completing the meeting. Are there any questions from anyone regarding
10 the agenda? If not, what I would like to do at this time is, first of all, I've received a letter from
11 Governor Romer informing me that Mr. Peter Evans, acting director of the Colorado Water
12 Conservation Board will act, of course, in the place of Chuck Lile and will continue to act in
13 that position until further notice. And I want that, of course, for the record. I would like to
14 call on Mr. Pope at this time to introduce the folks from Kansas and then on Mr. Evans to please
15 introduce the members and participants from Colorado. Mr. Pope.

16 MR. POPE: Thank you, Mr. Chairman, and good morning. It's my pleasure
17 this morning to introduce two new Compact members from the State of Kansas. Governor
18 Graves has recently appointed these gentlemen who both have a considerable background in
19 water in Southwest Kansas. Neither one of them are strangers to this body, having attended
20 previous times. And in fact, to my far right is Randy Hayzlett who has previously served as a
21 member of the Administration from Kansas, I think during the period of '90-'94, I believe it was
22 in that time period. So we are happy to have Randy back as a member of the Compact
23 Administration. He lives in the Lakin area and is on the Board of Directors of the South Side
24 Irrigation Association. He previously served as their president.

1 To my immediate right is Dave Brenn. Dave is the Vice President of the
2 Garden City Company, who also serves as President of the Great Eastern Ditch. Dave also has
3 a very active involvement with water issues in Kansas, serving on a number of committees;
4 again has attended a number of these meetings. He's very familiar with the operations of the
5 ditch systems in Kansas and the Compact in general, so we appreciate the both of them being
6 here with us today.

7 I would like to continue, here on my left, many of you have met Mr. John
8 Draper, from the firm of Montgomery & Andrews, who represents Kansas in the *Kansas v.*
9 *Colorado* litigation, is here with us today.

10 To his left is Leland Rolfs, counsel for the Department of Agriculture and
11 working with me and others on water issues.

12 Dale Book, Dale raise your hand, is an engineering consultant for the State of
13 Kansas, and has been a long-time attendee of these meetings as well, from Spronk Water
14 Engineers in Denver.

15 Out on the first row, Don Pitts, Special Assistant Attorney General for Attorney
16 General Stovall from Topeka.

17 I'd like to just make a few other introductions here. Don Whittemore, Don is
18 with the Kansas Geological Survey and has attended the meeting with us this year, has been
19 involved in a number of studies involving water along the Ark River Valley, particularly
20 involving water quality issues at this time. Happy to have him with us this year.

21 Larry Gennette, from our Garden City Field Office involved in accounting
22 issues and matters related to the Administration, and is assisting Mark Rude. Mark has
23 stepped out for just a minute but most of you know Mark as the Water Commissioner for the
24 Garden City Field Office of the Division of Water Resources and Assistant Secretary,

1 Operations Secretary. Kevin Salter is the Assistant Water Commissioner in our Garden City
2 Field Office. And David Barfield is here in the building, I guess I don't see him at the moment,
3 he stepped out. But Dave Barfield has now been assigned as an engineer in our Topeka office
4 to help with these particular Compact activities and there's been a shift of duties from Bob Lytle
5 who some of you have gotten acquainted with. And I see a few other water users, Oliver
6 Hines, and some others here from Kansas, but I'll not try to go through the whole list.

7 CHAIRMAN TRUJILLO: Thank you. Mr. Evans.

8 MR. EVANS: Thank you. As the newest member, it's difficult for me to give
9 such an elaborate introduction but I'll do my best.

10 You know Jim Rogers on my left with the Compact Administration for many
11 years and Tom Pointon. Next to Tom is Dennis Montgomery from the law firm of Hill and
12 Robbins representing Colorado in the interstate litigation. Next to him is Wendy Weiss from
13 the Attorney General's Office who has been coordinating all of this for the Attorney General's
14 Office. At the far end of the table is Steve Miller, on my staff, the Interstate Streams section.
15 On the far end of the first row is Hal Simpson, our State Engineer. Steve Witte, the Division
16 Engineer. And we should also recognize Mary Louise Clay. We have quite a number of
17 water users here and I won't belabor the...

18 CHAIRMAN TRUJILLO: Like other meetings, I'm going to ask each of you,
19 and I know it takes a little time but I think it's important, not everybody knows everybody here
20 and it's important, I think, that we all know at least who is attending the meeting and gives us a
21 better perspective as we proceed in the meeting.

22 Before I do that however, I want to thank Steve Miller for all of the work that he
23 does all year round, he is the one that keeps this thing flowing, as far as I'm concerned and as far
24 as my role in the Compact is concerned, the Administration is concerned, Steve, I just want to

1 thank you because you're always very diligent in your work and always very informative and
2 keep us informed and at least keep all of the paperwork flowing during the year and I appreciate
3 that.

4 Why don't we start over here with Mr. Simpson, he's been introduced, why don't
5 you introduce yourself and we will have everyone please just state your name and who you
6 represent.

7 MR. SIMPSON: Hal Simpson, State Engineer.

8 MR. WITTE: Steve Witte, Colorado Division of Water Resources and the
9 Division Engineer and I also have been elected as the Operations Secretary for the Arkansas
10 River Compact Administration.

11 MR. GYLLENBORG: Gil Gyllenborg, Bureau of Reclamation, Washington
12 D.C., I'm sitting in for Jack Garner.

13 MS. JOHNS: Alice Johns, Bureau of Reclamation, Eastern Colorado Area
14 Office in Loveland.

15 MR. WILSON: Malcolm Wilson, also Bureau of Reclamation, Eastern
16 Colorado Area Office in Loveland.

17 MS. SWANDA: Julie Swanda with the Bureau of Reclamation, Eastern
18 Colorado Area Office.

19 MR. GIERARD: I'm John Gierard, I'm also with Reclamation in Loveland.

20 MR. BARFIELD: I'm David Barfield, I'm with the Kansas Division of Water
21 Resources in Topeka.

22 MR. PITTS: I've been introduced, but I'm Don Pitts with the Kansas Attorney
23 General's office.

24 MR. TRUJILLO: Juan Trujillo, Juniper Valley Enterprises.

1 MR. WHITEMORE: Donald Whitemore, Kansas Geological Survey.

2 MR. GENNETTE: Larry Gennette, Kansas Division of Water Resources,
3 Garden City.

4 MR. SALTER: Kevin Salter, Garden City, Division of Water Resources.

5 MR. OLIVER HINES: Oliver Hines, Frontier Ditch.

6 MR. STEVEN HINES: Steven Hines, Frontier Ditch.

7 MR. KREINER: Dick Kreiner, Corps of Engineers, Albuquerque.

8 MR. GARCIA: Dennis Garcia, Corps of Engineers, Albuquerque District.

9 MR. MUSGROVE: Tom Musgrove, Bureau of Reclamation in Pueblo.

10 MS. VEHMAS: Lisa Vehmas, Bureau of Reclamation, Denver.

11 MR. TORRES: Manny Torres, Fort Lyon Canal.

12 MR. ARVESCHOUG: Steve Arveschoug, Southeastern Colorado Water
13 Conservancy District.

14 MR. LEFFERDINK: John Lefferdink, Fort Lyon Canal Company.

15 MR. HERSHEY: Lloyd Hershey, independent consultant, ground water
16 hydrologist.

17 MR. HOWLAND: Bill Howland, Colorado Division of Water Resources
18 Compact Operations.

19 MR. TAYLOR: Don Taylor, Colorado Division of Water Resources, Water
20 Commissioner...(Reporter can't hear rest of introduction.)

21 MR. MARQUES: Danny Marques, Water Commissioner, District 19 in
22 Trinidad for the Department of Natural Resources.

23 MR. SULLIVAN: Greg Sullivan, Spronk Water Engineering.

24 MR. HYBL: B.J. Hybl, the Garden City Company.

1 MR. AMOS: James Amos, Pueblo Chieftain.

2 MR. MERCHANT: Key Merchant, Trinidad Lake Manager, Corps of
3 Engineers.

4 MR. STARK: Mark Stark, John Martin Operations Manager, Corps of
5 Engineers.

6 (Reporter can't hear one person's introduction.)

7 MS. WOLDRIDGE: Julianne Woldridge from MacDougall Law Office, I
8 represent the Purgatoire River Water Conservancy District.

9 MR. ANDERSON: Don Anderson, Purgatoire River Water Conservancy
10 District.

11 MS. EVAN: Erma Evans, Purgatoire River Water Conservancy District.

12 MS. LUJAN: Thelma Lujan, Purgatoire River Water Conservancy District.

13 MR. FERNANDEZ: Jim Fernandez, City of Trinidad.

14 MR. CRONE: Jason Crone, La Junta Tribune Democrat.

15 MR. SCHAFER: Kris Schafer with the Corps of Engineers in Albuquerque.

16 MR. HOFMEISTER: Ernie Hofmeister, Lamar Canal.

17 MR. CLINE: Joe Cline, Fort Lyon Canal.

18 MR. HAMILTON: Junior Hamilton, Amity Canal.

19 MR. KNOX: Ken Knox, Colorado Division of Water Resources.

20 MR. HANSEN: Donny Hansen, Holbrook Mutual Irrigation.

21 MR. MAIER: Paul Maier, Holbrook Mutual Irrigation.

22 MR. BOGNER: Howard Bogner, Fort Lyon Canal.

23 MR. STRAW: Dale Straw, Colorado Division of Water Resources, Pueblo.

24 MR. TYNER: Bill Tyner, Colorado Division of Water Resources, Pueblo.

1 MS. BRYAN: Jeanette Bryan from the Arkansas Groundwater Users
2 Association.

3 MS. BROWN: Vivian Brown, Colorado Division of Water Resources in
4 Pueblo.

5 MR. MAUCH: Leroy Mauch, Southeastern Colorado Water Conservancy
6 District representing Prowers and Kiowa County.

7 MR. STEERMAN: Don Steerman from the law firm of Shinn, Steerman and
8 Shinn, I represent the Amity Mutual Irrigation Company, Buffalo Canal Company and District
9 67 Irrigation Ditches Association.

10 MR. FLACK: Paul Flack, Colorado State Parks.

11 MR. HILLMAN: Mark Hillman, State Senator-elect, District 2, Colorado.

12 MR. DARE: Craig Dare with the U.S. Geological Survey from Hays, Kansas.

13 MR. BAUMAN: Elmer Bauman, Catlin Canal Company.

14 MR. CAIN: Doug Cain, U.S. Geological Survey, Association District Chief
15 for Colorado out of Denver.

16 MR. EDELMANN: Pat Edelmann, U.S. Geological Survey, Pueblo.

17 MR. STEGER: Ron Steger, U.S. Geological Survey in Pueblo.

18 MS. CLAY: Mary Louise Clay, ARCA Recording Secretary.

19 MR. DANIELSON: Jeris Danielson, Danielson and Associates, consulting
20 engineers to the Purgatoire District.

21 CHAIRMAN TRUJILLO: Thank you. The third item on our agenda, the
22 commemoration of the 50th Anniversary of the Arkansas River Compact. If I may say a few
23 words, the Compact was of course involved in a celebration that took place at John Martin this
24 summer and last night we had a dinner in celebration and commemoration of the anniversary.

1 Yesterday, thanks again to Steve, I was handed what was the testimony before Congress of
2 various individuals including General Kramer in the establishment of the Compact. I think it
3 was those folks, with a lot of foresight and knowing how important water was to this region,
4 both States and the entire Arkansas Valley drainage area that the Compact became a reality and
5 my hat's off to the folks who have been members of the Compact, who have been members of
6 the various government agencies for both States and that of the federal government and have
7 continued to work with and tried to resolve the problems. The problems that will never totally
8 be resolved but will always need a forum like the Administration by which we address those
9 problems and hopefully come together at least annually as required by the Compact and more
10 often if need be in order to address what is a very, very important resource to both States and its
11 citizens.

12 I would like to call on Mr. Stark, who made some remarks last night and I'll ask
13 him to make some remarks regarding the 50th Anniversary and maybe also talk a little bit about
14 the celebration this last summer for those folks that weren't here. Mr. Stark.

15 MR. STARK: Thank you, Larry. It's rare that I get an opportunity two days in
16 a row to talk about something I know about. I do get to talk but rarely about things that I know
17 about. John Martin is one of the things that I have a little bit of knowledge on and don't mind
18 talking about. Last summer we...actually it was in May, we celebrated the 50th Anniversary of
19 the celebration of the completion of John Martin. The original celebration was in 1949, in
20 October, completion however was in 1948, making it 50 years. For those of you who weren't
21 able to attend, it was quite a fest. It lasted over three days and we had a band from the...it was
22 the 101st Army Band, played army band type music, marches and such. Fireworks displays in
23 the evenings, big barbecue, vendors, and of course the presentation to Compact Administration
24 members for recognition of their service. Like the Compact Administration, pulling off the

1 celebration, took a lot of volunteer effort. We had people from Southwest Kansas, Southeast
2 Colorado. I believe if I can recall correctly, we had something like 23 or 24 hundred hours of
3 volunteer time put into pulling the thing off. We do have some slides and pictures and
4 representations of what happened out at our Visitors Center at the dam. I would like to extend
5 an invitation to anyone who would be interested in seeing that, results of that event, and some of
6 the history from the beginning days of construction to completion of the dam to stop by John
7 Martin at the Visitors Center. We have a really neat videotape that was an original 16
8 millimeter film that we converted to video that shows the actual construction and some of the
9 techniques used to overcome some of the challenges presented by what, at that time, was a
10 much more hostile and undeveloped environment than we have today.

11 The other thing that I mentioned last night, and Larry touched on this morning, is
12 that when John Martin Dam was authorized, when Congressman Holt, Congressman Martin
13 and Arthur Dean and the constituents that were pushing for the dam to be authorized and then
14 funded, one of the main arguments were obviously flood control and irrigation. But the
15 underlying and the final gripper on every argument was that the dam completion was to
16 facilitate the division of the Arkansas River waters between Colorado and Kansas because this
17 discussion of whose water was where, and how much it was, has been going on for quite some
18 time. And in 1933...or excuse me, 1936 that argument was used for the authorization of
19 construction of the dam. And then again in 1939 when funding was actually needed to begin
20 construction they went with flood control, irrigation and again the coup de grace was the
21 resolution of the longstanding separation of water I guess you would say, or common use of
22 water in the Arkansas River between the two States. And obviously the argument won out.

23 One thing that I might throw out is an unforeseen benefit for the entire Southeast
24 Colorado - Southwest Kansas area is an economic benefit that was derived from the

1 construction of the dam. The dam was roughly 14 point nine million, 15 million dollars to
2 construct. We did an economic assessment on the recreation value on what people spend just
3 going to John Martin Dam today and they are spending right at 15 million dollars a year coming
4 and going, so that was an added benefit that wasn't even perceived at the time. Like I said, the
5 population has shifted and time has changed and people are doing different things in today's
6 markets.

7 I also, last night, suggested the importance of what the Compact is doing. I
8 started buying a few small stocks four or five years ago and I had never been in that kind of stuff
9 before and to stay up with it I kind of watch this nightly business report pretty regularly on
10 Public Broadcast Station with Paul Ganges and one of the things that's becoming very apparent
11 is the value of the commodity, the water. As of this last six month period with the strange
12 stock market fluctuations and the bullish situation in the American economy one of the things
13 that they have reported on on numerous occasions is the movement towards brokering water on
14 the public market, making it known that that's out there. Well, the commission is...or the
15 Administration, let me get it correct, is very much in that position for the users of the water
16 storage, John Martin, and for the division of it, both Kansas and Colorado. I applaud the
17 reference today, and as Larry also indicated, I often times am impressed by looking back at
18 people who planned for the development of these resources years ago. Obviously there was a
19 need because that's the way the system works, the local constituency identifies the need, puts it
20 up through their representatives and then if it's a viable program, hopefully it happens and we
21 end up with a project. But those people who were in the position to carry out the construction
22 and administration of the project developed the Compact, such as Hans Kramer, who by the
23 way, I don't know if you're aware of this, he was a Captain and he was the first individual with
24 the Corps of Engineers who showed up at John Martin Dam for construction, he laid the ground

1 work, that was in 1938 or '39. 1948, of course there was a war in between, but in 1948 he was
2 a General so obviously upward progression was...maybe it was survival, I'm not sure what it
3 was, but one way or another he went in a fairly short period of time from a Captain on to a
4 General. And he was qualified, highly qualified, to be appointed to that position for the
5 establishment of the Administration.

6 At any rate, on behalf of the Corps of Engineers we are certainly glad to have a
7 presence in Southeast Colorado - Southwest Kansas and appreciate the opportunity to say a few
8 words on behalf of John Martin Dam and the Administration, congratulations on the 50th
9 Anniversary.

10 CHAIRMAN TRUJILLO: Thank you. Moving on to Item 4 of our agenda.
11 Before we take that up I would like to say a few words about two folks from this region of
12 Colorado who have passed away. Bob Tempel, who I knew personally, and for a long time a
13 local elected official, member of the Administration, and just an individual that was truly,
14 honestly and sincerely concerned about water; how we treated it, how we used it and how we
15 dealt with that resource. And of course Frank Milenski, who here recently passed away, also
16 from the Arkansas Valley area, from the La Junta area. And again, this was his life, water in
17 this area was his life. He researched it, he wrote about it, he talked about it, he argued about it
18 and indeed was his life. And it's individuals like that that I think have brought to the forefront
19 the importance of this resource and how we deal with resolving those matters. And if I may, I
20 would like to ask for a few moments of silence in behalf of these two great individuals,
21 particularly as they dealt with water.

22 (Moment of silence.)

23 CHAIRMAN TRUJILLO: Thank you very much. I would like to call on Mr.
24 Pope. We have some resolutions to be presented and, Mr. Pope, we would like to call on

1 Kansas and then Mr. Evans for Colorado.

2 MR. POPE: Thank you, Mr. Chairman. There are two individuals that are the
3 immediate past outgoing members of the Compact Administration for Kansas. Those are
4 Gene Overton from Syracuse and Robert Buerkle from the Finney County, from the Garden
5 City area. I think it's appropriate for us to recognize the contribution that these individuals
6 have made. Both of them committed time and energy to the activities and attended various
7 meetings in addition to the annual meetings. Mr. Chairman, I do have a resolution prepared for
8 each of the...each of the individuals and I'll go ahead and pass down copies so that all members
9 of the Administration and yourself can have those. I would offer to summarize these or would
10 you like me to read them or...

11 CHAIRMAN TRUJILLO: Would you please read them?

12 MR. POPE: Okay. First of these is for Mr. Overton. Says "Whereas, Eugene
13 Overton, farmer and life-long resident of the Syracuse, Kansas area has served on the Arkansas
14 River Compact Administration as a representative of the State of Kansas and the water users of
15 the Arkansas River Valley in Kansas from December 1994 until December 1998; and whereas,
16 he faithfully performed his duties and represented the interests of the State of Kansas; and
17 whereas, his service to the Arkansas River Compact Administration has been greatly
18 appreciated; and now therefore, be it resolved by the Arkansas River Compact Administration
19 that it hereby acknowledges with gratitude the dedicated service of Eugene Overton to the
20 Administration and expresses its appreciation to him for his dedication.

21 Be it further resolved that this Resolution be entered into the records of the
22 Arkansas River Compact Administration and that the Recording Secretary be instructed to send
23 a copy to Mr. Overton.

24 Be it further resolved that the Administration honor Mr. Overton for his many

1 years of service by including his picture and appropriate dedicatory remarks in the
2 Administration's Annual Report for Compact Year 1998. Entered this 8th day of December
3 1998, at the annual meeting of the Arkansas River Compact Administration held at Lamar,
4 Colorado." Signed by yourself as Chairman and myself as Vice Chairman.

5 CHAIRMAN TRUJILLO: Would you please move the resolution, Mr. Pope.

6 MR. POPE: Mr. Chairman, I would so move.

7 CHAIRMAN TRUJILLO: Second.

8 MR. EVANS: Second.

9 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

10 MEMBERS: Aye.

11 CHAIRMAN TRUJILLO: All opposed, no. The Resolution is hereby
12 adopted. The next Resolution, sir.

13 MR. POPE: "Whereas, Robert Buerkle, farmer and life-long resident of the
14 Holcomb, Kansas area has served on the Compact Administration as a representative of the
15 State of Kansas and the water users of the Ark River Valley in Kansas from December '94 until
16 December 1998; and whereas, he faithfully performed his duties and represented the interests of
17 the State of Kansas; and whereas, his service to the Compact Administration has been greatly
18 appreciated; now therefore, be it resolved by the Arkansas River Compact Administration that
19 it hereby acknowledges with gratitude the dedicated service of Robert Buerkle to the
20 Administration and expresses its appreciation to him for his dedication.

21 Be it further resolved that this Resolution be entered into the records of the
22 Compact Administration and that the Recording Secretary be instructed to send a copy to Mr.
23 Buerkle.

24 Be it further resolved that the Administration honor Mr. Buerkle for his many

1 years of service by including his picture and appropriate dedicatory remarks in the
2 Administration's Annual Report for Compact Year 1998.

3 Entered this 8th day of December 1998, at the annual meeting of the Arkansas
4 River Compact Administration held in Lamar, Colorado." Signed by Larry Trujillo,
5 Chairman, and David Pope, Vice Chairman. And, Mr. Chairman, I would move its adoption.

6 CHAIRMAN TRUJILLO: Second?

7 MR. EVANS: Second.

8 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

9 MEMBERS: Aye.

10 CHAIRMAN TRUJILLO: All opposed, same sign. The resolution is
11 adopted. Mr. Evans.

12 MR. EVANS: Thank you, Mr. Chairman. We have three resolutions prepared
13 today and would like to offer to prepare a fourth for Frank Milenski to follow. The first is in
14 recognizing the service of Bob Tempel. If I could just read it into the record, I don't have extra
15 copies at this point. "Whereas, Mr. Robert R. "Bob" Tempel of Wiley, Colorado who has
16 served on the Arkansas River Compact Administration from 1974 to 1977 passed away earlier
17 this year.

18 And whereas, Bob's genuine concern for the Arkansas River Basin and his
19 community led him to serve this community in many other capacities including 24 years as a
20 Prowers County Commissioner, many local boards and commissions and most recently as a
21 board member of the Southeastern Water Conservancy District; and whereas, his leadership
22 and practical problem solving abilities in natural resources, water, transportation and
23 agriculture were further recognized by his appointments to represent Prowers County on
24 numerous Colorado entities including the Lower Arkansas River Commission, the Arkansas

1 River Coordinating Committee, the Statewide Transportation Planning Board, the Great
2 Outdoors Colorado Board and the presidency of Colorado Counties, Inc.; and whereas, Bob
3 was first and foremost a husband, a father and an agricultural producer serving as a model for
4 the values held important by the people of the Arkansas Valley in both the States of Kansas and
5 Colorado; now therefore, let it be resolved by the Arkansas River Compact Administration that
6 it does hereby express its sincerest gratitude and appreciation for the opportunity afforded
7 members of this Administration and water users in the Arkansas River Basin to have known and
8 worked with Bob Tempel and for his outstanding service, dedication and courtesy for this
9 Administration and the States.

10 Be it further resolved that the...that this Administration remember Bob by
11 including in this Resolution, a copy of his picture and appropriate dedicatory materials in the
12 Administration's 1998 Annual Report and instruct the Recording Secretary to send a copy of
13 this Resolution to his family. Entered this 8th day of December, 1998, at the annual meeting of
14 the Arkansas River Compact Administration held in Lamar, Colorado." Signature blocks for
15 the Chairman, Larry Trujillo and the Vice Chairman, David Pope.

16 Move adoption.

17 CHAIRMAN TRUJILLO: Second?

18 MR. POPE: Second.

19 CHAIRMAN TRUJILLO: All in favor say aye.

20 MEMBERS: Aye.

21 CHAIRMAN TRUJILLO: All opposed, no. The Resolution is hereby
22 adopted.

23 MR. EVANS: Mr. Chairman, move a Resolution recognizing the contributions
24 of Daries C. "Chuck" Lile to read as follows: "Whereas, Mr. Daries C. "Chuck" Lile, Durango

1 and Denver, Colorado, who represented Colorado on the Arkansas River Compact
2 Administration from 1993 to 1998 as Director of the Colorado Water Conservation Board has
3 retired from State service and will be missed by those who knew and worked with him; and
4 whereas, Chuck was raised and educated in the Arkansas Valley in and around Pueblo,
5 Colorado learning the value of hard work, integrity and the wise use of the valley's precious
6 water resources; and whereas, Chuck began his career with the State of Colorado as a
7 hydrographer measuring the stream flow of the Arkansas River; and whereas, Chuck dedicated
8 his career as an engineer for the State of Colorado to bring people together in finding
9 practicable, workable solutions for difficult problems in many basins of the State but was most
10 proud that he could return to the area where he grew up and help solve water management
11 issues in the Arkansas River Basin; and whereas, he approached his service to this
12 Administration with courtesy and a sincere desire to promote interstate cooperation; and
13 whereas, he used his skills as an engineer and a leader to foster a better understanding of the
14 physical system of the Arkansas River and the importance of careful stewardship of the
15 precious resources that the river provides in this arid climate; and whereas, he recognized the
16 importance of the preservation and enhancement of the natural environment and the recreation
17 and fishery resources of the basin, in particular the Permanent Pool in John Martin Reservoir.

18 Now therefore, be it resolved by the Arkansas River Compact Administration
19 that it does hereby express it's sincerest gratitude and appreciation to Mr. Daries "Chuck" Lile
20 for the opportunity afforded members of this Administration and water users in the Arkansas
21 River Basin to have known and worked with him and for his outstanding service, dedication
22 and courtesy to the Administration and to the States. Be it further resolved that the
23 Administration honor Chuck by including this Resolution, a copy of his picture and appropriate
24 dedicatory materials in the Administration's 1998 Annual Report and instruct the Recording

1 Secretary to send a copy of this Resolution and its fond wishes and prayers for a long, happy
2 retirement to Chuck and his family.

3 Entered this 8th day of December, 1998, at the annual meeting of the Arkansas
4 River Compact Administration held in Lamar, Colorado." Signature blocks for the Chairman,
5 Larry Trujillo, Vice Chairman, David Pope. Move adoption.

6 CHAIRMAN TRUJILLO: Second.

7 MR. POPE: Second.

8 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

9 MEMBERS: Aye.

10 CHAIRMAN TRUJILLO: No; signify by saying no. The Resolution is hereby
11 adopted. Would you present the next Resolution?

12 MR. EVANS: Try one more.

13 CHAIRMAN TRUJILLO: Okay.

14 MR. EVANS: The third resolution we would like to propose, honors the
15 contributions of Mr. Carl Genova. "Whereas, Mr. Carl G. Genova of Pueblo, Colorado, retired
16 from the Arkansas River Compact Administration after serving from 1981 to 1997; and
17 whereas, Carl's genuine concern for the Arkansas River Basin, its scarce and precious water
18 resources and the prior appropriation system continue to be expressed through his service to the
19 area as a board member of the Southeastern Colorado Water Conservancy District since 1986;
20 and whereas, Carl's quiet leadership and gentlemanly manner were appreciated by all who
21 worked with him earning him the respect of the members of the Administration from both
22 States who elected him to serve as the Vice Chairman until his resignation; and whereas, Carl
23 has successfully operated a family farm and cattle feeding operation and been an outspoken
24 advocate for irrigated agriculture demonstrating the value of hard work, absolute integrity and

1 common sense approaches to problem solving necessary to succeed in a difficult occupation.

2 Now therefore, be it resolved by the Arkansas River Compact Administration
3 that it does hereby express its sincerest gratitude and appreciation for the opportunity afforded
4 members of the Administration and water users of the Arkansas River Basin to have known and
5 worked with Carl Genova and for his outstanding service, dedication and courtesy to this
6 Administration and to the States.

7 Be it further resolved that the Administration honor Carl by including this
8 Resolution, a copy of his picture and appropriate dedicatory materials in the Administration's
9 1998 Annual Report and instructing the Recording Secretary to send a copy of this Resolution
10 to Carl and his family.

11 Entered this 8th day of December, 1998, at the annual meeting of the Arkansas
12 River Compact Administration held in Lamar, Colorado." Signature blocks for the Chairman,
13 Larry Trujillo and the Vice Chairman, David Pope. Move adoption.

14 MR. POPE: Second.

15 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

16 MEMBERS: Aye.

17 CHAIRMAN TRUJILLO: All opposed signify by saying no. The Resolution
18 is hereby adopted.

19 MR. EVANS: That's all we've got. We might invite Steve Arveschoug, if you
20 want, to say a few words about Frank.

21 CHAIRMAN TRUJILLO: Mr. Arveschoug.

22 MR. ARVESCHOUG: Mr. Chairman, members, thank you for this
23 opportunity and thank you for recognizing both Mr. Tempel and Mr. Milenski, both of which
24 served with distinction on the Southeast District Board. Mr. Chairman, you noted that Mr.

1 Milenski liked to argue about water, and I think we all say that with some fondness in our heart
2 for his zealous protection of the Colorado water rights system. By way of an additional note of
3 Mr. Milenski's service, he was a founding board member of the Southeastern District. That
4 district was formed in 1958. One of the lead lobbyists, as it were, for the formation of the
5 Fryingpan - Arkansas projects, spending many years going back and forth to Washington D.C.
6 for the authorization of the project. He served, of course, with great leadership and distinction
7 also in the Catlin Canal Company, serving as their president for many years and a lead
8 shareholder in that company. He was also one of the advocates for the Winter Water Storage
9 Program, a very important program in support of agriculture in Colorado. Many of you, as I
10 did, had the opportunity to learn a little bit more about water at the hand of Mr. Milenski on one
11 of his famous water tours. He was very noted for his willingness to educate people about
12 water. And I think if nothing else, that part about Frank will be held in all of our hearts as we
13 remember his passing. So thank you for recognizing him.

14 CHAIRMAN TRUJILLO: Thank you, Mr. Arveschoug.

15 We'll move on to the officers reports. I will be submitting a written report to
16 you, hopefully in another five or six days and mailing it to you and to the members of the
17 Compact. But I also want to apologize for not having been able to be here last year at the
18 meeting. It was something I just wasn't able to get out of. Unfortunately, I had made
19 arrangements to meet my daughter and son-in-law in California a year ahead of time, not paying
20 attention to the dates. My family was all ready to go when I realized in November sometime
21 when the dates were. I wasn't about to change it, it was either go to California with my family
22 to the reunion or be here. Either lose out on the Compact or lose out on the family, and I
23 certainly wasn't going to lose out on the family. So again, I apologize but I also want to thank
24 Mr. Miller and the officers for taking the task and continuing to have the meeting, and certainly

1 it went off well and probably even better than had I shown up.

2 I would like to call on the chairman of the Engineering Committee, Mr. Pope,
3 for his report.

4 MR. POPE: Thank you, Mr. Chairman.

5 The Engineering Committee did meet last evening, the members of that
6 committee were myself and Tom Pointon. We received reports from two areas as shown on
7 the agenda; the first of those reports was from the U.S. Geological Survey and we...the report
8 consisted of a presentation regarding the results of the data collection for this past year on the
9 continued operation of the tributary gages that had been installed at the request of the
10 Administration and through a cooperative arrangement with the Administration, on three
11 different locations. These are all tributaries that, while important, are difficult to measure
12 because of the physical characteristics of those systems involving the location of the gages and
13 separating out the return flows versus run-off and base flow. So we have presentation on that
14 including some information, some new information, we hadn't seen before in regard to some
15 radar, Doppler radar, information from the system called NEXRAD, so we appreciated that.

16 The second report was a report from the Army Corps of Engineers summarizing
17 the channel capacity studies below John Martin and Pueblo Reservoirs, particularly focused on
18 the area below John Martin last night and summarized the study that has been conducted.
19 Apparently that's in draft report form at this point in time. Looked at some of the difficulties
20 and some of the alternatives for dealing with the channel capacity issue. So we were...we were
21 happy to receive a report from three different gentleman from the Corps who had been involved
22 in those studies out of Albuquerque. The committee did not take action in regard to these
23 matters. I think it's anticipated that during the course of today that we will need to make a
24 decision in regard to whether to continue the funding arrangement for the tributary gages. I

1 think we left matters there to where we would consider today feedback from both Kansas and
2 Colorado in regard to the value of that data and whether or not those should be continued. Mr.
3 Chairman, I suspect that we probably will have an opportunity to hear briefly from the USGS
4 during their report, and then during the budget process is really, I guess, the decision time for
5 that unless someone has other questions or comments that they would like to make at this time.

6 CHAIRMAN TRUJILLO: Any questions or comments with regards to the
7 report of the Engineering Committee? We will take those matters up later in the agenda.

8 Your report, sir, will be received and filed.

9 Mr. Witte, the Operations Report, Operations Secretary.

10 MR. WITTE: Mr. Chairman, good morning, ladies and gentlemen.

11 I presented last evening to the Operations Committee my report as Operations
12 Secretary for Compact Year 1998 with recommended corrections to Table 10, we discussed that
13 report at some length. Rather than go through that again I would like to report that the major
14 question raised by 1998 operations, and as discussed in my report and last night, is the
15 appropriateness of upstream storage under post Compact water rights at times when the level of
16 storage in John Martin is above the bottom of the Flood Pool and when substantial flows are
17 occurring in Kansas below the Reservoir. Furthermore, if such operations are appropriate,
18 what are the appropriate accounting procedures and operational procedures that are to be
19 followed. I've reviewed the preliminary Assistant Operations Secretary's report after it was
20 provided to me last night at some length and believe that it suggests a seriously flawed
21 accounting procedure. But I also believe that there are a number of items that have been raised
22 in that report that are worthy of further discussion, that I believe some of the matters that have
23 been raised are matters that can be fairly easily resolved and that I certainly can accommodate
24 and if it will be to the benefit and assistance of the Compact Administration and the

1 administrative officials in Kansas, I think we can certainly do that. And what we left up in the
2 air last night was the procedure and timing for accomplishing those discussions and hopefully
3 reaching agreement on those matters. In fact, some of the matters that were raised have been
4 previously made known to me through discussions with the members of Mr. Rude's staff back
5 in October. And I believe I indicated to them verbally at that time that these are matters that
6 we could agree on. But I think that it's going to take some committed effort to actually hold
7 those meetings and have the proper parties at the table to attempt to come to some resolution.
8 And I'm not exactly sure what to suggest to you. In my reading of the 1980 Operating Plan it
9 seems as though it indicates to me that members of the Engineering Committee are to be
10 involved in questions regarding the operations of the 1980 Operating Plan. I think it would
11 also be helpful for members of the Operations Committee to be involved as well, and certainly
12 Mark and our staffs as well. So you know, we've got to commit to do that. I'm at your
13 disposal and direction as to how you would have us proceed. And I guess the only final
14 cautionary note that I would raise is that we should not be distracted from this, what is to me the
15 overriding issue that I mentioned earlier, by some of these relatively or comparatively minor
16 issues. So with that, I conclude my report and submit it to you. And usually I'm asked to
17 stand for a few questions at this point.

18 CHAIRMAN TRUJILLO: Any questions Mr. Rude? Any further report from
19 you or additions?

20 MR. RUDE: Mr. Chairman, I do have some comments, if I may.

21 CHAIRMAN TRUJILLO: Please, I want to hear both reports.

22 MR. WITTE: Mr. Chairman, if I may, I'll remain, I think Mr. Rogers will want
23 me up a little bit later.

24 CHAIRMAN TRUJILLO: Sure.

1 MR. RUDE: Thank you, Mr. Chairman and commissioners.

2 I just want to make a couple of comments. I appreciate the opportunity to have
3 served this last year on this new position as Assistant Operations Secretary for the
4 Administration. I presented last night to the Operations Committee a...basically a preliminary
5 Assistant Operations Secretary Report. It's preliminary to the extent that there's...well, there's
6 a couple of items that need to be firmed up in it...particularly in the accounting numbers, I think
7 we have done some accounting that...that's an approach consistent with the '80 Operating Plan
8 and to the extent that I've been able to understand the source of the numbers, I think it's a correct
9 set of accounts. We hope to...I hope to finalize that report and get it to the commission very
10 soon for purposes of discussion. I thought it very fruitful though to get this out in this form, at
11 least, so that we could proceed with maybe some of the concerns and understanding what they
12 are, some of the concerns that I've been able to identify, I think, this last year. Let me say that
13 this report is kind of a next step from some discussions that I had with Steve Witte last year at
14 the Compact meeting. Specifically, as a result of his describing to me the approach he
15 intended to take on the accounting for the anticipated spill. I think we exchanged some
16 communications on that and as a result of that, I attempted to account for that spill in a manner,
17 I think it's very consistent with the '80 Agreement, and the accounting may be flawed only to
18 that extent. I believe it very consistent with the '80 Agreement and that's the only flaw,
19 perhaps, that I can understand Steve to be referring to.

20 What we did in this accounting was to account for the rate of spill, specifically
21 based on the rate of physical spill of the Reservoir. And to look at the operations, the
22 operations of the Reservoir as reported by the Corps, together with the information from
23 Division 2, Water Division 2 Office, Steve's office, on the operations of the river, and to then
24 conduct the accounting and the conversion of the various article waters based on that rate of

1 physical spill. Pursuant to the spill provisions of Article I-G of the 1980 Operating Plan, the
2 spill from accounts should occur at the rate of physical spill. The result of this accounting was
3 that more water remained in the accounts and less water...there was less water in the
4 conservation pool ultimately. The total adjustment of the Colorado, by Colorado, to the
5 transfer rate, during the spill in 1989, amounted to roughly 42,321 acre feet of upstream storage,
6 as best as I can understand it, and 14,330 acre feet of evaporation was also included in the
7 conversion rate based on their method.

8 Couple other comments I might make; the effect of these actions was to
9 basically deprive Kansas of water to which it's entitled, including water in the Kansas Section II
10 Account and recharging Kansas above and below Garden City. And our accounting showed
11 that some 33,000 acre feet more water should have been accounted to be in Kansas Section II
12 Accounts on March 31st, 1998 than the Division 2 accounting showed. The report also offers
13 a couple of recommendations for inclusions into the accounting that is conducted to help clarify
14 the operations of the Reservoir and in-flows and out-flows of that Reservoir, what might be
15 termed as river operations passing through that Reservoir.

16 In addition, there was several other...several other important issues that I think
17 came to light in the process of trying to conduct this accounting that were also described in that
18 report. That's my comments at this point.

19 CHAIRMAN TRUJILLO: Any questions by any members of the commission?

20 Your report to the Administration and the comments that you would have for
21 resolution of what appears to be the differences, you state would be reported very soon. What
22 does that mean?

23 MR. RUDE: Well, I would like to...well, I think it depends a little bit on what
24 the Committee wants to do in trying to, say further discussion on these issues.

1 CHAIRMAN TRUJILLO: I guess my question is, very soon, as the
2 Engineering Committee...

3 MR. RUDE: (Interrupting.) Maybe a week or two.

4 CHAIRMAN TRUJILLO: A week or two, is that what you're thinking?

5 MR. RUDE: Yes, sir.

6 CHAIRMAN TRUJILLO: Mr. Pope and Mr. Evans, I guess a question to both
7 of you; do you folks intend to have the Engineering Committee and, I guess with input of the
8 Operations Committee, to meet any further today or sometime to bring those matters before the
9 Administration to try to resolve those matters or at least try to address them and inform the
10 Administration about them?

11 MR. POPE: Mr. Chairman, I'm not sure how much time would be available
12 and how practical it would be to meet yet further today. But Kansas is certainly willing to
13 pursue this issue. I think, as Mr. Rude has indicated, here in a short timeframe of a few weeks
14 at most we could submit a final report from his position of Assistant Operations Secretary and
15 then we are willing to sit down with the officials from Colorado in whatever form. And I think
16 mainly we just need to agree on timeframes and what form is appropriate to review in depth
17 these issues and see which ones can be resolved and which ones cannot be. I don't have a
18 specific recommendation in that regard but it's been mentioned here this morning, and I noticed
19 there is a provision in Article 5 of the Operating Plan about references to the Engineering
20 Committee if there's questions of injury on the operation of the account system. So we are
21 willing to pursue that path and I think, clearly, the Operations Committee does need some input
22 into it as well. But I'm open to suggestions in terms of what Colorado would like. Surely in
23 the next month or two or so we can figure out a time to get together and deal with that.

24 CHAIRMAN TRUJILLO: Mr. Evans.

1 MR. EVANS: Mr. Chairman, that sounds right to me also. I think, as Mr.
2 Witte suggested, and I think it was consistent with the discussion in the Operations Committee
3 last night, that it would be good to have some discussion directly between the State
4 representatives to explore some of this factual information, some of the accounting treatments
5 and then bring it back to the Operations Committee. And I don't believe a schedule was set for
6 that, but it does seem to me that we need to pursue this quickly and not let it burden us too much
7 longer. We ought to try and bring this to a resolution. We have smart people working on this
8 and it's not doing our relationships any good to have these sorts of differences.

9 MR. POPE: Mr. Chairman, it seems like there's...kind of the first step on this is
10 kind of a nuts and bolts working session. And then I think perhaps that would then set the
11 stage for an actual meeting of some of the committees or something of that nature.

12 CHAIRMAN TRUJILLO: My concern, Mr. Pope and Mr. Evans, is at
13 minimum, we would agree on some kind of a timetable to move this forward so we are not
14 sitting here December of 1999 still discussing these issues or seeing what we can and cannot be
15 resolved and still having the dispute out there as to whether or not we are properly accounting
16 for that water and in compliance with the Compact. And I guess, as I have expressed concerns
17 in the past, my interest as a federal representative is that we move these things forward, that we
18 don't let them sit, that we don't wait until the following year. And you're right, we've got a lot
19 of smart people at this table, we have a lot of knowledgeable people about water, and the
20 process in particular, as we do in the audience. I just want to make sure that we move forward.
21 I think that's probably the most important responsibility I have in behalf of the government,
22 federal government, is that you folks move these things forward and resolve them and at least
23 agree to those areas that you can resolve. And I would appreciate it very much and
24 respectfully ask of both States that you, sometime today, meet and at minimum, submit to me a

1 process and timetable of when you're going to get together for your first meeting to discuss the
2 nuts and bolts and the agreements and at least get those matters that we can agree on off of the
3 table and behind us. And then develop another timetable to deal with those matters that are
4 going to be more difficult to work with. That's all I request, and I certainly am going to insist
5 that we do this.

6 MR. POPE: Mr. Chairman, I guess as a procedural matter, I just...sometimes
7 these come down to practicality of when we can get together and I would offer to...for us to talk
8 briefly at the break, mid-morning break, and see if we can find some dates, just kind of glancing
9 at schedules. But that's kind of hard to do in this forum. If we can report back then later in the
10 meeting in terms of some specifics on that, I think that's appropriate. I'm thinking in terms of
11 like late January, something along those lines. But I'm open in terms of you know, getting
12 some...everybody's busy and we just need to focus on when we can do it.

13 CHAIRMAN TRUJILLO: I understand everybody is busy and I appreciate in
14 the past when we have had these kinds of problems both States have been very willing to sit
15 down, usually in January or February, and resolve them and I appreciate it. And that's the kind
16 of resolution I'm looking forward to. And I appreciate your cooperative attitude, both States,
17 to try to move forward on this issue.

18 MR. WITTE: Chairman Trujillo, did I hear you, correctly, to say that you
19 would like to have a written schedule on which to proceed, may I volunteer to draft that?

20 CHAIRMAN TRUJILLO: I would hope that you would volunteer to draft it, I
21 mean I would appreciate it. But then pass that through Mr. Evans as well as Mr. Pope. And
22 hopefully we would all come to agreement also with Mr. Rude's involvement and at least agree
23 to the timetable and then maybe at your first meeting decide which items we are going to take
24 up first. These are important issues. And again, I understand, Mr. Pope, because of your

1 involvement and everybody else at this table, you're awfully busy and time is of the essence,
2 and I'm not saying that this matter should...we should stop the meeting and resolve them today,
3 I know that's an impossibility, or this week or this month. But at least to give us all some kind
4 of comfort as to how we are going to address these issues from a timetable perspective. And so
5 if you would do that sometime today, at least agree on some kind of an issue. If you set forth a
6 suggested timetable then certainly make that available to Mr. Pope and Mr. Evans and Mr.
7 Rude. And hopefully you and Mr. Rude would work together to put it together.

8 MR. WITTE: Certainly.

9 MR. RUDE: Appreciate you offering to do that, Steve.

10 MR. POPE: Mr. Chairman, just as...to get closure in terms of how we deal with
11 this, I think as we ended up last night and I think it's probably pretty apparent this morning,
12 these issues need to be resolved, we are probably not in a position to actually accept and resolve
13 either report in terms of the Operations Secretary or the Assistant. What I would like to
14 suggest is that we then defer on action for the Operations Committee (sic) Secretary Report
15 until we have had a chance to get together as we have discussed and do the best we can at that
16 point in time and see where we go. I would also like to point out for the record and offer the
17 record that some of the issues, not necessarily all of them that have been covered in Mark's
18 report, but some of the issues that first came up in December and in through the spring,
19 particularly related to the spill portion of this, were treated also. And there's some very
20 difficult issues there. But were treated between...a series of correspondence between myself
21 and Hal Simpson. I initiated letters and Hal responded back. I think there have been probably
22 two or three letters from each of us. I know I had letters of December 22nd, '97, Hal responded
23 to that. January 9th, 1998, Hal responded to that. And April 15th, 1998, and we just received
24 a recent response as well, on that. I believe, probably, at least to lay out the nature of our

1 concerns and what's been exchanged, that those letters ought to be made a matter of record at
2 this point in time. They are out there, and then we can proceed in terms of these details and try
3 to resolve things as we have talked about a minute ago.

4 CHAIRMAN TRUJILLO: Very well. Any comments Mr. Evans, anything
5 further?

6 MR. EVANS: No.

7 CHAIRMAN TRUJILLO: Okay, thank you. Mr. Rogers, the Operation
8 Committee.

9 MR. ROGERS: The Operation Committee did have a meeting last night and
10 due to the discussion that you guys just heard, why Mr. Pope wished to defer this to a later date,
11 I mean a later time today, after we had discussed this. Were you looking at the whole
12 committee's report or just part of it?

13 CHAIRMAN TRUJILLO: Whatever section of your committee report that you
14 can give now that does not need to be delayed for that other conversation that I hope takes place
15 later. Or would you rather give the whole thing later on, Jim?

16 MR. POPE: I think we were just talking in terms of...

17 MR. ROGERS: Item 1?

18 MR. POPE: Item 1 is what I...maybe I jumped the gun a minute there. But I
19 felt like that was appropriate to talk in terms of after Steve, Jim and Mark's report.

20 CHAIRMAN TRUJILLO: Mr. Rogers, however you feel comfortable, we can
21 delay the whole thing or if you would like to proceed with Items 2 through 5 we'll do that and
22 then come back with Item 1.

23 MR. ROGERS: We can go ahead with Item 2.

24 CHAIRMAN TRUJILLO: Go ahead then.

1 MR. ROGERS: Hal Simpson, do you want to? Hal's coming up for this.

2 CHAIRMAN TRUJILLO: All right, thank you.

3 MR. SIMPSON: For the record, I'm Hal Simpson, State Engineer. Thank
4 you, Mr. Chairman.

5 You've asked me to come before you and submit three brief reports: One on
6 Colorado's Compact Compliance in 1998; the 1998 Offset Account Operations for the past
7 year; and at the request of Kansas, discuss potential water repayment account or accounts in
8 John Martin Reservoir.

9 What I will cover first is Compact compliance for Compact Year 1998. And I'd
10 hoped to have an overhead in here, but the space available just didn't allow it, to show some of
11 the numbers I'll discuss. But I'll try to speak slowly so you can understand what we did
12 accomplish in the past year.

13 First, I would like to thank Steve Witte, Dale Straw, and Bill Tyner, Bill
14 Howland and a couple of our water commissioners here, Don Taylor and Danny Marques, for
15 their dedication and hard work in bringing about the administration under the provisions of our
16 1996 rules with respect to the Compact compliance.

17 There's probably no other water basin in the United States, and maybe in the
18 world, where we do near real-time accounting of ground water depletions and appropriate
19 replacement. Takes a significant amount of work and dedication to accomplish that and we
20 have, I think, very competent individuals on staff who will allow us to do that and allow me to
21 make this report.

22 In 1998 we had 17 plans approved under what we refer to as Rule 14 of the 1996
23 rules, and this deals with existing wells throughout the Arkansas River Basin. These 17 plans
24 had 1,686 wells operating with 1,550 of these wells in the big three replacements plans; the

1 Arkansas Groundwater Users Association, the Colorado Water Protective and Development
2 Association, and the Lower Arkansas Water Management Association. The projected
3 pumping by all 17 plans for the year, Compact Year beginning November 1 through the end of
4 October of this year was, 183,956 acre feet. But the actual pumping, as we discovered, was
5 quite a bit less, it was 123,753 acre feet. And why was pumping lower? Probably the primary
6 reason was the precipitation in the past year during the irrigation season resulted in less
7 pumping than projected. And also, I think some of the plans projected higher pumping just to
8 be conservative and to make sure they have sufficient replacement water. Based on that
9 pumping and previous years pumping total depletions in the Compact Year were 31,216 acre
10 feet consisting of two components; out of priority depletions above the Stateline of 22,022 acre
11 feet, and net depletions to usable Stateline flow of 9,194 acre feet. Replacement operations in
12 the Compact Year were as follows: Replacement water above the Stateline to protect senior
13 water users in Colorado totaled 29,262 acre feet; replacements to usable Stateline flow
14 depletions totaled 9,414 acre feet for a total replacement of 38,676 acre feet, which was roughly
15 7,000 acre feet more than required. And the reason for that additional replacement was
16 primarily due to the fact that the associations above John Martin Fryingpan-Arkansas Project
17 return flows based on protected pumping and they had to take delivery of that water irregardless
18 of the actual pumping. So there was an over replacement due to that mode of operation.

19 With that I would conclude my report on Compact compliance for 1998
20 Compact Year and would be glad to answer any questions.

21 CHAIRMAN TRUJILLO: Any questions?

22 MR. POPE: Just a brief question, Hal. First of all, thank you for the report
23 and I certainly want to acknowledge and thank you and your staff for, obviously, what is a lot of
24 work that goes into the accounting and the efforts to deal with these issues. It is a complex

1 system so it does take a lot of time and effort. And of course, accordingly, also some
2 substantial effort to monitor, evaluate and deal with it on our end.

3 The question I really have is, looking at the brief records in the printed report
4 recently delivered to us and the earlier reports provided to us, take the report for example, on the
5 Offset Account it did not appear the Offset Account was really used this year, at least water
6 wasn't penciled over into the Kansas consumptive-use category, I forget the exact name of that.
7 And I would just be interested in your reactions to why that occurred and what your plans may
8 be for next year in regard to the Offset Account?

9 MR. SIMPSON: That's my next report. Maybe after I submit a brief overview
10 of that report I'll try to answer your question. I think we have an answer for that and we can
11 talk about how we intend to operate the Offset Account.

12 MR. POPE: I think you're probably right, I probably did jump ahead on that.
13 Thanks.

14 MR. SIMPSON: Anything else on Compact compliance?

15 CHAIRMAN TRUJILLO: Thank you, Hal, appreciate it.

16 MR. SIMPSON: Let's move on to the Offset Account operations. There was a
17 written report submitted covering the Compact Year November 1, 1997 to October 31, 1998,
18 it's one of the blue-bound volumes that Mr. Witte and his staff provided. Basically I'm just
19 going to summarize the first couple of pages and then I'll try to address Mr. Pope's question.
20 Again, if you look through this report, and in particular Section 4 which contains the monthly
21 letters where we account for the operations of the Offset Account, you can see again it takes a
22 considerable amount of ongoing work to track what happens throughout the basin and at the
23 Stateline. And again, particularly the work of Dale Straw and Bill Howland in this area is
24 deeply appreciated.

1 In the past year we, as you know, modified the Offset Account Resolution and it
2 was amended on March 30th of 1998. I think it basically did two things: It allowed for
3 delivery of the 500 acre foot storage charge account water that Kansas receives prior to the
4 initiation of the Offset Account, allowed that to occur after April 1st of 1998, and in fact it did
5 take place this year. And secondly, it modified how we determined that to be usable Stateline
6 flow.

7 In 1998, I'll quickly summarize what did take place. On November 1st of 1997
8 the starting contents of the Offset Account were 5,356.98 acre feet. However, as John Martin
9 Reservoir began spilling, eventually this account spilled, and on January 17th of 1998 the entire
10 account had spilled and had zero content. The storage charge delivery, the 500 acre feet that
11 Kansas is entitled to, occurred from June 28th to June 30th of 1998, as allowed by the Amended
12 Resolution. And then additional amounts of water were delivered into the Offset Account.
13 The first delivery ended on July 2nd, 1998 in the amount of 853.76 acre feet of water, water
14 delivered by Lower Arkansas Water Management Association. A second delivery concluded
15 on October 31st of 1998 in the amount of 3,551.83 acre feet of water, again from the Lower
16 Arkansas Water Association, primarily from the Highland shares, the dry-up on the Purgatoire
17 and delivery of that, the consumptive-use water into the Offset Account. The ending content
18 of the Offset Account at the end of the Compact Year October 31st, 1998 was 4,848.68 acre
19 feet. And during the 1998 Compact Year there was no need to utilize the Offset Account to
20 replace net depletions to usable Stateline flow.

21 I'll summarize the rest of the report then I'll get to Mr. Pope's question and
22 we'll...probably Mr. Witte or Mr. Straw may also have a comment concerning the operation of
23 it.

24 Section 1 contains...of the report, monthly summaries of the Offset Account

1 contents. Section 2 more detailed daily accounting of the contents of the various subaccounts
2 within the Offset Account. Section 3 contains copies of letters sent to Mr. Pope, reporting each
3 delivery of water into the Offset Account. And Section 4 is, I think the critical part of the
4 report, it shows our monthly accounting of pumping depletions to usable Stateline flow and
5 how that was replaced, including the operation of the Offset Account if necessary.

6 Now, Mr. Pope, your question was why water was not released from the
7 account?

8 MR. POPE: No. It did not appear that, if I understand the accounting, that
9 while water was deposited in the Offset Account, there's a provision, if I understand the
10 accounting right, that when Colorado believes that the water depletions have occurred and
11 water is needed from the Offset Account, they move it over into another account labeled for
12 Kansas and then it's available to be called. If we don't call for it within a certain time, then, of
13 course, certain evaporation charges accrue to Kansas. But it did not appear that we reached
14 that point and I wasn't sure how you viewed that question. Whether you viewed sufficient
15 replacement water was already available under your accounting or...

16 MR. SIMPSON: If you look at the Section 4, January 22nd, 1998 letter from
17 Mr. Witte to yourself and Mary Louise Clay from the Administration, we do show a depletion
18 to the Stateline flow of 744.3 acre feet, that's in Table 2. Then we show how that's replaced.
19 And if you look down, lower left-hand portion of that table you can see an Offset Account.

20 CHAIRMAN TRUJILLO: Excuse me, Hal, what page are you on?

21 MR. SIMPSON: It's an unnumbered page, you have to go to Table 2 of that
22 January 22nd, 1998 letter.

23 CHAIRMAN TRUJILLO: Thank you.

24 MR. SIMPSON: You can see depletions totaling 744.3 acre feet in the

1 right-hand column, in the upper part. Then we show the replacements. A significant amount
2 of that replacement, 663.3 acre feet, shown as Offset Account water. Well, that's credit from
3 waters you asked for and we delivered earlier in that year. So...in excess of depletions. So if
4 you read the letter, looking at I believe the second page, we show that, in fact, we used your
5 earlier requested releases of Offset Account water to cover that particular depletion. And then
6 in following months, if you go through these letters you will see that flows at the Stateline were
7 sufficiently high that a replacement requirement wasn't necessary.

8 MR. POPE: Okay. That essentially...I think that answers my question in the
9 sense that with the conditions that existed in 1998 then using water from the Offset Account to
10 replace Stateline depletions was really not necessary.

11 MR. SIMPSON: That's correct.

12 MR. POPE: I recognize there's some water that had been deposited into the
13 account that year, but is it your view that's the characteristics of 1998 since it was a fairly wet
14 year or...

15 MR. SIMPSON: I believe so. I think in a normal year you would see water
16 placed in an account and then as we show depletion, especially in winter months, they could be
17 used. That water in that account transferred, in a sense, into Kansas control as those depletions
18 occur, then you can take it as you see fit in the future or you could take it earlier and then have
19 a credit at the Stateline we can operate against. It works either way as I understand it.

20 MR. POPE: Well, I...yeah, I think we were reluctant to...I don't know whether
21 the circumstances were such that where it would have really been useful last year or not, but we
22 were reluctant to call for water out of the account until it has been moved over to the Kansas
23 column, if you will. And apparently that would occur in your accounting as it did in January of
24 1998 when you feel that some of the Offset Account water is really needed to offset the

1 depletions, then you would move it over and that's the point at which we could exercise our
2 discretion as to whether or not to call it. Is that your understanding?

3 MR. SIMPSON: That's my understanding. But the author of...the major
4 author of that resolution has a comment here.

5 CHAIRMAN TRUJILLO: Mr. Montgomery.

6 MR. MONTGOMERY: David, under the Offset Account Resolution in
7 Paragraph 4, Kansas can call for water from the Offset Account at any time as soon as the State
8 Engineer in Colorado has determined what is consumable. You don't have to wait until we tell
9 you that there's a...we've computed a depletion. You could call for it at any time if you want to.
10 It's just that we would provide you with an accounting of depletions. Once there is a...we show
11 there is a depletion that needs to be replaced out of the Offset Account then that water and the
12 responsibility for evaporation loss transfers to Kansas. But that doesn't prevent you from
13 taking it earlier if you want it.

14 MR. POPE: I think that's correct. I think I recall that, Dennis. So we would
15 essentially be calling for it, in essence, in advance of the depletions and you would, of course,
16 want a credit for that if we did do that, so it can be worked either way.

17 CHAIRMAN TRUJILLO: Okay.

18 MR. SIMPSON: As far as for the current Compact Year we have roughly
19 5,000 acre feet of water in the Offset Account, and as the accounting for November is delivered
20 to you, I'm sure, as the report's being prepared and a letter sent, you will be able to see how we
21 operate under, I think, the more normal year. Any other questions?

22 Let me go to the third area that I want to cover, and that's the operation of a
23 potential water repayment account in John Martin Reservoir. Let me provide a little bit of
24 background for some of the members of the audience. In April of 1998 Special Master

1 Littleworth ordered Colorado to provide a report on how Colorado could acquire and deliver
2 water to Kansas to repay for past depletions if a water remedy was ordered. Colorado did
3 prepare that report, it was submitted on...at the end of October 1998. One of the things that the
4 report assumed, and I think that was at the direction of the Special Master, was that there would
5 be an account in John Martin. We did our operations analysis and assumptions on that basis.
6 What the report recommended or found was that Colorado could repay in the amount of 30,000
7 acre feet of water per year for 15 years, that would more or less fully offset depletions to usable
8 Stateline flow. The water would be usable in Kansas. The irrigation deficit in Kansas
9 averages 86,000 acre feet per year so that 30,000 acre feet could be used in Kansas. We have
10 found that in most years storage space is available in the Reservoir to store this additional
11 account water. We recommend that this account water would be the first water to spill.
12 Colorado would stand the evaporation and transit losses to the Stateline unless Kansas deferred
13 delivery, but if Kansas...the delivery would be measured at the Stateline and Colorado would
14 stand all losses and evaporation unless Kansas requested that we not make that delivery, then
15 that responsibility would pass to Kansas.

16 I believe that really concludes just the high points of that report. Again,
17 Colorado believes it makes sense to deliver at least part of the past damages in water to benefit
18 Western Kansas and we feel we can do it. And with that I'll be glad to answer any questions.

19 CHAIRMAN TRUJILLO: Any questions?

20 MR. POPE: Hal, I'd just note that this is an issue, clearly, that has...is before
21 the Special Master, as you know, in regard to the remedies phase. It does, of course, directly
22 raise the question of a new account in John Martin Reservoir and so it does have some direct
23 bearing on this body's role and responsibility. And I think the key thing here is just to
24 recognize that that is...that is a duty and responsibility and we can't assume, at this point, too

1 much in that regard. But I think I might ask Mr. Draper to make a brief comment in regard to
2 procedural aspects of that. That might be appropriate at this time.

3 CHAIRMAN TRUJILLO: Mr. Draper.

4 MR. DRAPER: Mr. Chairman, I just might make the point in this regard that a
5 new account in John Martin Reservoir, a federal facility, that the operation of which is
6 controlled by the Arkansas River Compact is something that can be accomplished under Article
7 IX-A of the Compact through the joint action of the two States acting through this body and in
8 conjunction with the approval of the Corps of Engineers. But I think it's important for this
9 body to realize that it has a serious responsibility that would have to be considered in this
10 context.

11 CHAIRMAN TRUJILLO: Mr. Montgomery or Mr. Evans?

12 MR. MONTGOMERY: I guess I would just like to make a comment. I think
13 the Special Master, as Mr. Simpson indicated, directed Colorado to assume that there would be
14 an account, I think he was aware that Kansas may disagree as to his power or the power of the
15 Supreme Court as part of its equitable powers and in creating a remedy for a violation of the
16 Compact to create an account in the Reservoir. I understand Mr. Draper wants to make his
17 position, or Kansas' position, of record but I'm not sure it's one that will be decided by the
18 Compact Administration.

19 MR. DRAPER: Mr. Chairman, I might just respond on the point with regard to
20 the position of the Special Master. It's not my understanding that he has directed either of the
21 parties to assume that such an account would be available. Certainly Colorado can make any
22 assumption it wants to as it proceeds. Thank you.

23 CHAIRMAN TRUJILLO: Okay. Mr. Evans.

24 MR. EVANS: Maybe I'll just talk for a quick moment and see if we can end on

1 the note of the problem solving character of this body. I did attend the briefing of the Colorado
2 State Legislature's Joint Budget Committee with the State Engineer and Attorney General's
3 representative yesterday, and I think that to the extent that we know where these matters and
4 litigation are headed, Hal enjoys a great deal of confidence in the State Legislature, the
5 Attorney General's Office. I think he's very likely to get all of the support that he needs from
6 the Water Conservation Board, the Department of Natural Resources and the General
7 Assembly in meeting Colorado's obligations in this matter. So I think that I just want to
8 acknowledge that not only is Hal doing a good job, he's getting lots of recognition and support
9 for doing it.

10 CHAIRMAN TRUJILLO: Go ahead.

11 MR. SIMPSON: Mr. Chairman, I might suggest that if the Engineering
12 Committee is going to meet this next year, and I strongly encourage it, to deal with the
13 accounting on the other accounts in John Martin that we also might consider some discussion
14 on the framework of that account, how it would operate and start putting together the details
15 that might lead to a future resolution that would come before this particular Administration.
16 And just a suggestion, if we're going to meet we might try to tackle that also.

17 CHAIRMAN TRUJILLO: Any further comment?

18 MR. POPE: That may be a bit premature. I don't know that I would say there's
19 harm in talking about these issues but you know, my understanding of where things stand is
20 there's ways to go in terms of what form of repayment will actually be ordered, if you will, by
21 the Special Master. So I just want to be a little cautious about us not jumping the gun and
22 spending a lot of time and effort on any particular alternative until we know more of what is
23 really going to happen in that regard. I'm open to comments in that regard. But I do
24 appreciate the report and I know that Colorado has taken a position, Kansas has taken a position

1 and we'll just have to see how that all plays out.

2 CHAIRMAN TRUJILLO: Again, I appreciate your suggestion, Mr. Simpson,
3 because while the magistrate will order the remedies and the Legislature and the JBC and all of
4 that process works, I still think that we should, at least on an informal basis, both States ought to
5 be talking and preparing themselves for the aftermath of that after the resolution for remedies
6 are taken care of so that we are at least prepared and ready to tackle the whole idea of whether or
7 not there should be a new account and just what these two States are going to recommend to this
8 body as where to go with it and whether or not this body, this Administration, is going to be in
9 a position to play a very important role of establishing those accounts and complying with our
10 role in it. And while I guess I tend to agree with you, Dave, that maybe it's premature, I don't
11 think that we should...I think we should keep it in our minds, that we should be prepared as soon
12 as resolutions for remedies are taken care of, that those discussions start and at least bring them
13 to the table on an informal basis so that we are ready to move on. Thank you, Mr. Simpson.
14 Any other questions?

15 Thank you, Hal.

16 What I'm going to do at this point, I want to recess for about 15 minutes to give
17 Mr. Rogers an opportunity to meet with some folks with regards to the next report and then
18 we'll reconvene in 15 minutes.

19 Thank you.

20 (Whereupon, a short recess was taken, after which the following proceedings were had:)

21 CHAIRMAN TRUJILLO: Let's call the meeting back to order, please. We
22 have an attendance list that went around the room. I am going to pass this list over to Mr.
23 Miller at the end of the table, if anyone hasn't signed it and desires to, the first taker here...we
24 ought to raffle that thing or auction it off. Anyway, it will be down at the end of the table with

1 Mr. Miller, please sign it and...so we know of your attendance, if you're inclined to do so. But
2 we need that as soon as possible so Mr. Miller can make some copies of it and provide those
3 copies to the appropriate people.

4 I've also been asked some questions...to pose a question about the temperature of
5 this room. Anybody want the heat turned up? I guess it's okay, Steve. I don't see
6 anybody...if we get everybody back to the table here we're liable to have the heat turned up
7 anyway.

8 I guess we will go back to Item 5(d)4 and to Mr. Rogers. And as people are
9 sitting down for his report I want to thank Mr. Rogers and also Mary Louise Clay for all of the
10 work they do for the Administration and receiving the bills and getting out the checks and
11 keeping our financial house in order for the Administration, I certainly appreciate that and I
12 know that the members of the Administration from both States share that also. We thank you.
13 And, Mr. Rogers, why don't you go ahead and proceed.

14 MR. ROGERS: Thank you, Mr. Chairman.

15 We are on Item 5(d)3, Trinidad Lake Permanent Pool Operations. Paul Flack.

16 MR. WITTE: I'll handle that.

17 MR. ROGERS: Okay, Steve Witte is going to handle that for him.

18 MR. WITTE: I visited with Paul just before the break and he did not have any
19 additional information to provide beyond that which I reported to the Operations Committee
20 last night. The exchange that I'm aware of, and believe has been reported to the State of
21 Kansas, regarding water placed in Trinidad Reservoir in 1998 involved a total of 2,646.21 acre
22 feet. Stored in Trinidad with the corresponding release of 2,672.94. This letter that I'm reading
23 from was mailed to Mark Rude on August 19th of 1998 and was reporting as of August 12th.
24 The latter part of the letter alludes to a more detailed description of the various exchange

1 operations will be provided to summarize these following the conclusion of this season's
2 exchange operations. I don't know if that has ever been provided, Mark didn't seem to be
3 aware that such had been. I don't find it in my files, I'll have to check in my files when I return
4 to the office and can get back with Mark on that.

5 MR. ROGERS: Any questions?

6 MR. POPE: Mr. Chairman, I thank Steve for the report and whoever...I guess
7 you provided a copy of the letters here. I think Mark recalls receiving this in August. I think
8 the only point I would make is that we need to look at the provisions of the Amendment to the
9 Operating Principles that were done last year, I think it was, and I don't have those in front of
10 me, I think John maybe read from those last night, briefly. But our key thing is we would just
11 like, as much as possible, a contemporaneous report as any exchanges occur, as I think was
12 noted, and then the more detailed accounting as soon as possible. And I think your letter here
13 makes reference to that. And if we can get the follow-through on that so we know what really
14 occurred at the end of the season why then that would be, I think, consistent. So we would
15 basically have contemporaneous reporting, and if possible even in advance. I know that isn't
16 always possible, but if it's planned and there's a few days then I think that that would be very
17 helpful. But at minimum, just about the time it's occurring and then another final report at the
18 end of the season. And I think that puts us in a little better position to follow along with what's
19 going on.

20 CHAIRMAN TRUJILLO: That's not a problem.

21 MR. POPE: I take it just for this particular year, this particular exchange
22 amounting to the 2,672 some odd acre feet is the only one that occurred?

23 MR. WITTE: To the best of my knowledge that is correct.

24 MR. POPE: I see Paul Flack nodding his head yes, so he apparently agrees to

1 that. Okay.

2 CHAIRMAN TRUJILLO: Shall we go to Item 4, Mr. Rogers?

3 MR. ROGERS: Item 4, Steve Witte.

4 MR. WITTE: Yes. A resolution was passed by the Administration on
5 December the 10th, 1996 which accepted the Operations Secretary's Report for 19...the years
6 1994 and 1996 subject to the insertion of certain footnotes below certain tables in those reports.
7 Last night at the Operations Committee and again here today I offer copies of those footnotes
8 for owners of copies of the Operations Secretary's Reports for those years to take and insert in
9 their reports in fulfillment of that requirement and hopefully then the matter of the approval and
10 acceptance of the reports for those years will thereby be laid to rest.

11 CHAIRMAN TRUJILLO: Okay. Thank you.

12 MR. WITTE: We discussed last night the status of the 1995 report, and the
13 transcript of the December 1995 meeting indicates that the 1995 report was approved subject to
14 objections which may be raised and discussed at some future point in time. As we discussed in
15 the Operations Committee last night, that time is not yet ripe because many of the issues that are
16 likely to be raised in the future are similar to those that have been raised with respect to the 1998
17 report this year.

18 With respect to the 1997 report the...I do not have a copy of the transcript from
19 that portion of the meeting. However, my meeting notes indicate that there was no action
20 taken on approval of the 1997 report at the December 1997 meeting due to a lack of prior
21 availability to review and comment and become familiar with it on the part of the Compact
22 Administration members. Furthermore, that such comments, if there were any, were to be
23 relayed to me by mail and would be raised at the telephonic meeting that was held in March of
24 1998. I received no subsequent comments. It was not a subject of the telephonic meeting in

1 March of '98. However, Mr. Rude indicated last night that he thinks there may be some
2 typographical errors and I don't know if he wants to raise those here today or not.

3 MR. RUDE: Well, I didn't bring the reports with me to the meeting here, but I
4 can get those to you, Steve.

5 CHAIRMAN TRUJILLO: Are those of any significance or just typos?

6 MR. RUDE: I think they are probably just mis-summing of columns on a
7 couple of the tables.

8 CHAIRMAN TRUJILLO: Can we get those to you, Steve? Can Mark get
9 those to you and then insert them and if we do need any action to amend the reports we can do it
10 next year unless it's something significant, but then if it is, you bring it to our attention. But if
11 it isn't anything of a substantive nature let's just provide them to you and make those changes
12 and if we need an amendment motion we will do that at the following meeting if that's okay.
13 Yes, Mr. Pope.

14 MR. POPE: I guess I would like to...we apparently did have some, maybe,
15 misunderstanding or perhaps we didn't follow through to the extent that we really should have
16 in regard to the telephonic meeting. I know the issue of accounting was discussed and I think it
17 was just in a general context, I think perhaps it was mainly referring to 1998. Some of the
18 issues that we have identified this last year, other than just the spill issues, do also affect the
19 1997 Operations Secretary Report. I really would be much more comfortable in deferring both
20 because if there are some minor things but also we get a better handle on whether some of the
21 things that we have concerns about in '98 that aren't necessarily related to the spill or upstream
22 storage. And we have a process that we have already talked about to deal with those issues.
23 And it seems to me like it's better...appropriate to defer also in '97 until we are more
24 comfortable in terms of what really affects that and what doesn't. I have a feeling that '97 is not

1 going to be as hard to resolve. But I think we still need to take some time, we are just not
2 really...I don't think it's really appropriate to go ahead and formally act at this moment on that.

3 CHAIRMAN TRUJILLO: And you want to defer that until when, Mr. Pope?

4 MR. POPE: The same time schedule as the '98.

5 CHAIRMAN TRUJILLO: Until the '98. Any objections to that?

6 MR. POPE: We will try to be diligent on trying to get that accomplished. I
7 apologize that we didn't get back to Steve quicker on this.

8 CHAIRMAN TRUJILLO: And again, I guess I'm concerned about timetable.

9 MR. POPE: Well, I think we have at some level of discussion, but we are still
10 committed, I think, by the end of the meeting to try to get that schedule ironed out on the '98. I
11 don't know whether Steve has drafted up something yet or we have had some real brief...he
12 hasn't had time to do that, we didn't really get a chance to talk other than just real briefly as we
13 were checking out.

14 CHAIRMAN TRUJILLO: That's going to be his lunch hour.

15 MR. POPE: We'll do it sometime here. Who needs to be there and when, so...

16 MR. WITTE: Thank you.

17 CHAIRMAN TRUJILLO: Thank you.

18 MR. ROGERS: We will move to Item 5. Steve, are you going to cover this
19 one on the accounting software?

20 MR. WITTE: Yeah, I can do that real briefly. Just an informational item, Ms.
21 Vivian Brown of my staff is a programmer analyst, she came on board in the past year and I've
22 tasked her with doing an update of the accounting software that has been used for the 1980
23 Operating Plan accounting for the States, last several years, many years. The software has
24 become somewhat antiquated by today's standards and is not compatible with modern

1 hardware. It does not lend itself well to ease of exporting information via the Internet, which
2 we see is going to be something that we feel will be advantageous to both States in terms of
3 sharing the information on a more timely basis. And hopefully we are going to be
4 incorporating a few things that make the reports a little more user friendly. We have met with
5 Mark's staff on a couple of occasions in the past year, tried to talk about things that might be
6 done differently that would aid understanding, perhaps terminology that could be changed that
7 would be more descriptive, perhaps different output reports that would be more descriptive. At
8 this point in time we have generated a report using the updated software that has been
9 developed for the '98 Compact Year, which is in almost every respect identical to that which
10 I've presented to the Operations Committee last night. One of the significant features that I
11 think that everyone will come to appreciate is that we have separated the categories of reservoir
12 inflow and reservoir outflow into physical inflow, transfers in, transfers out and then releases
13 out of the Reservoir. I think by making those distinctions it would be much easier to track
14 through the operations that are taking place. And we intend to do some further parallel testing
15 through the coming year with new data as it occurs or as it develops and we intend to generate
16 next year's Operations Committee...Operations Secretary's Report using that software. So if
17 anyone is interested in looking that over we do have that prototype.

18 CHAIRMAN TRUJILLO: Steve.

19 MR. MILLER: This is Steve Miller, State of Colorado. I do the budgets, and
20 you might want to think about something. To my mind it sounds like your taking on
21 substantial new expenses in your office to do this software package and maybe you want to
22 consider whether the Operations Secretary's budget item is sufficient. I don't think you've had
23 an increase in that for probably a decade. And I guess I'm not encouraging you to do that, but
24 it sounds like you may have some additional expenses; hardware, software programs, that you

1 may want to talk to us about under that financial item.

2 MR. WITTE: Thank you.

3 MR. MILLER: Just a suggestion.

4 CHAIRMAN TRUJILLO: Items Number 5 on the agenda, E, F and G, unless
5 there's some objection, will be put forward to be dealt under Item 10, which are financial
6 matters, so that will put us into Item 6, the U.S. Bureau of Reclamation's Reports. And who is
7 presenting those reports?

8 MR. GYLLENBORG: I will.

9 CHAIRMAN TRUJILLO: Thank you.

10 MR. GYLLENBORG: Thank you, Mr. Chairman. Good morning ladies and
11 gentlemen. My name is Gil Gyllenborg, I'm the Great Plains Regional Liaison to our
12 Washington D.C. office. As many of you know, the Great Plains region extends from
13 Montana down to Texas and includes six area offices, one of which is the Eastern Colorado
14 Area Office. At the request of our new regional director, Mary Ann Bach, I'm representing
15 Reclamation today.

16 I would like to provide a status report on the Trinidad Project Operating
17 Principles and John Gierard of the Eastern Colorado office will follow with a report on Pueblo
18 Reservoir issues associated with safety of dams, both potential enlargement and temporary
19 modified operations. I would like to start with the report on Operating Principle revisions.
20 To facilitate consideration of further amendments yesterday, Reclamation distributed two
21 additional versions of the Trinidad Dam and Reservoir Project Operating Principles attached to
22 a transmittal letter dated December 7th. These versions were different from the versions
23 transmitted in our earlier letter of December 1st, 1998 which contained cleaned-up versions...a
24 cleaned-up version of the Operating Principles Reclamation proposed on November 5th, 1997,

prior to last year's ARCA meeting. The first version attached in yesterday's letter is a version of the current Operating Principles which includes the amendments approved by resolution at this meeting last year and as signed subsequent to that meeting. It is cleaned up only as to form. So it matches the format of the original Operating Principles. The amendments in this version were approved and included last year. This means the amendments are only those requested by the City of Trinidad addressing the use of M & I water. The second version attached to yesterday's letter is based upon current signed versions of the Operating Principles but includes language proposed by Reclamation in the version of the Operating Principles distributed, again in November of 1997. This version maintains the M & I language approved last year and adds language that Reclamation proposed to address the change in irrigated acreage limitations from 19,717 acres to 19,499 acres per year, a change agreed to by the parties in a February 1998 meeting. It also has changes in stock watering and winter water storage language with red lined and strikeouts indicating the proposed changes. This version is also presented in a format identical to the original Trinidad Operating Principles. We hope these two additional versions will help facilitate consideration of further amendments to the Operating Principles. And I personally apologize for the confusion which may have resulted in these multiple versions and I will leave it to the members of the Eastern Colorado Area Office staff to be available to help clarify any concerns anyone has.

Now I would like to proceed with the...present the status report. At last year's ARCA meeting Jack Garner stated that Kansas had some concerns regarding the proposed amendments and that we planned to meet in February of 1998 to resolve as many of these as possible. On February 18th, 1998 Reclamation met with representatives from Kansas, Colorado, Purgatoire River Water Conservancy District and the Model Land and Irrigation Company. Concerns were clarified and actions were identified. Parties have followed

1 through on many of the actions. In March Kansas provided proposed stock water language
2 and we met with Kansas, Colorado and the District yesterday to discuss that language.
3 Following the meeting the District proposed language to all the parties. In May the District
4 provided information on irrigated acres, allocation, and current storage. And in August
5 Reclamation provided information in a Cooperative Water Management Conservation
6 Agreement. Last week Colorado provided proposed criteria for temporary storage and release
7 of flood flows. And Kansas has indicated that they will provide criteria for a study to evaluate
8 effects of winter water...excuse me, winter storage beyond the Model Right. Storage of winter
9 water direct flows outside the Model Storage Right is the largest remaining issue.

10 At the February meeting Jack Garner stated that Reclamation wanted to move
11 forward with amendments unless reasonable objections were raised by Kansas. Also,
12 Reclamation believed that all proposed amendments were supported by its studies and ready for
13 implementation.

14 Kansas had some remaining concerns. Kansas agreed to provide criteria for a
15 study by the summer of 1998, however that deadline slipped. Let me say that Kansas is not
16 alone in that regard, Colorado and Reclamation were also substantially late in following
17 through with action items from the February meeting.

18 In fairness to the Purgatoire River Water Conservancy District, who have been
19 waiting a long time to see the proposed amendments finalized, we all need to do a better job in
20 meeting these deadlines.

21 Reclamation has been asked by the Purgatoire River Water Conservancy
22 District to formally request that ARCA approve all of the proposed amendments. At this time
23 Reclamation supports approval of all of the proposed amendments to the Trinidad Operating
24 Principles in the second version of...attached to yesterday's letter excepting the amendment

1 concerning the storage of winter direct flow rights outside the Model Storage Right. We also
2 support the proposed stock water amendment the District shared with us last night. Let me
3 clarify also that we support a change in the acreage from the 19,717 to 19,499 as I already
4 mentioned earlier. And again, that change was agreed to by the parties last February.

5 In conclusion, to move forward with the resolution of the proposed amendment
6 concerning storage of water direct flows outside the Model Right and remaining concerns we
7 will be recommending some deadlines by the end of this month, December 1998, for additional
8 action items to Kansas, Colorado, and the District. These action items will be related primarily
9 to Kansas' proposed study criteria and other related information. Secondly, information
10 provided by the District in May. Third, flood flow criteria submitted by Colorado. And fourth,
11 the stock water amendment proposed by the District yesterday, if that is not resolved in
12 discussions today. I will further recommend to Jack Garner that Alice Johns, Resources
13 Division Chief in the Eastern Colorado Area Office, be assigned to facilitate and track the
14 follow-through on these action items.

15 Thank you, Mr. Chairman, for allowing me the opportunity to speak today. I
16 think what we would do is after John Gierard makes his presentation on Pueblo that we'll take
17 questions on both subjects. Thank you.

18 CHAIRMAN TRUJILLO: Thank you, John.

19 MS. WOLDRIDGE: Excuse me, Mr. Chairman. Is it possible to ask a
20 question of Mr. Gyllenborg before he sits down?

21 CHAIRMAN TRUJILLO: Yes, go ahead.

22 MS. WOLDRIDGE: I'm Julianne Woldridge, I'm counsel for the Purgatoire
23 River Water Conservancy District. Can you establish for us please, and specifically identify
24 the reason why the Bureau has excluded the Winter Water Storage Amendment and why it

1 would not support it at this time. And identify for me in that answer whether it is something
2 that the Bureau is concerned about and what that is?

3 MR. GYLLENBORG: I'll defer that to Alice.

4 MS. JOHNS: Thank you. My name is Alice Johns and I'm chief of the
5 Resource Division at the Eastern Colorado Area Office. And, Ms. Woldridge, if I understand
6 your question, you want clarification as to why we will not support the Winter Water Storage
7 Amendment at this time?

8 MS. WOLDRIDGE: Yes.

9 MS. JOHNS: Let me first state that I wish we could support it at this time. We
10 proposed it. We feel that it does maximize beneficial use of the water. The District has been
11 waiting a long time to see this happen. However, at our February meeting with Kansas,
12 Colorado, and the District as well as the Model Storage and Irrigation Company, Kansas had
13 some concerns. Kansas has also indicated that it will be only a matter of days until we see
14 what criteria they propose to address those concerns. I think it behooves us to look closely at
15 that criteria before moving forward with approval of the amendment to deal with the winter
16 direct flow outside the Model right.

17 MS. WOLDRIDGE: Does the Bureau...

18 CHAIRMAN TRUJILLO: (Interrupting.) Ma'am, I'm going to allow one
19 more question and then what I would like to do is defer this kind of a topic or discussion under
20 7-B when we have the discussion for the approval of the Trinidad Project Operating Principles.

21 MS. WOLDRIDGE: Can I ask one more?

22 CHAIRMAN TRUJILLO: Yes, I'm just afraid we'll take this dialogue out of
23 that area and then have to go through it again. I think for purposes of continuity as well as
24 saving time we'll wait for those kinds of questions. Go ahead and ask another question, please

1 keep it brief, and then we will address those matters later on. Go ahead.

2 MS. WOLDRIDGE: Does the Bureau have reasons to believe that its
3 conclusions for its 1998 Report and 1996 Report are in error with respect to the Winter Water
4 Storage Amendment?

5 MS. JOHNS: Jack Garner stated in January...or in February, pardon me, at the
6 February 18th meeting that he felt Reclamation studies were adequate. We agreed at that
7 meeting to look at Kansas' concerns. And I think we should follow through on that.

8 CHAIRMAN TRUJILLO: Okay, thank you.

9 MR. GIERARD: Good morning, my name is John Gierard, I'm with the
10 Bureau of Reclamation and I work in the Eastern Colorado Area Office and I've been asked to
11 come here this morning and provide an update on our ongoing safety of dams work we're
12 performing at the Pueblo Reservoir. So I'll start by providing a brief background of that and
13 move on to its current status. So to get started, as a part of Reclamation's ongoing Safety Dams
14 Program a routine risk assessment was conducted on Pueblo Dam in December of 1996. After
15 examining 16 potential failure modes the risks assessment team identified one that warranted
16 some immediate action. The issue was the presence of shale seams and other weak layers in
17 the foundation underlying the concrete spillway section where excavation of the stilling basin
18 removed material that would have stabilized the spillway. We should say that the probability
19 of failure from this mode is low. However, due to the large downstream population at risk we
20 felt it justified, both a short term and long term action.

21 As a short term measure, and beginning in July of 1997, the Reservoir has been
22 restricted to a maximum elevation of 4,888.35 feet, and that is the maximum
23 reservation...excuse me, maximum elevation that the Reservoir has experienced in its history.
24 The long term solution is referred to as a plug and toeblock. It is basically a filling of the

1 stilling basin where those shale seams daylight with roller-compacted concrete. It would be
2 anchored with rock bolts into the sandstone foundation and covered...then covered with a layer
3 of harder, stronger conventional concrete. The total cost of the safety dams work, including
4 some other work involved with correcting seepage through the dams, contraction joints and
5 draining a seepage area identified on the left embankment is estimated to be 29 million dollars.
6 Fifteen percent of the cost will be paid by the Fryingpan-Arkansas Project beneficiaries and a
7 large part of that by the Southeastern Colorado Water Conservancy District.

8 After completing the required National Environmental Policy Act (NEPA) and
9 procedures, obtaining Congressional approval for the project and negotiating a repayment
10 contract with the Southeast District, Reclamation awarded a contract for the spillway
11 modification to A.S.I.R.C.C. of Buena Vista, Colorado.

12 Construction has been underway since September of 1998. The Reservoir
13 restriction, our short term measure, will remain in place until the roller compacted concrete has
14 been placed and rock-holds have been installed. The current schedule for this construction
15 should allow the restriction to be lifted in the spring of 1999. If not, the contractor is subject to
16 liquidated damages whenever that time occurs, if there is any. The contractor, in the
17 meantime, will construct two temporary diversion structures so that normal project releases can
18 be made during construction in the stilling basin. We hope to have all construction completed
19 by the summer of 2000.

20 And if there are any questions on what we are doing I'll be happy to answer
21 those.

22 CHAIRMAN TRUJILLO: Any questions? Thank you very much for your
23 report.

24 MR. GIERARD: Thank you.

1 CHAIRMAN TRUJILLO: The U.S. Army Corps of Engineers report.

2 MR. KREINER: Good morning. For the record my name is Dick Kreiner
3 from the Albuquerque District. We have a short formal report, and Dennis Garcia has copies
4 of those reports and will be passing it out for the members and the audience. You should have
5 copies before you on the table as well. Dennis Garcia, we were fortunate enough to pick up in
6 our office. He is the new coordinator for water management activities in the Albuquerque
7 District now and he is replacing Tom Ryan and Tom Ryan is now promoted to another position
8 in our Emergency Management Office so you're going to see a lot of Dennis in the future.

9 Before I touch on some of the highlights of our report we do have a new District
10 Engineer, he's Lieutenant Colonel Tom Fallon and he offers his regrets that he was unable to
11 personally attend this meeting. He is the new District Engineer and along with that he has
12 many sessions in Washington that he has to...they are mandatory sessions to bring him up to
13 speed on his responsibilities as a District Engineer. So he's in Washington doing one of those
14 today.

15 Another administrative matter of interest to the Administration is that we lost
16 Jim Townsend to another promotion within the Corps this last summer. And in the meantime
17 Anita Culp from that office is acting in his capacity. We expect to have that position
18 filled...well, that position filled by spring of this year. So in the meantime Anita is there. If
19 anyone who normally deals with that office does not feel that, you know, there's enough Corps
20 presence or enough participation at meetings within the basin, please contact me, and either
21 Anita or myself or Dennis will make sure that the Corps is represented adequately with the
22 business within the basin.

23 Looking to the formal report. I'm just going to touch on a couple of things. In
24 1998 the snowmelt runoff in the basin was slightly above average, there were no significant

1 flood control operations at either John Martin, Trinidad, or Pueblo Reservoirs. Although, as
2 much of the discussion has revolved around today, John Martin Reservoir was full to its
3 maximum conservation capacity from December of '97 through the winter into early '98.
4 Because of the high elevation of John Martin we swapped some things around, on funding, so
5 that we could conduct a hydrographic survey at John Martin, and we did that in March. In
6 order to complete a new area capacity table we have yet to pick up the ground surveys at the
7 upper end of the Reservoir. And those are very difficult because there's a lot of brush and
8 cattails and things of that nature. But we do intend to pick up that additional survey
9 information this year. Your formal report says that we should have it by the spring. Just
10 recently we have decided that's a little too optimistic. But we do expect to have the new area
11 capacity table for John Martin the beginning of the Compact Year, so the end of...November 1
12 is what we are committing to on that.

13 Let me switch to some of our planning activities. Of much interest to the
14 Compact Administration is the work that we are doing in trying to find a vehicle to provide
15 federal funding for dealing with channel capacity concerns below John Martin Reservoir.
16 Right now we are focusing on our Planning Assistance to States Program, Section 22. This is a
17 very small program and it's kind of what the Corps normally uses to get their foot in the door for
18 bigger, more extensive authorities. I guess I would make a comment to the Administration that
19 we are totally committed to trying and finding a way that we can apply federal dollars through
20 our authorities in resolving the concerns on channel capacity below John Martin. It's, as
21 evidenced in the meeting yesterday and last night, this is a very difficult situation. Our
22 authorities are mainly environmental restoration and flood control and how we can do river
23 maintenance and still do restoration is what we are trying to grapple with. So again, we are
24 fully committed to try and figure out a way where we can provide some federal funds through

1 our authorities to make some sort of a fix of that. So the draft report is out and we are
2 committed to try and...again, trying to figure out where the connection is and where the fix is
3 that we can help out in that regard.

4 We have a second study under planning assistance that's supposed to start this
5 month and that is looking at the reach of the Arkansas River above John Martin. Again, these
6 are Planning Assistance to States Fund. They are limited. We do have environmental
7 restoration under Section 1135 authority that are much broader and actually have a higher
8 percentage of cost-sharing on the federal side of it. We do have one action that has been
9 ongoing under our 1135 authority, and that's at Lake Hasty. This goes back some years. But
10 to bring you up to date, Lake Hasty Feasibility Study was completed in August of this year and
11 requests have been made to begin plans and specifications in early 1999. Recommended plan
12 is to route five to eight cfs from the John Martin stilling basin through Lake Hasty and then back
13 to the Arkansas River when irrigation releases are being made. We feel that this will
14 significantly improve the water quality conditions and hence fish production in Lake Hasty.
15 Sponsor of this project is Colorado Division of Wildlife.

16 We also have begun preliminary discussions with a potential sponsor for an
17 aquatic restoration project, and this is under our Section 206 authority, with the Pueblo
18 Conservancy District to look at improving fish and aquatic habitat for the reach of the Arkansas
19 River directly below Pueblo Dam down to the confluence of Tuttle Creek.

20 In the 404 Permit arena, in 1998 we issued ten individual permits in the basin
21 and an additional 182 permits were reviewed during this period, most of which were covered
22 under nationwide permits that were already existing.

23 Only one other thing that I want to brief the Administration on today is that the
24 Corps has been looking at regionalizing many functional aspects of how we do work. The

1 latest one has been there's been a tremendous emphasis on looking to regionalize water
2 management activities. Our Washington office came up with a template that was a guide for
3 the division offices and we are now in the South Pacific Division Office out of San Francisco.
4 That template called for the creation of two district offices within each division that would have
5 water management functions taken care of within those districts. In the South Pacific Division
6 there are four district offices, at San Francisco, at Sacramento, and L.A., and then Albuquerque.
7 The Sacramento District Office is a huge district office with major water management
8 responsibilities. If the division was to implement the template that was provided by our
9 headquarters, that would mean a consolidation of the water management functions in either
10 L.A. or in Albuquerque. Last summer we looked at regionalization under this template and
11 pretty much decided that it really wasn't pertinent or it wasn't a smart way of doing business
12 within the South Pacific division. There are really three districts that do water management,
13 Sacramento, L.A. and Albuquerque. And they are so different with respect to how they do
14 business that it didn't appear to be a smart way of implementing changes within our water
15 management functions. Later in the year there were some changes, one of which...staff
16 changes, one of which the individual in Washington, the senior civilian individual in
17 Washington, that was in charge of promoting this philosophy was transferred and now is the
18 senior individual in our division office. And when he got in place in San Francisco he actually
19 thought that we should look at this again, so we are relooking at regionalization. I don't think
20 that we are going to shake out of this with creating two district centers, I think we're probably
21 going to come out with three districts doing water management, as we are right now,
22 Sacramento, L.A., and Albuquerque. But the driving force behind all of this is a 15 percent cut
23 in water management funds over the next four to five years. And if we are to remain in our
24 current organizational structure with respect to how we do water management we are going to

1 have to come up with some savings. One of the things that's gone on within the Corps is that
2 there has been...the O and M budget that Congress provides appropriations for each reservoir
3 project throughout the nation. The operations part of the budget has been increasing, mainly
4 because of endangered species and water management issues. So with the increase, the
5 operations side of the house has seen a considerable deferred maintenance from aging
6 structures within the Corps. So the emphasis now is try and figure out can we reduce the
7 operation side of it so that we can come up with additional funds for required maintenance.
8 With that we are looking at all of the water management activities that we do in light of, are we
9 doing stuff that we don't need to do, are we doing activities that we should be charging folks for.
10 And I would alert this Administration that we are looking at potential of charging folks for
11 some of the activities we do. And for instance, overtime for weekend gate changes at John
12 Martin, things of that nature. And I don't want to alarm anybody but those are some of the
13 things that we are looking at doing to compensate our water management activities for some of
14 the things that we do outside our normal activities that we provide at the project. So with that
15 I would gladly respond to any questions that anyone might have.

16 CHAIRMAN TRUJILLO: Any questions from either State?

17 MR. ROGERS: Yeah.

18 CHAIRMAN TRUJILLO: Go ahead.

19 MR. ROGERS: Dick, in this hand-out that you handed out you have your 404
20 Permits and on the channelization of this river there's lots of people here that are interested in
21 that. And the Bureau made their presentation yesterday to the extent of lots and lots of dollars
22 to do it. I think the county and some of the landowners along there, if we could get a 404
23 Permit and get it under a complete...you know, so we aren't doing stuff out of line, how do we
24 go about getting all of that into place? Do we go to Mark Matulik and get this put into place

1 and get a permit in there and then come back to your office to get this into place to get it started
2 so we can run a test section of the river? We felt after the meeting yesterday that we were
3 probably going to have to draw back and take a different look at a different avenue to get this
4 accomplished because of all of the expenses that were brought forward. Somewhere in there
5 there's a way to put it together without spending the millions of dollars that they were talking
6 about. Or at least to benefit it and put it under maintenance.

7 MR. KREINER: Let me see if can answer that. I have Kris Schafer with us
8 today, he's from our planning branch in the Albuquerque District. Let me take a shot at that
9 and I'll invite Kris to jump in at any time.

10 We've got the flood control responsibility, we've got the 404 Permits
11 responsibility and we've got environmental restoration. And certainly, between those three, I
12 think we can come up with some way to find a project where we can at least do some pilot or
13 test reach work. How we put it all together, I was talking with Kris earlier and I...again, we are
14 somewhat confined with the amount of effort we can do within Planning Assistance to States
15 Funding and we need to get past this draft report and something that is a complete report to the
16 Colorado Water Conservation Board and then look at going...either the State proceeding with
17 doing some corrective work or doing the actual physical work in conjunction with the Corps or
18 else going into 1135 authority to further look at a broader context of this. And you know,
19 I...what I suggested to Kris is maybe some sort of appropriate time, set up, some sort of a
20 workshop with the group that you've already established and our 404 Permit folks out of Pueblo
21 and our planning folks too. And actually, I think we need our environmental staff and our
22 hydraulic design folks that were here last night to work with the landowners and try and sit
23 down and look on maps and go out and get right into it because it's going to be...it's going to be
24 tough work, really. Did I answer your question?

1 MR. ROGERS: You got close. I think we were concerned on you know,
2 where the funding needed to come from and to get something started so we could, you
3 know...so a pilot could be put into place, and we need to go through the right avenues to get that.
4 So we want to make sure that everybody is in the loop.

5 MR. SCHAFER: For the record, I'm Kris Schafer. I think what Dick said is
6 right. We're going to try to hold some type of workshop so we can figure out the next steps.
7 So to answer one of your more direct questions, with regard to 404 and funding as well, there's
8 still a question as to whether federal dollars will be eligible for whatever solution we can come
9 up with. I suspect they will under our restoration program. If that's the case, obviously, we
10 need to take the lead in 404 processing and we would certainly help you out even if there were
11 solutions that you wanted to initiate on your own. Again, the folks in Pueblo, with respect to
12 404. Does that help?

13 MR. ROGERS: And what kind of time frame are we looking at? In other
14 words, this workshop, are we doing it within the next 60 days, 30 days.

15 MR. SCHAFER: Yes, I would like to do it within the next 30 days. We would
16 like to get this report finalized. There's a lot of good ideas out there we just need to get down
17 on paper and prepare, present you with the plan so you can start turning dirt.

18 MR. ROGERS: Okay.

19 CHAIRMAN TRUJILLO: Any other questions?

20 MR. POPE: I have a couple of quick ones, I think, for Dick. Your written
21 report and I think your verbal reports makes reference to the deviations for Pueblo Reservoir on
22 flood control. Are those one in the same as the restrictions that the Bureau reported on, is that
23 what you mean by that? Or your report says there's a five year deviation approved on July 28,
24 1997 for Pueblo Reservoir that remains in effect.

1 MR. KREINER: The original deviation remains in effect. I did talk...we have
2 been discussing with Reclamation about an amendment to that deviation. And is that what you
3 were alluding to?

4 MR. POPE: I guess I'm mainly just interested, is that one in the same as the
5 Safety of Dams issue...

6 MR. KREINER: (Interrupting.) Exactly.

7 MR. POPE: ...that we have been talking about. Okay. Why is there a need for
8 an amendment? Is there a schedule or some other factor going on there?

9 MR. KREINER: I'll let John talk to you about that.

10 CHAIRMAN TRUJILLO: Gentleman, if you would like to have a seat, there's
11 several seats up here, eight or nine of them up in the front, so feel free to take a seat, they're
12 available. Go ahead.

13 MR. GIERARD: Should the construction period extend and should we have a
14 restriction to the conservation pool next summer our own Safety of Dam staff in Denver would
15 like to see a larger flood pool than even the Corps of Engineers has requested in the five year
16 interim. So we are talking about an amendment to the deviation in that event. If the
17 construction goes as scheduled that will be unnecessary because we will be able to return to our
18 normal operating levels in this coming spring.

19 MR. POPE: If it's completed by the spring of '99 then that becomes a moot
20 point?

21 MR. GIERARD: Correct.

22 MR. POPE: The second question for Dick is...you didn't touch on this in your
23 report, but in regard to Trinidad Reservoir, as I recall there was some restrictions on channel
24 capacity but then those were resolved through the city a few years ago. Is that now a resolved

1 issue and what is that channel capacity, if you recall?

2 MR. KREINER: As part of the agreement between the Corps and the local
3 sponsor and the construction of Trinidad Dam was that the city would maintain 15,000 cfs
4 capacity through Trinidad. And yes, a number of years ago they did complete some work in
5 the channel to bring that up to the 15,000 cfs. Now maybe what you're alluding to is some
6 concern we have as to whether we can make the 5,000 releases that is in the Operating Criteria
7 for Trinidad Dam. We did do a study, I believe four years ago, on the channel capacity
8 through the irrigation district. And that study revealed that channel capacity is probably
9 around 3,000 cfs given the vegetative growth that's occurred since the construction of the dam.
10 We have not acted to revise any of the Operating Criteria other than to...we've identified...or
11 we've sent a letter to the State of Colorado. We normally called for the releases on a
12 day-to-day basis from Trinidad and advised them that we have some concerns about releases
13 above 3,000 cfs. And essentially what we did, was notified them if any of the releases are
14 going to be above 3,000 cfs the Corps wanted to make the call on those and we want to be there
15 to look at the channel conditions and evaluate any change in channel capacity. So what we
16 have done is, the study indicates that there probably is a problem there but we want to be able to
17 see it before we actually recommend any change in the Operating Criteria. What we are dealing
18 with below John Martin is the same thing that's happening below the City of Trinidad in the
19 Purgatoire River.

20 MR. POPE: So it's basically the reach through the irrigation project?

21 MR. KREINER: That's correct.

22 MR. POPE: That clarifies it. Thank you.

23 CHAIRMAN TRUJILLO: Thank you. Any other questions. Steve.

24 MR. MILLER: The channel study you're doing between John Martin and the

1 Stateline, my understanding is that some work is underway or going to start in Kansas, with the
2 Corps. Are you able to coordinate with the Tulsa District?

3 MR. SCHAFER: Yes. As I understand it the Tulsa District received a
4 congressional add to the Appropriations Bill this year which allows them to get started on the
5 formal general investigations for capacity studies for the Arkansas River below the Stateline.
6 We are going to be in contact with...and his name escapes me now, with the planning chief in
7 Tulsa, and make sure that efforts don't contradict one another.

8 MR. POPE: That's all I have.

9 CHAIRMAN TRUJILLO: Anything else? Okay. Thank you, very much,
10 Dick, appreciate your report. We'll now have the Geological Survey Report. Who's
11 presenting that? Mr. Cain.

12 MR. CAIN: For the record, my name is Doug Cain with U.S. Geological
13 Survey. I'm going to hand out some copies of the report for item 3-C...or C-3, while I do items
14 C-1 and 2.

15 Before I get into the report I wanted to mention that I've come before the
16 Compact for close to the last ten years as the Subdistrict Chief of the office in Pueblo. I've
17 recently transferred to our district office just a couple of weeks ago as Associate District Chief.
18 And Pat Edelmann from our office, who is standing in the back, is acting Subdistrict Chief until
19 a permanent replacement is selected for that position.

20 David Pope, in the Engineering Committee Report, mentioned that we had
21 provided a report last night to the Engineering Committee on gaging station efforts and costs
22 especially related to the tributary gages that we have operated for about three years in
23 cooperation with the Compact. These were approved at the Compact committee meeting, I
24 believe in December of 1994, and our gages on Big Sandy Creek, which is operated year round,

1 on Wild Horse Creek and Two Buttes Creek which are operated seasonally. And in addition to
2 the report presented last night we have provided a summary of information. Ron Steger of our
3 office, for the 1998 water year, which is similar to summaries we provided the last two years.
4 Won't go into great detail on those other than to say that that report includes hydrographs of the
5 streamflow for those three gages for the '98 water year. Also includes a separation of that flow
6 into base flow, in-flows, above base flow. And would mention that if there's people in the
7 audience that would like copies of that information I can provide those to you.

8 During the '98 water year Big Sandy Creek flowed almost 30,000 acre feet and
9 Wild Horse Creek about half that amount. Summed together, those flows are greater than
10 about ten percent of the flow at the Stateline. So there's a substantial amount of flow that's
11 contributed from those sites. The annual cost proposed in FY '99 to operate those three gages,
12 and bear in mind there's other gages that the USGS operates in conjunction with the Compact,
13 I'm just speaking of those because they are newer gages and there's some question about
14 whether they should be continued. But the annual proposed cost in fiscal year 1999 to operate
15 those three gages, is about ninety-five hundred dollars to the Compact which will be matched
16 by the U.S. Geological Survey. So that's...I guess that completes my report on item C-1 unless
17 there's further questions related to those gages.

18 CHAIRMAN TRUJILLO: No questions. Go ahead and proceed, Mr. Cain.

19 MR. CAIN: Item C-2 is deferred until later to Item 10. I would refer you to
20 the report that we just handed out for an update on some U.S. Geological Survey activities.
21 And I'll highlight from this report, I do not intend to read the whole thing. I did want to alert
22 the Administration again that the funding for the main gages that are operated in support of the
23 Compact by the U.S. Geological Survey comes from a federal program called the Federal
24 Collection of Basic Records Program and we have received cuts in that program the last several

1 years and expect those to continue for the next three years. To date, those cuts have not
2 affected our ability to fully support the Compact gages but I think there's some chance that
3 continued decreases could affect those gages in the future, so I just wanted to bring that to the
4 attention of the Administration.

5 Another study that I think is probably of direct interest to the Administration is
6 the study that the USGS is doing in cooperation with the Colorado State Engineer using funding
7 that's coming through the Colorado Water Conservation Board. This study is to make a
8 comparison of two different methods for estimating groundwater pumpage in the Arkansas
9 Basin. One is a method using power conversion coefficient (PCC) techniques whereby
10 groundwater pumpage is estimated by using power consumption from power meters that are
11 used to operate irrigation wells. And the other technique is to use totalizing flow meters. We
12 were asked to do the study because of differences between Colorado and Kansas on what is an
13 acceptable and accurate way to make these measurements. That study began about two years
14 ago and during this irrigation season that just concluded, we have been able to make
15 comparative measurements at 105 wells within the basin between these two methods. And I'm
16 not going to try to give you any final results from this study today because it isn't complete and
17 we are doing the analysis of the data. We have briefed both States on our work during the last
18 irrigation season and expect to have a draft report prepared on this study during March of 1999.

19 A few other items of interest, I would just refer you to the first item there that
20 gives some summary of USGS data collection activities in the basin. I'm not going to detail all
21 of that. The second item indicates that we continue to have involvement with the U.S. Army to
22 do hydrologic and water quality monitoring at Pinon Canyon Maneuver Site which is along the
23 Purgatoire River between La Junta and Trinidad.

24 Something that I think may be of some interest to the USGS or to the Compact

1 Administration is that during the last year we have published a number of reports on water
2 quality in the Arkansas Basin, they are summarized in the second full paragraph down in my
3 report. One of those summarizes the relation of streamflow and specific conductance owing to
4 reservoir operations in the lower Arkansas between Pueblo and Lamar and may be of some
5 interest to the Administration. It shows that after implementation of the 1980 Operating Plan
6 streamflow at both the Arkansas River below John Martin and the Arkansas River at Lamar has
7 increased during the irrigation season and salinity at both of those sites has decreased during
8 both irrigation and non-irrigation seasons.

9 The last thing I would like to mention in this report is that we have implemented
10 during the last year, during this past summer, a water quality monitoring network for the lower
11 Arkansas River between Pueblo and John Martin Reservoirs with cooperation from the City of
12 Pueblo and the City of Colorado Springs. That program will also include contributions from
13 other several entities including the Southeast District in 1998. We have had discussions with a
14 number of other entities about expanding that program to include areas both below John Martin
15 and upstream from Pueblo and hope to see that occur during 1998.

16 The only other thing I would like to mention, we are involved in a couple of
17 studies of high water table concerns in the lower Arkansas, one in the St. Charles Mesa area
18 near Pueblo and one in the La Junta area that's being conducted in cooperation with the
19 Colorado Water Conservation Board.

20 That's all I have to report unless there's questions.

21 CHAIRMAN TRUJILLO: Any questions of Mr. Cain? Any questions?

22 MR. POPE: I don't believe so.

23 CHAIRMAN TRUJILLO: Thank you very much, Doug, appreciate it.

24 CHAIRMAN TRUJILLO: We go to Item 7, the Conservation District items.

1 Mr. Arveschoug.

2 MR. ARVESCHOUG: Thank you, Mr. Chairman. For the record my name is
3 Steve Arveschoug, General Manager of the Southeastern Colorado Water Conservancy
4 District. I'll present a couple of items of information for the Administration's information. I
5 was asked to share information regarding our Water and Storage Needs Assessment Study, and
6 I will do that and then offer a brief comment on the Winter Water Storage Program for the year
7 and then if there are questions I would address questions on those two issues.

8 First of all, the Water and Storage Needs Assessment Study. Let me start with a
9 little background on that study and that process. About a year and a half ago the Board of the
10 Southeastern District was given a presentation by one of our constituents, the City of Colorado
11 Springs Water Resource Department. In that presentation they had provided us very detailed
12 information on a raw water study that they had done which detailed their projected demand for
13 storage in the basin to meet growth in population in the City of Colorado Springs into the year
14 2040. Along with that study they provided us information on a parallel analysis they had done
15 on the operation of the Fry-Ark Project, primarily Twin Lakes, Turquoise and Pueblo
16 Reservoirs. Their study indicated that in normal years there may be additional space in those
17 facilities to accommodate the storage of their own water rights to help meet that future demand.
18 What is important to understand in the context of their presentation is that the district covers
19 nine different counties in Southeastern Colorado, starting really at the headwaters at Buena
20 Vista and working its way down to where we are today, the City of Lamar. So we have more
21 interests than just those of the City of Colorado Springs. So when the Board of the District was
22 presented with those findings from Colorado Springs they felt that it was important that we
23 assess district-wide water and storage needs. We first put together a water and storage study
24 committee process, did some surveying of our constituents trying to garner from them

1 information on what their projected demands and needs would look like into the next 20 and 40
2 years. Given some of those survey findings we decided to initiate an engineered study process
3 which would have two primary goals. The first goal would be to look on a district-wide basis
4 what future water and storage demands may look like within the confines of the Southeastern
5 District's nine county service area.

6 And then secondly do what we describe as a reconnaissance level investigation
7 of storage alternatives in the basin that would serve to help meet those projected demands. I
8 can share with the commission (sic) some of the initial findings of that study. Prior to doing so
9 I might say that that study process, at least this part of it, will be complete hopefully Friday.
10 Got engineers working in Denver now to finish up some things for us and will be presented to
11 the Southeastern District Board on Friday as a final, complete report, recognizing that there's
12 some additional work to do as a conservancy district on this issue.

13 We first looked at population projections in the nine county service area of the
14 district. At present there's about 620,000 people residing in the district, and depending upon
15 which set of projections you look at, and we established a...what we call a baseline set of
16 population projections and high set of population projections. The population in the
17 conservancy district could be as high as one point two million or one point four or five million
18 by the year 2040. We then did what we call a supply - demand comparison for the M & I
19 entities within the conservancy district, looking at their existing firm yield, comparing that with
20 what their demand may look like in the year 2040 given these population projections. Just
21 looking at some preliminary numbers from that supply - demand comparison there could be a
22 shortfall ranging from...anywhere from 25,000 acre feet per year to as high as 85,000 acre feet
23 per year in meeting that municipal demand into the year 2040.

24 In addition the study tried to look at what the impacts of that type of municipal

1 growth would be on the ability of agricultural water users to maintain the status quo as it were in
2 terms of agricultural water use and deliveries. To the extent the cities grow as projected in
3 these numbers, there will be, really, three areas of impact to the agricultural community. First
4 being that surplus water that is now made available: A lot of that trans-basin water from the
5 municipal interests in the district that is now being leased by agricultural entities either for
6 direct flow irrigation or as a source of replacement water for well pumping and augmentation
7 requirements, that water over the course of the next 20 year or so period will be needed by those
8 municipal entities and therefore less of that water will be made available for those irrigation
9 purposes.

10 In addition, the way the District allocates our project water will be consistent but
11 the amount of water made available for irrigation will change. At present, if you look at
12 historic allocation numbers from the district, about 75 percent of available Fry-Ark Project
13 water is made available for irrigation purposes. The remaining 25 percent goes to domestic
14 use. As the cities grow it's obvious that that proportion will change meaning there will be less
15 water available for irrigation from the Fry-Ark Project as a supplemental source. We estimate
16 in total that there could be as much as a 60,000 acre foot per year shortfall in meeting that
17 ag-use baseline into the year 2030 and 2040 given the M & I growth. With those shortfall
18 numbers on the M & I side the potential shortfall or impasse on the agricultural side, we then
19 have put together some numbers on what we feel would be a storage requirement to help meet
20 some of that shortfall. The present numbers or projections are about 160,000 acre feet in
21 additional storage space may be needed to help facilitate the delivery of municipal water and
22 agricultural water into the year 2040. Most of that water that would be stored would be water
23 that's currently held, existing water rights from the municipal entities or trans-basin supplies.

24 The study then looked at doing, as I noted earlier, a reconnaissance level

1 investigation of storage alternatives. Given the documented need for 160,000 acre feet we
2 asked ourselves where would that space come from. We looked at, really every alternative that
3 we could think of. We started out with a list of about 34 alternatives. We did some initial
4 evaluation of those alternatives, broke that list down to about 14 and then reviewed those 14
5 alternatives against a set of criteria. Those criteria, including what would be the cost of the
6 project, how we would store water in that project, where would the source of supply come from,
7 what would be the cost of maintaining the project, what would be the environmental impacts of
8 a given project, how difficult would it be to get permitting approval and jump through the
9 regulatory hoops for a given project. So given that initial evaluation of those about 14 projects
10 we are now at a point where we have ranked about eight projects that we consider worthy of
11 additional study and evaluation.

12 Kind of our next step in this process is to finish this initial report, present it to my
13 Board along with a set of recommendations for some additional study. And then continue to
14 work with our water user groups on trying to address this projected storage demand.

15 Interesting to note we had over 27 water user groups in the Arkansas River Basin
16 participate with us either financially or through technical expertise in the study process. And
17 in addition we have been working with the Colorado Water Conservation Board on a study
18 effort. They provided some funding resource and technical assistance in the study effort. So I
19 offer that as just a general overview of our study process. I would answer any questions
20 related to that study and then we can move on to the next topic.

21 CHAIRMAN TRUJILLO: Questions?

22 MR. POPE: Just a real brief one. Thanks, Steve, for the update. Appreciate
23 that as it's clearly a major endeavor to look long-term and how to meet those needs. I guess my
24 primary question would be, as you can probably anticipate, Kansas sitting down sort of at the

1 lower end of the system, more demand and more use obviously raises questions in our mind,
2 important as it may be to meet those emerging issues. What consideration in the studies now
3 or in the future has been given to the impact of any of this on the Compact, and Kansas in
4 particular, and how do you anticipate addressing that in the future?

5 MR. ARVESCHOUG: We didn't spend a lot of time trying to analyze the
6 impacts of any of the given alternatives on compliance, Colorado's future compliance with the
7 Compact, other than to say in the report that we recognize that many of our alternatives would
8 need to be done in such a way that Colorado maintains its compliance with the Compact, and so
9 we recognize that is an issue. The report will not detail what that compliance effort would look
10 like on any of the given alternatives other than recognizing that as a responsibility.

11 MR. POPE: I appreciate that. And I...you know, it probably goes without
12 saying and I'll not take a lot of time doing this, but just indicate that would be an area of vital
13 concern to us and we would fully expect that if and when, in particular, alternatives are pursued
14 in depth that would be carefully looked at. It's a very important item I think to all of us. We,
15 in particular given that there's only so much water available for all of us, those things that
16 increase consumption for new uses, ultimately concerned about what that means to Kansas.
17 May be both quantity and quality implications as far as that part goes. So I think those are
18 important issues.

19 MR. ARVESCHOUG: I recognize your concern. I may also note for the
20 record that we did receive a request from your engineering firm for a copy of our draft report.
21 And as you might understand, we had asked that you wait until we finish it, it's an unfinished
22 work. But following our board meeting on the 11th, this Friday, we fully intend to provide Mr.
23 Book a copy of that engineering report. I would be happy to answer Kansas' questions
24 regarding that report.

1 CHAIRMAN TRUJILLO: Mr. Evans.

2 MR. EVANS: I guess I would like to first thank Steve for coming and giving this
3 presentation. It was because we anticipated that Kansas would have concerns that we asked
4 for this opportunity to make sure that you were fully aware that this was going on.

5 This kind of planning effort is the sort of planning that needs to be done, not just
6 in this basin but any basin in such an arid part of the world, and to include so many constituents.
7 I don't know that Steve has seen his family a lot recently. I have good reason to believe that he
8 has been spending a lot of time on the road after the process of getting the study together to
9 make sure that people understand what's in the draft, get a chance to comment on the draft
10 before this thing is all wrapped up and put together. So I think it's an outstanding example of
11 the way that water supply planning in this kind of diverse resource basin needs to take place.
12 And, Steve, I think you deserve a lot of credit for that. We are glad to have been able to help
13 out with the study cost.

14 MR. ARVESCHOUG: Appreciate your help. Just a quick comment if I can,
15 Mr. Chairman, on the Winter Storage Program. We are storing water on that program. The
16 Board of Trustees of the Winter Water Storage Program, met October 27th in La Junta to
17 dialogue on the upcoming Winter Water Storage Program year. Of note in the coming year is
18 that we will be storing winter water in Pueblo Reservoir, which was not the case last year given
19 the storage restriction put on Pueblo and limited capacity there. But it now appears as though
20 there will be some space for that component of the Winter Water Storage Program. It's
21 anticipated that there would be as much as 25 to 30,000 acre feet of space in Pueblo for this
22 year's program. If you have questions on any of the current storage levels under the Winter
23 Water Storage accounting I would defer those questions to Mr. Witte's office, who does the
24 accounting. But I would be happy to address any other questions you would have on the

1 program itself.

2 CHAIRMAN TRUJILLO: Any questions? Okay. Thanks a lot, Steve, I
3 appreciate your report.

4 MR. ARVESCHOUG: Thank you.

5 CHAIRMAN TRUJILLO: It's now five until twelve. Item B, I know, is going
6 to take more than five minutes and I just don't want to get into it and then go to 12:30, one
7 o'clock and come back. I think what we will do is recess for lunch now, 12:00, and return at
8 1:30 and proceed there with Item B under 7.

9 MR. POPE: Mr. Chairman, I understand that we have been at it awhile. I was
10 really hoping we could go ahead and proceed through this next item, it's kind of a natural break
11 in our agenda. I know there's a lot of people here that have...we have talked about it some
12 already and we are in a position where some of our delegation here is going to have to depart
13 before we would be able to get back after break. I just think we might be more effective in
14 really getting this resolved to the extent that we can. If you know, we need to take five minute
15 break or something, be certainly willing to do that and continue and later take a lunch break, but
16 it's up to you.

17 CHAIRMAN TRUJILLO: I guess I would request...well first of all, I would
18 like to see whatever matters are out there resolved. And by recessing for lunch, if that in
19 anyway has an impact on not resolving the matters, I would rather work through lunch because
20 I think our ultimate goal is to resolve this matter. However, I must pose some questions to you
21 and Mr. Evans. Do you have any anticipation how long, first of all, this would take? Second
22 question would be, are you going to need any time to meet with your respective delegations and
23 maybe with Trinidad to discuss these matters before we sit down and formally discuss them,
24 our presentation? I guess I need that kind of information in order to make a decision.

1 MR. POPE: I guess my sense is that if we break at this point it probably doesn't
2 help us that much. It may very well be after we go through the discussion and whatever
3 proposed actions are brought forth. You know, it's possible then at that time that there might
4 be some need for some caucusing. But at this point in time I'm not sure we have any...can go
5 any further. So I guess that's the other reason why I would like to at least have things laid out
6 on the table and attempt to resolve them and get a course of action. I don't really know that
7 that's going to take a huge amount of time. But again, I don't know until we get there.

8 CHAIRMAN TRUJILLO: Mr. Evans.

9 MR. EVANS: We did put some effort into seeing if we could get all of the
10 parties on the same page during the break you gave us earlier. I don't believe that we closed
11 those loops yet. I don't know how much time is going to be involved in the presentations but I
12 think that some discussion about some alternative ways of approving these requested
13 amendments will be needed before we can come to closure.

14 CHAIRMAN TRUJILLO: Why don't we do this then. Why don't we have the
15 folks from Trinidad make their presentations, put it on the table, put the proposed changes on
16 the table, discuss them briefly or ask...have the questions asked and answered and then break at
17 that time for lunch. And if need be break long enough for each of the States to meet with their
18 respective delegations and/or with Trinidad to clarify those questions further and then come
19 back and take formal action after lunch on them. Who's going to present the proposed changes
20 for Trinidad?

21 MS. WOLDRIDGE: Thank you Mr. Chairman. I'm Julianne Woldridge, I'm
22 counsel for the Purgatoire River Water Conservancy District.

23 It was originally the plan that the State of Colorado Water Conservation Board
24 was going to make the formal request for Administration action. I understand today, now that

1 they are refusing to do that so the District will make the formal request. We do have a formal
2 request for final Administration action but I'm going to provide a brief background to that
3 request prior to the request itself.

4 In March of 1979 the Trinidad Project came under full operation. From the
5 beginning of that time the district, the Purgatoire River Water Conservancy District, which is
6 responsible for administering the irrigation capacity of the reservoir, practiced both the
7 roll-over and what we are calling the winter direct flow storage practices. Roll-over being
8 rolling over water stored under the 1908 Model Storage Right into another pool in the reservoir
9 at the end of the year. The winter direct flow storage being the storage of the individual ditch
10 companies' priorities in the reservoir under...under those storage rights. And that water not
11 being counted towards the 20,000 acre foot storage right that is called the Model Storage Right,
12 so it's outside the 20,000 acre foot storage right.

13 In 1980 Kansas began expressing concerns about both the roll-over and the
14 winter direct flow storage. Also around that time period Kansas requested that the Bureau
15 conduct a five year review including a review of these issues. The Bureau conducted that
16 review which resulted in the 1988 Final Study. The conclusions in that final report are: The
17 transfer of water from the Model Right and the storage of winter water under the direct flow
18 decrees either singularly or collectively will not cause the future usable inflow to John Martin
19 Reservoir to be less with Trinidad Project in operation than it would have been without the
20 project. These practices will however, result in less inflow to John Martin Reservoir than
21 would occur if the water rights were administered in accordance with the intent of the Operating
22 Principles. If I may paraphrase, and I believe it says that it wasn't within the intent of the
23 original Operating Principles but it doesn't hurt anybody. In 1989, December of 1989, a
24 formal request was made to ARCA to amend the Operating Principles. Since that time the

1 District, in conjunction with the Bureau and the State of Colorado, has continually asked ARCA
2 to review and approve these amendments to the Operating Principles. The District has
3 withdrawn its request to amend the Operating Principles to clarify that roll-over is allowed but
4 continues to make the request that ARCA review and approve operating amendments that
5 clarify that storage of the direct flow rights is allowed. Those requests have continued since
6 1989.

7 In 1996 the Bureau issued a second study as a result of its ten year review of the
8 Trinidad Project. The final report dated December 1996 states "The storage of winter water
9 under the direct flow rights may be a departure from Reclamation's pre-project planning model
10 but not necessarily a departure from the Operating Principles. Article 4(d)2 of the Operating
11 Principles provides for an allowance for release of stock water and for the District to exercise
12 the direct flow water rights and District storage rights only at such times to ensure maximum
13 possible storage of reservoir inflow and equitably distribute the stock water allowance during
14 the non-irrigation season. The District storage right includes the Joint Use Pool by definition."
15 Further clarification can be found in part C.2.a(2) of the Purgatoire River Water Conservancy
16 District Operating Criteria, Appendix A, which provides that "All Reservoir inflow storable in
17 the unused sediment capacity during the non-irrigation season shall be stored and credited to the
18 project accounts." It further states "The operation of the Trinidad Project has not resulted in an
19 increase in depletions of Purgatoire River flows in the project area and has had no effect on
20 downstream Colorado and Kansas water users in accordance with Kansas' condition Number 4
21 for approval of the Operating Principles. The hydrologic analysis indicates there that there
22 may have been a slight decrease in depletions resulting from project operations compared to
23 depletions that would have occurred under historical conditions." The Bureau conducted a
24 study of the issue before. In both of...the 1988 Report and the 1996 Report, its conclusions are

1 the same. The Bureau has represented to us today it has no reason to believe that its studies are
2 inadequate.

3 In 1997 the Bureau, with the written request of the parties, said that it would
4 implement the Operating Principle Amendments if reasonable objections were not raised. The
5 amendments were again presented to the ARCA December of 1997. The Arkansas River
6 Compact Administration refused to approve them at that time. But there was an agreement to a
7 meeting, which has been alluded to in other discussions. The meeting occurred in Kansas City
8 in February of 1998, including representatives from the Bureau of Reclamation, Colorado,
9 Kansas, and the Purgatoire River Water Conservancy District as well as the Model Ditch
10 Company. In that meeting the various parties agreed to provide specified information.
11 Kansas agreed because of its complaint that it did not like the way the Bureau studied the issue
12 of storage of the ditch...the ditch priorities, it agreed to provide some criteria for how it felt the
13 Bureau should study it. To date that information has not been provided. It was due in August.
14 The other parties have provided the information they have promised to provide.

15 As of February of 1998 in a written letter to myself from Mr. Garner, the Bureau
16 specified that it supported the amendments as proposed last year to ARCA. Now the Bureau is
17 saying it will not support those amendments. Despite the fact that the Bureau's own reports
18 have concluded that the amendments will not injure downstream water users in Kansas.
19 Despite representation today that they don't have any reason to believe that those are
20 inadequate. And despite the fact that the only study that has been conducted and the only facts
21 in front of all of the parties is what is...I read to you and what is also in those reports. And that
22 is that there is no harm.

23 Kansas has raised concerns. Kansas has raised concerns about compliance with
24 the Operating Principles, has raised concerns about the effect of the winter storage and has

1 raised some concerns about the stock water language. We have attempted to address their
2 concerns about compliance and have established our compliance with the Operating Principles.
3 We have discussed with them amendments to the language for the Stock Water Amendment.
4 And we have asked them for the criteria that they have promised to provide us for how they
5 thought things should be studied. We do not have any more information than what I have
6 presented to you today and what has been presented to ARCA over the years. And that is, there's
7 nothing wrong with the amendments. Kansas has expressed concerns and we do have those
8 concerns before us. However, based upon the information that we have the District believes
9 that the proper procedure is for the ARCA to review and vote and take final action on the
10 proposed amendments. The original proposal was to review the amendments as established in
11 the Bureau's November 5th, 1997 letter. This is the same version of the amendments that
12 ARCA was asked to review last December.

13 Last night the Bureau provided everyone with a revised version of the Operating
14 Principles which highlights the proposed amendments as well as incorporates amendments that
15 were adopted last year. Subject to the fact that no one has had a chance to proofread that 1998
16 version, which has a footnote that says "with proposed amendments," the District would like to
17 make a formal request that the Arkansas River Compact Administration review the proposed
18 amendments in that version, which are the same as the November 5th, 1997 version, subject to
19 whatever clerical corrections may be necessary, and vote on whether to approve those
20 amendments at this time.

21 CHAIRMAN TRUJILLO: Any questions, Mr. Pope?

22 MR. POPE: Well, Julianne, I appreciate your comments and your apparent
23 frustration in terms of the time period over which all of this has occurred. I certainly think
24 there's another side to the story. I don't know that I need to belabor all of that in detail. But

1 making, effectively, the same request over and over again does not necessarily change the
2 context of the substance of the issue.

3 This past year considerable effort did take place. We all met, we had a good
4 session in February. Kansas provided a fairly extensive letter in about March dealing with a
5 number of issues including laying out some suggested language, as we were requested, on the
6 stock watering issue. As you've indicated, we did create...agree to provide criteria; we have
7 been tardy in regards to getting that actually accomplished. But as I think has been alluded to
8 earlier, on the criteria for a study on the winter water portion that we will be providing that on a
9 very imminent basis so it's not something that we will fail to do. All of us, I think in terms of
10 the parties, did not get everything done that was agreed to in the February meeting, I think every
11 single party to some extent. The District I think did respond, to your credit and I appreciate
12 that, although I'm not sure it necessarily provided all of the substance of what we expected.
13 But you did respond and I appreciate that.

14 But I think as late as Friday afternoon at 4:00 or 5:00 we were still getting faxes
15 about this issue from various parties. And then I left first thing Monday morning, in essence,
16 for this meeting. There just simply was not time to digest and deal with all of these issues. We
17 have been going essentially nonstop since we arrived yesterday on various issues and there just
18 simply hasn't been time to deal with everything.

19 But all I can really say is that while I think there's differences of opinion in terms
20 of the nature of the studies that have been done and whether or not we can the support the action
21 proposed, we believe there is a substantial burden to demonstrate that proposed changes will
22 not cause injury to Kansas and to the Compact and want to be careful about considering those
23 matters. And we are willing to pursue those issues but it's just simply not right today. And we
24 will try to work with the body to come up with a schedule and exchange the following the

1 information that's needed and moving as expeditiously as we can after the meeting to deal with
2 the ones that we can't deal with. There's the stock water issue. There's questions and
3 concerns we raised in February about irrigated acreage and how that's monitored and reported.
4 None of...no response was really received back by...to us on that. We talked about it some last
5 night and I think at that time you asked if we could prepare some specific language. We are
6 willing to do that and...but that was not our assignment up until last night. We haven't had a
7 chance to really digest the...even the clean-up versions that we received again last night.
8 There's some additional changes. So I think we need, all of us, take a few days, look at these
9 things carefully, plan a schedule for a telephonic meeting after these things have been
10 exchanged and there's been a thoughtful opportunity to review them. And I think maybe we
11 can make some progress on all except perhaps the...(Reporter can't hear rest of comment.)

12 MS. WOLDRIDGE: Mr. Chairman, two additional things I would like to add.
13 First of all, Lee Rolfs, if I could enlist your assistance, there's a white box behind you. I would
14 like to submit for the record, if I may, a packet of information which includes the November
15 5th, 1997 version with the amendments that were proposed. It includes the letters that resulted
16 from the February 1998 meeting between all of the parties, including Kansas' response
17 immediately after the meeting regarding the stock water. What it does not include, because I
18 didn't have copies until last night, is the December 7th, 1998 version from the Bureau and I
19 would ask that the Bureau please submit a copy of that for the record so the record is clear as to
20 which version we are talking about. And I have included several copies, hopefully enough for
21 all of the commissioners as well as for the record.

22 I would also like to point out that I understand Kansas' position that they need to
23 digest information that was just given to them. The proposed amendments have not changed.
24 They are the same as what was proposed in December of 1997. I believe we have tried to be as

1 clear as we can about that so that we can avoid the problem of people saying I just got
2 something at the last minute. There is another version of the stock water amendment that has
3 been circulated and that will be discussed in another item. But the amendments have not
4 changed. We are not asking you to digest anything new. We understand you have concerns
5 about them. We understand that you may prefer that addition..."you" being Kansas, that
6 Kansas may prefer that additional amendments be made. And we are certainly willing to listen
7 to additional amendments but they are not included in this and this is what we would like the
8 Compact Administration to take final action on.

9 CHAIRMAN TRUJILLO: Mr. Evans, did you or your delegation have any
10 questions?

11 MR. EVANS: I don't believe we have questions, but I would like to make a
12 comment. The Colorado delegation strongly shares the frustration that you have a clear basis
13 to feel in this process. You have presented these requests before with our support. And we
14 have not changed our position in wanting to assist the District in working this out. However, I
15 think last year the commission took...the Administration took the step of trying to elevate
16 substance over form. Establishing a process to identify legitimate concerns and work through
17 those. To go back to the same proposal I think we know...we know what result we are going to
18 get and it's our feeling that that isn't going to advance your cause, or the State of Colorado's
19 cause effectively. So we are glad to see continued effort. The effort last night that you put
20 into developing an Alternative Stock Watering Provision was excellent and I think we need to
21 get to some discussion on that. But drafting those sorts of things at the 11th hour does put
22 everybody under a lot of stress. And expecting to make permanent changes in the Operating
23 Principles under those circumstances makes me uncomfortable, personally. So I think we are
24 willing...we want to work with you. I think we want to help the District and Kansas work out

1 these concerns.

2 MS. WOLDRIDGE: Mr. Evans, I'm afraid I don't understand what you think
3 has been presented at the 11th hour.

4 MR. EVANS: I received your draft Stock Water Amendment...

5 MS. WOLDRIDGE: (Interrupting.) That's not part of the proposal.

6 MR. EVANS: It has been discussed and I'm considering it part of the proposal.
7 The process that was proposed last year seems to me like a good one. I was not here, didn't
8 participate in that discussion. But it has not been completed. Seems to me that that process
9 needs to be completed more diligently on all of our parts before we again put that question on
10 the table.

11 MS. WOLDRIDGE: Mr. Chairman, I would also like to establish for the
12 record related to what Mr. Evans is saying is that up until last night it was our understanding
13 that the Bureau supported the amendments and that the Bureau has now said that they aren't
14 supporting the amendments. And up until last night it was our understanding that the Colorado
15 Board of...Conservation Board, at the very least, was going to support the amendments and now
16 they say they won't support the amendments. And this is my understanding, and please, if I'm
17 incorrect please correct me and the record, but that they won't support the amendments now
18 because the Bureau won't support the amendments. And the Bureau says they won't support
19 the amendments because Kansas won't support the amendments because Kansas has concerns
20 but the Bureau doesn't have concerns about their studies. And the District has always been
21 very willing and very eager to participate and to help resolve these issues, and we have no
22 problem with continued efforts to do that. Our frustration is that they don't seem to work.

23 CHAIRMAN TRUJILLO: First let me thank you for your presentation and for
24 the dialogue that has taken place. The truth of the matter is that with the process that's

1 available to the Administration these matters have to be resolved and if the Bureau is now not
2 supporting the proposed changes, and I hear from both delegations, including Colorado, that
3 they have...or would like some time to digest the added proposal that you say is not part of the
4 original proposed amendments. Again, I appreciate your frustration and also the frustration
5 that the Trinidad folks go through over this matter and the many years that it's been before the
6 Compact. That's not going to be resolved in this forum here, now and today. We all realize that
7 for us to try...for us as an Administration to try to entertain those matters without full support is
8 for naught because it's not going to happen. What I would like to do, again, is encourage Mr.
9 Evans and Mr. Pope together with you folks and the Bureau of Reclamation. I don't know
10 what's gone awry or what's gone wrong since yesterday. And the thing is we have to get back
11 to the table, I think on a very informal basis and not through this forum and hopefully have a
12 meeting of the minds in order that we resolve the issues at hand. I'm sitting here wondering why
13 this thing seems to have become unraveled, but it has. And I think it's incumbent upon you and
14 the other players to get back to the table on a more informal basis and try to at least resolve
15 those issues or get to the questions of why it's become unraveled.

16 MS. WOLDRIDGE: I appreciate that, Mr. Chairman. However, we do need
17 some kind of final administrative action one way or the other to which we can react.

18 CHAIRMAN TRUJILLO: Well, I don't know that either State is, at this time,
19 prepared. If you are, please correct me if I'm wrong, or make a proposal. But I don't know
20 that either State is...I don't see the willingness to put forth a motion to consider this matter at this
21 time. If I'm wrong please correct me. Are you folks prepared to put a motion to consider
22 these matters?

23 MR. POPE: Mr. Chairman, I think you've read it correctly. I think what we
24 heard from the Bureau was their willingness and expectation to lay out a schedule just after this

1 meeting within the framework of what we have talked about formally and informally and that's
2 acceptable to Kansas. We have indicated that we are willing to operate on a
3 reasonably...reasonable schedule, time frame. And I think there's a list of items that can be can
4 be looked at. Gil and...and the others from the Bureau, he's indicated that Ms. Johns will be
5 dogging this issue pretty closely, apparently. And I think we need to let that process play out.

6 MS. WOLDRIDGE: I have a question regarding order, and I'm not as familiar
7 with the procedures of the Administration as I probably could be. But is the District not
8 entitled to make the motion or request?

9 CHAIRMAN TRUJILLO: I believe that the motion, and correct me if I'm
10 wrong Mr. Montgomery or Mr. Draper, but I believe the motion has got to come from one of the
11 commissioners (sic) on the...on ARCA, one of the appointed people, either the three from
12 Kansas or the three from Colorado.

13 MS. WOLDRIDGE: I understand that. And I would like the record to reflect,
14 if I'm correct, that the delegations refuse to make that motion.

15 CHAIRMAN TRUJILLO: There's no motion. I don't know what they're
16 refusing. I would say they are not prepared to make a motion at this time, which I think is
17 different than refusing to make a motion. And since we have earlier discussed that there would
18 be a process in place, and hopefully a time line, because this matter has been before this
19 Administration forever it seems, at least forever since I've been here, I would like to see that
20 matter addressed. It's unfortunate from your perspective that we are going to have to go back
21 to get another...time lines, if you may, to have the discussions. I would hope...and I will
22 certainly push and do everything I can and I would hope that the federal agency would do the
23 same thing to get this matter before the Administration to get it resolved sometime at the
24 beginning of the year. If we have to do a telephonic meeting that's fine. If we have to get

1 together again, while that's expensive and time consuming, I think it's important enough to
2 address. And I would hope then that when we come together that Colorado and or Kansas
3 would be willing to make a motion on the matter even if the matters are not resolved and to see
4 whether or not the request dies so that you folks can at least have that answer. But I would
5 hope that at least some of the questions or matters in the proposals would be resolved.

6 MS. WOLDRIDGE: With that decision by the Administration, we have a
7 secondary proposal which I would like Mr. Jeris Danielson to address regarding the stock water
8 language.

9 CHAIRMAN TRUJILLO: Mr. Danielson.

10 MR. DANIELSON: Mr. Chairman, for the record I'm Jeris Danielson, of Jeris
11 Danielson and Associates. I'm a Consulting Engineer for the Purgatoire River District. I have
12 some preparatory comments if you will permit me.

13 CHAIRMAN TRUJILLO: Regarding the proposal?

14 MR. DANIELSON: Yes.

15 CHAIRMAN TRUJILLO: Okay, fine.

16 MR. DANIELSON: As Ms. Woldridge pointed out, we began the process of
17 amending the Operating Principles nine years ago. The rules that we operate under require
18 that there be a ten year review and amendments made to the Operating Principles that seem
19 appropriate. I don't think it meant it should take ten years for the review to happen. We
20 agreed to a process last year and I'm very disappointed in the Colorado delegation, they
21 supported those amendments that the Bureau proposed last year. Kansas voted no with some
22 kind of nebulous proposal that we meet and work out our differences. The District expended
23 substantial amounts of money to travel to the wonderful city of Kansas City and spent almost an
24 entire day discussing the issues. At that time we all agreed to a time line. We would furnish

1 information to each other and we would try and come to some agreement. The only party there
2 that complied with those time lines was the Purgatoire River District. Kansas was to have
3 criteria to the Bureau because the Bureau had quote, "concerns," although today they stand up
4 and tell you that they have done their technical work in a professional manner and there's
5 nothing else to do and they still support the results of that technical work. Kansas was to have
6 provided, by August, their criteria for modifications to the Bureau's model so that we could
7 address the issue of winter storage. This is now the 8th of December, we have nothing from
8 Kansas. The State of Colorado had a very simple little part to play, they simply had to describe
9 how flood flows are released from Trinidad. It happens two, three, four, five times a year and
10 has since the dam was built. And yet...and here I agree with Mr. Pope, Colorado decided to
11 respond to that only last Friday. And if you read what's in there it certainly is not rocket science.
12 So as far as I'm concerned, the only people who are willing to work and follow your suggestion,
13 Mr. Chairman, is the Purgatoire, I think we have demonstrated that.

14 The Purgatoire District got notice sometime over the weekend that the Bureau
15 was going to have a work session yesterday at four o'clock to deal with the issue of stock water.
16 Let me tell you a little bit about stock water, and there's a few of you here who own a cow or
17 two. Under the present Operating Principles, which was a departure from historic practice and
18 which I, as State Engineer of the State Colorado, forced down the Purgatoire District's throat
19 because the Attorney General insisted upon it, was to go to a five cfs delivery rate of stock
20 water. We have been running five cfs, and I realize to all of you high rollers that's not a lot of
21 water, but to the Purgatoire District it is. We've delivered that five cfs down the Picketwire
22 Ditch for three weeks. The ditch is wet about half its length. Last week we received a request
23 from farmers on the Enlarged Southside Ditch for stock water. If you run five cfs down the
24 Enlarged Southside you will not get the water more than about a mile down the ditch, and the

1 ditch is about 13 miles long. Many, many water users in the Purgatoire District are now
2 hauling water from the town of Trinidad to water their livestock. If we were allowed to put 30
3 cfs down the Enlarged Southside for four days we would satisfy the stock water needs for the
4 rest of the winter. So yesterday we discussed the issue of stock water. Kansas had a proposal
5 in their March 8th, 1998 letter to amend the existing Operating Principles in a certain fashion.
6 That proposal was dead on arrival because it conflicted with what they were proposing for new
7 items, conflicted with what's already in the Operating Principles. We discussed that yesterday
8 and I thought we had a meeting of the minds. Purgatoire District has agreed to give up 300
9 acre feet out of 1500 acre feet of stock water that we are entitled to and has historically used to
10 try and reach resolution on this issue. Mr. Pope and I had a dialogue that went on probably for
11 20 minutes trying to see if we had any disagreements on stock water. I didn't think that we did.
12 So at the conclusion of the meeting, because you all had a banquet to go to, Purgatoire District
13 agreed to draft a proposal, you have that in front of you. Dealing just with the issue of stock
14 water. The basis of this proposal is about 90 percent of Kansas' language. The only changes
15 that I made there were to comply with two court orders that the District operates under in terms
16 of providing stock water and irrigation water to two of the ditches. Failure to approve this
17 simple amendment, in my opinion, clearly reaches Special Master Littleworth's condition of
18 unreasonable withholding. But worse than that it wastes water. I would urge that the
19 commission adopt the Stock Water Resolution that you have. Questions?

20 CHAIRMAN TRUJILLO: Any questions from any of the delegation, any
21 comments? If not...

22 MR. DANIELSON: Thank you, Mr. Chairman.

23 CHAIRMAN TRUJILLO: Thank you, Mr. Danielson. Any other comments?
24 What I want to do right now is we are going to recess for lunch.

1 MR. DANIELSON: I'm sorry. Counsel indicates I should introduce this for
2 the record.

3 CHAIRMAN TRUJILLO: I don't think I've seen a copy of that, I don't know if
4 anyone else has.

5 MR. DANIELSON: I've papered the place with it, I'm sorry I missed you. Let
6 me hand it to you.

7 CHAIRMAN TRUJILLO: We are going to recess for lunch and reconvene at
8 1:30, in an hour, and we will continue with this topic then.

9 (Whereupon, a lunch break was taken, after which the following proceedings were had:)

10 CHAIRMAN TRUJILLO: We'll call the meeting back to order. We are on
11 Item 7. We had discussed Item B under 7 and I want to pick up there. I understand that
12 Kansas members and Colorado members have met and at this point I'm going to call on Mr.
13 Pope.

14 MR. POPE: Mr. Chairman, let me just make a couple of introductory
15 comments and then I think Mr. Evans will be prepared to propose some action.

16 During the lunch break we did confer and while I think, as I've indicated earlier,
17 Kansas has been very reluctant to make a last minute change to the Trinidad Operating
18 Principles and we continue with that reluctance. However, Peter Evans has made a very strong
19 request to...for us to try to cooperate in working out some language, at least on a temporary
20 basis here for this year, to deal with the stock watering issue. While it took some time we have
21 endeavored to try to do that. We do that largely to...in response to the real desire to try to work
22 something out on this particular issue. So based on that offer of cooperation and moving
23 forward collectively to deal with these issues in the future we are willing to consider this action.
24 And so I would then turn it to Mr. Evans in terms of the proposal.

1 CHAIRMAN TRUJILLO: Mr. Evans.

2 MR. EVANS: Thank you. The Colorado delegation also met over lunch and
3 discussed the proposals that are before us, the proposed amendments to the Operating
4 Principles for Trinidad Dam Reservoir. And I think it was the sense of the Colorado
5 delegation that we were more or less comfortable with the Bureau's recommendation from this
6 morning, excepting, as they did, the provision for the winter water provisions. However, in
7 order to continue our efforts to build partnership on the river, what we want to do is limit our
8 proposal at this point just to the stock water provision that was discussed this morning,
9 presented by the Purgatoire River Water Conservancy District. We have discussed some
10 minor changes, really more in the way of clarification to their proposal. And I suppose I
11 should probably just read this into the record as a proposal. This would be a substitute for
12 Article 4, Section D-2 little A (D.2(a)). Reads as follows, "During the non-irrigation season
13 the District will provide an allowance for stock watering purposes of not more than 1,200 acre
14 feet measured at the ditch headgates. If the stream gains below the Trinidad Dam are
15 insufficient to fulfill that allowance, an equivalent volume of Reservoir inflow may be released
16 to satisfy stock water demands within the allowance;" semicolon, "provided the stock water
17 allowance shall not be used for irrigation purposes. The maximum daily rate of release may be
18 up to but may not exceed the corresponding daily rate of Reservoir inflow, and will not count as
19 stored water. No other diversions by project ditches will be allowed prior to April 1, 1999.
20 An annual report of Reservoir releases and diversions for stock water operations will be
21 provided in April to the Kansas Division of Water Resources in Garden City, Kansas by the
22 State of Colorado. This amendment is temporary in response to emergency conditions and
23 will expire on April 1, 1999. The State of Colorado will closely monitor these diversions and
24 deliveries and report the results to Kansas immediately. Further, this action will not serve as a

1 precedent for any other amendment to the Operating Principles. The States of Colorado and
2 Kansas pledge their cooperation in development and adoption of amendments to the Operating
3 Principles for the verification and reporting of irrigated acreage for the project."

4 MR. POPE: Right.

5 MR. EVANS: That's the end. Wasn't all my handwriting so...but I'm sure I
6 got it as they intended.

7 CHAIRMAN TRUJILLO: Can you put that in the form of a motion?

8 MR. EVANS: We move that the Trinidad Operating Principles...Trinidad
9 Reservoir Operating Principles be so amended.

10 CHAIRMAN TRUJILLO: And do I hear a second?

11 MR. POPE: Second.

12 CHAIRMAN TRUJILLO: And any discussion? All in favor signify by
13 saying aye.

14 MEMBERS: Aye.

15 CHAIRMAN TRUJILLO: All opposed, same sign. And the motion carries.

16 I might make a statement. Here again there are the Trinidad Operating
17 Principles, we have been trying to get those agreed to. I realize there's some problems. I
18 respect those concerns that Kansas has. I respect the frustrations that the folks from the Water
19 Conservancy District in the Purgatoire experience. But I really think it's incumbent upon us to
20 do something about them, to get them on schedule. I want the record to reflect, at least my
21 concerns, I think if you see the lawsuit with...the Kansas-Colorado lawsuit, I think the
22 magistrate has, at least on one occasion, expressed the fact of while they want to resolve the
23 issues before the magistrate, they also want to return those issues that come before this
24 Administration to be resolved by this Administration. I think you folks have just now, in the

1 last few minutes, demonstrated the need, demonstrated the desire to cooperate and get these
2 issues resolved. I would hope that this is the beginning of maybe completing the schedule that
3 we talked about earlier and time lines and have Kansas submit those concerns and work with
4 Colorado, submit those concerns to the Bureau so that we can resolve them. I think that this
5 Administration is being looked at not only by both States, by certainly the federal government,
6 and certainly the magistrate that's dealing with these matters and that will deal with matters like
7 this in the future. And one, I want to thank you, Mr. Pope, and your delegation for taking time
8 to resolve this issue. If nothing else, at least on a temporary basis. And I guess I can't be
9 strong enough in my feelings and my concerns that we must not lose sight of the fact...at least
10 you three people on each side of me, must not lose sight of the fact that we are here but for one
11 reason, and that's for the water users, for the users of this resource, precious resource. And
12 while emotions get high and we have statements like we did this morning we must keep the one
13 thing in mind that it's the water user, it's the guy that's feeding the cow out there or irrigating a
14 field that we are here for we. We're certainly not here for us, we are certainly not here for all of
15 the players that play this game whether it's in a hearing room or meeting room such as this or in
16 a courtroom. And I...at least while I'm here as Chairman of this Administration and while I'm
17 carrying out the duties of the federal government as appointed by the President of the United
18 States I'm going to see to it that if nothing else, on record, I'm going to continue to encourage
19 both sides to resolve these matters, to discuss the matters, as difficult as they may be. Not lose
20 sight of the fact of why we are here, why we have all been appointed by our respective
21 governors and why this Compact became a reality 50 years ago. And I don't want to get up on
22 my soap box and talk, I just think that it's important that we don't lose sight of those issues, that
23 we don't lose sight of what we are here for and that the two States, myself, work together with
24 the Bureau so that these issues are resolved. I know that we can't move into them quickly and

1 haphazardly because they have a great effect, or potential of great effect. And I appreciate
2 your concerns from Kansas. All I'm offering on the table is to work with both sides, to work
3 with the Bureau so that we can resolve those issues here. Or at least give it a good go so that
4 we can at least tell ourselves as we see ourselves in the mirror that we made an honest and
5 concerted effort to resolve the matters in behalf of those citizens that we all serve on this
6 Administration. And again, Mr. Evans and Mr. Pope and your respective delegations, thank
7 you very much for what you have just have done, I appreciate it.

8 And at this time I'm going to call on the Bureau because they wanted to make a
9 statement of getting their report on the record. If you will, please.

10 MR. GIERARD: Thank you, Mr. Chairman. I would like to make a point for
11 the record that the December 7th letter from the Bureau of Reclamation with the attachments
12 were provided here today at this morning's session.

13 CHAIRMAN TRUJILLO: Thank you, very much, sir. Any comments from
14 Mr. Pope and Mr. Evans and then we will proceed with Item 8.

15 MR. POPE: Mr. Chairman, I don't know that there's a lot more that needs to be
16 said. Obviously, I think we were able to resolve, at least on a temporary basis, the one...one
17 issue and we did that in terms of showing good faith that we would work harder to try to
18 accomplish that. We are certainly willing to also work with the Bureau and the District and the
19 other parties, and certainly the State officials, to...on a reasonable and timely schedule to deal
20 with the other remaining issues. One side of me would like to respond to some of the things
21 that were said just before the break this morning but I think recognizing that there's
22 some...probably would not serve any useful purpose to go into that in depth at this point in time.
23 We think the whole record needs to be looked at in terms of what's been said and what's been
24 done by the parties over the years.

1 CHAIRMAN TRUJILLO: Thank you, Mr. Pope. I appreciate your remarks
2 and concur with your conclusions as to any further remarks regarding the process that took
3 place this morning. With that we'll move to Number 8 with the approval of the transcripts, I
4 believe. Mr. Miller.

5 MR. DANIELSON: Mr. Chairman, could I make a very brief statement?

6 CHAIRMAN TRUJILLO: Very brief.

7 MR. DANIELSON: On behalf of the District we really appreciate the efforts
8 that you as the Chairman exercised today and both the actions of the Colorado and Kansas
9 delegations. At least it's a small step forward. And more importantly the cows thank you.

10 CHAIRMAN TRUJILLO: The approval of the December 1997 Annual
11 Meeting Minutes.

12 MR. MILLER: Lee's probably handling that.

13 MR. ROLFS: Thank you. For the record I'm Leland Lee Rolfs. I have here
14 the three copies of the 1997 Annual Meeting of the Arkansas River Compact Administration.
15 Due to the hard work of Steve Miller and the court reporter, Bev Lohrey, I think it turned out to
16 be an excellent product and it's...as far as I know we would recommend it for approval and
17 signature by the Chairman.

18 CHAIRMAN TRUJILLO: Okay. Would one of the States please put that in
19 form of a motion for adoption...for approval.

20 MR. POINTON: So move.

21 CHAIRMAN TRUJILLO: Second.

22 MR. POPE: I'm willing to second. I think I understood that to be the
23 December 1997 Annual Meeting?

24 MR. ROLFS: Yes.

1 CHAIRMAN TRUJILLO: Yes. All in favor signify by saying aye.

2 MEMBERS: Aye.

3 CHAIRMAN TRUJILLO: All opposed, no. The 1997 Annual Meeting
4 Minutes are approved. B, 1998.

5 MR. MILLER: That's the March '98 Special Meeting. My name is Steve
6 Miller. And a similar process was used, we got a draft, Lee reviewed it and I've made the edits
7 so I think these three sets, identical sets, are ready to be signed by you indicating approval once
8 the Administration takes action, but Lee and I've got an agreement that this is the set.

9 MR. POPE: I would be willing to move approval of the March 1998 Special
10 Meeting minutes.

11 MR. ROGERS: Second.

12 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

13 MEMBERS: Aye.

14 CHAIRMAN TRUJILLO: All opposed, no. The minutes for March 1998
15 Special Meeting is hereby approved.

16 Now we go to C, 1993.

17 MR. MILLER: The March meeting was recorded, it was a conference call, so I
18 think the Recording Secretary should probably keep the back-up tape.

19 Unfortunately, the December of '93 minutes aren't quite as far along, but we did
20 make some progress this year. We hired, through ARCA, a transcriptionist to listen to a
21 back-up tape of that meeting. That was the meeting where the court reporter died before he
22 could make the changes we needed to have made. And while I had promised last year to have
23 them ready for approval, I don't. But I did at least get a first draft done and as soon as I can
24 listen to the tapes, make sure the transcription was done basically right I'll forward them to Lee

1 and he can double check that. If we have a special meeting sometime after March we could
2 approve them then or next year.

3 CHAIRMAN TRUJILLO: Thank you, very much.

4 MR. MILLER: I may as well stay right here and get nailed on Item 9 also.

5 CHAIRMAN TRUJILLO: Okay, fine.

6 MR. MILLER: I basically lost my momentum on doing annual reports. I
7 would like to say at least part of this was confusion on where we were at on Operations
8 Secretary Reports. But in fact, the '94 and '96 Operations Secretary's Report have been
9 approved for at least two years now and those annual reports could be prepared. And the '94
10 requires me to make the three footnotes that Steve Witte circulated today, I just need to enter
11 those on the tiny tables, and just haven't gotten around to it. My, probably, new boss is sitting
12 there and I see him taking notes so I'm pretty certain you will see that one in January.

13 But '95, I like to do them in sequence. '95 I know we will have some issues
14 with spill and Kansas can...maybe that will get caught up in this resolution of how the Operating
15 Secretary accounts for spill. And if they feel like the annual report needs to be put aside until
16 we work that out I'll move into the '96. I don't think there's any issues. We'll try to do them in
17 sequence. When we get to the budget I'll show you how I'm planning to pay for the printing
18 cost.

19 I put this Item 9-B, discussion of the '98 draft, here because I thought we might
20 want to make some innovative changes. I had no idea that Kansas was going to propose a
21 major look at the whole Operations Secretary thing so I would say 9-B ought to wait on the
22 outcome of these discussions between the Assistant and regular Operations Secretaries and then
23 maybe we are looking at some new things we need to put in the Annual Reports. Possibly, I've
24 seen other compacts that have two sets of tables. There's a Texas version and the New Mexico

1 version. That might be something that comes too. But there's no reason to...no reason today
2 to try and figure out what the '98 Report should look like until we know what the accounting is
3 going to look like.

4 CHAIRMAN TRUJILLO: Number 10, the financial matters, the Recording
5 Secretary's Report and we'll start with that. Those items were deferred from an earlier...from
6 earlier on the agenda.

7 MR. ROGERS: I think the Recording Secretary's Report didn't have anything to
8 bring up at this time.

9 CHAIRMAN TRUJILLO: Okay.

10 MR. ROGERS: Move down to...

11 CHAIRMAN TRUJILLO: Okay. Treasurer's Report.

12 MR. ROGERS: ...Treasurer's Report. We have got \$119.75 in the checking
13 account. Money Market account is seventy-one thousand six hundred and seventy-nine
14 fifty-two. That gives a total of seventy-one seven nine nine two seven. That's our total assets
15 in the bank at this time with all bills being paid up until this meeting. And I think she's made
16 out checks and we will sign them for this meeting.

17 And the Audit Report is the next item down. And I think Steve has got copies
18 and I think, David, he gave you a couple.

19 MR. POPE: Yes.

20 MR. ROGERS: And were them mailed out, Steve, in other words did you get
21 them?

22 MR. MILLER: There was some confusion. I get involved with the audit
23 because I like to use it as a starting point for the budgets I prepare, so I talked to Gary Anderson
24 early in November, found out it was done. There's one issue...Mary Louise, jump in here, about

1 whether we have a Treasurer's bond or not and how the auditor presented that problem in the
2 report. Somehow when he and I agreed on the language he never got around to mailing out the
3 report after we agreed. So Mary Louise brought some copies over yesterday. I've got one for
4 the reporter. I've got one for Mary Louise to take back and put in the vault. And I did give
5 David Pope two copies. And I checked with Mary Louise.

6 MR. ROGERS: She kept one.

7 MR. MILLER: I'll keep that then. I checked that what we got last night
8 looked like what I had reviewed from Gary Anderson a couple of weeks ago and they are
9 identical, my number is in his balance. I don't know if anybody else has taken the time to look,
10 but I think it's a satisfactory audit and it shows that we are spending within budget, budgeted
11 expectations. So I recommend its approval, or maybe Jim would be better to recommend its
12 approval.

13 MR. ROGERS: I recommend the approval of the Audit Report.

14 CHAIRMAN TRUJILLO: Is that a formal motion, do I hear a second?

15 MR. POPE: If it's a motion I will second it. I just want to make sure I
16 understood your clarification. The Treasurer's Bond Issue has been resolved?

17 MR. ROGERS: Yes, it has.

18 MS. CLAY: Jim went over and I have a policy here if you want to review it.

19 MR. POPE: No, there was just a footnote there that raised a question and I
20 wanted to make sure it had been dealt with.

21 MR. MILLER: I asked the auditor to write the note this way, he had merely
22 stated that there was \$100 surplus in the budget because we didn't have a Treasurer's Bond
23 anymore. And I didn't believe that was our position, or the one that we had agreed to, so he
24 wrote it in his contingent basis. While he was rewriting this for me Jim and Mary Louise were

1 out getting the bond restored. What I don't know, and I don't know if it's a real concern, is
2 whether there's a gap and I don't know what kind of coverage we have, if it's occurrence, if you
3 have to incur one when the occurrence happened or...

4 MR. ROGERS: Let me fill you in on what happened. They had our money, we
5 was supposed to have a bond and somebody forgot to get it handled and so they sent the \$100
6 back. Then I took the money back to them and we put the bond back in effect, so...

7 MR. MILLER: We could, if we were real concerned, maybe have our
8 respective attorneys look at the situation and figure out...I don't know, to be honest with you, I
9 don't know what the bond covers, what our exposures are if we didn't have a bond. But the
10 Compact requires that, that the treasurer be bonded is the reason.

11 MR. POPE: Well, I think the bottom line is, as of the date of the audit, which is
12 after that, the money is all there?

13 MR. MILLER: Right. Jim's here and...

14 MR. ROGERS: The money's there, just enough to get out of town on.

15 CHAIRMAN TRUJILLO: All in favor of the motion to adopt the Audit Report
16 signify by saying aye.

17 MEMBERS: Aye.

18 CHAIRMAN TRUJILLO: All opposed, no. The Audit Report is hereby
19 adopted.

20 I would like to have the same motion, just for the record, on the Treasurer's
21 Report, please.

22 MR. EVANS: So move.

23 CHAIRMAN TRUJILLO: Second on the adopted Treasurer's Report.

24 MR. POPE: Second.

1 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

2 MEMBERS: Aye.

3 CHAIRMAN TRUJILLO: All opposed signify by saying no. The Treasurer's
4 Report is hereby adopted.

5 Now we go to the Budget Review and Adoption for '98 - '99

6 MR. MILLER: I was reading some minutes where we forgot to tell the court
7 reporter that we could go off the record for this. And it's just a sea of numbers, maybe the first
8 walk-through of this we can stop the reporter.

9 CHAIRMAN TRUJILLO: That's fine.

10 (Whereupon, an off-the-record discussion was had, after which the following proceedings
11 were had:)

12 CHAIRMAN TRUJILLO: This is referring...we are going back to Item 6-C
13 that earlier this morning we deferred to this period, this part of the agenda.

14 MR. CAIN: I guess I'm...what is it that you want from me at this point?

15 CHAIRMAN TRUJILLO: Well, at this point what I would like to do is have
16 some discussion, see if we are going to continue with this item.

17 MR. MILLER: I shouldn't have just dumped this on you. If I heard Doug
18 right this morning, ARCA's share of those tributary gages is about ninety-five hundred dollars
19 and not expected to change disproportionately in the future, so it may go up two or three percent
20 a year. So that's really what you need to decide, is do you want to spend ninety-five hundred
21 dollars.

22 CHAIRMAN TRUJILLO: And those are included in the budget that you've
23 presented?

24 MR. MILLER: It will actually be a savings to you.

1 CHAIRMAN TRUJILLO: So if we choose then to continue that, they are
2 already in the budget so if we approve the budget that's agreed to then?

3 MR. CAIN: Right.

4 CHAIRMAN TRUJILLO: Okay. Any questions, Mr. Pope?

5 MR. POPE: I guess as I understand where we are, we have the joint funding
6 agreement budgeted at the amounts that we have shown here on the existing and proposed
7 budgets. Of that, ninety-five hundred dollars is for the three tributary gages. We had some
8 discussion last night about that and heard briefly about it earlier today. I think the real issue is
9 where do we go from here. I think...from last night, I think Hal was going to give some
10 thought maybe to whether you felt that the gages were...you or Steve felt the gages were useful.
11 We have tried to mull that over a little bit ourselves. So maybe we can just kind of report to
12 each other where we think we are. And I've got a suggestion I guess, but I don't want to be
13 presumptive until we kind of hear how strongly you feel about these gages.

14 CHAIRMAN TRUJILLO: Mr. Simpson.

15 MR. SIMPSON: We think that the information is useful but not critical. What
16 we are talking about, I guess, is funding for the fiscal year zero zero dash zero one
17 (FY2000-01), which is out a ways.

18 MR. MILLER: Actually, this discussion is relevant even to this current year
19 because the GS has agreed that if we decide to pull the plug on those gages, they'll stop accruing
20 charges and refund us the balance of the year. So we could actually save money in this current
21 year and the entire amount for any future years. They calculate on the federal fiscal year that
22 just began October 1st, so we are only into it two months.

23 MR. POPE: And the one gage, the Big Sandy, is an annual gage, and the other
24 two are seasonal, so really, no work has happened on those and won't until March 1.

1 MR. CAIN: I think we operate the two seasonal ones through the end of
2 October, so there's been some operation.

3 MR. SIMPSON: We would like to see them run for another year, which would
4 be, I guess '99. Beyond that I'm not committed to say because we need to just check with our
5 technical staff, see if they think it's useful beyond that date. I guess I would say put it in the
6 budget but we can always adjust it next year.

7 CHAIRMAN TRUJILLO: If we adopt the budget as it is now then next year at
8 this time we can reconsider 2000 and 2001 based on whatever additional data we have.

9 MR. POPE: I think we can probably...probably proceed on that basis. What I
10 was going to suggest was that we actually...and we may be able to proceed one more year. But
11 in the event that we had a...some further discussions in some form, whether it's a special
12 meeting or even just the States getting together on some of these other issues, that we try to sit
13 down and look at this gage issue in a little bit more depth. And part of what I was thinking
14 about doing was, if we leave them in the budget and proceed on the basis that we are now for
15 this coming year but essentially reserve judgment that if we come to agreement in terms of a
16 better plan or an alternative, that it would be the flexibility essentially reserved to...if the
17 Compact Administration was comfortable with it, to the, perhaps, State official of each of the
18 States that we would have the flexibility of agreeing to discontinue, or to find even a better
19 alternative. I think what we are probably, possibly, wanting to come out on this, although we
20 have not gone far enough onto it and had enough discussion, is can we tinker with this and come
21 up with more information for the same dollars that we are investing into this. But again, I'm
22 not far enough along. I just wanted to reserve some flexibility to talk about that.

23 MR. SIMPSON: That's fine, I think that's a good way to handle it.

24 MR. POPE: And if that would be agreeable to the Administration then with

1 that added flexibility then we would continue the coming year as it is unless and until we
2 modify it. And that would give...without coming back for a formal action, that would give the
3 States, in essence, the opportunity to modify it within the dollars...within the budget we already
4 have. Peter, does that make sense to you and other members? The default position would be
5 to continue one more year.

6 MR. EVANS: Okay.

7 CHAIRMAN TRUJILLO: Colorado seems to be in agreement with that.

8 MR. POPE: Okay.

9 CHAIRMAN TRUJILLO: Why don't we proceed that way.

10 MR. CAIN: I guess I would just add that certainly, as we have discussed this
11 issue of the gages over the last three or four years, I'd just like to repeat the offer that we are
12 certainly open to looking for other ways to make this more effective and more beneficial for
13 your needs as we...as we come to understand those more clearly.

14 MR. POPE: And I appreciate that, Doug. And I...this has been kind of a
15 learning, trial, thing for all of us. We are...we have some significant reservations about what
16 we are collecting, not because of the job the GS is doing but because there's still no way even if
17 with what we get to sort out really, the source of the water. I mean there's a mix of what's
18 reaching those gages and what gets measured and we are...unless we can come up with
19 something that we believe is useful information that can be used for a specific purpose we are
20 reluctant to continue very much longer just collecting data. If there's some way to modify it
21 maybe we need to explore further the value of crest gages or you know, those kinds of things.
22 And perhaps maybe even consider some other tributaries you know, something like that.

23 MR. CAIN: There's a lot of other options there. And I think clearly we agree
24 with you right now, that of the three gages the only one that gives definitive information on

1 rainfall run-off is the Two Buttes gage. The other two, it's kind of a mixed picture and without
2 doing a lot of additional documentation that's going to continue to be the case so...

3 MR. POPE: Okay.

4 MR. CAIN: So my understanding then, is that we would proceed this year as is
5 unless we hear something differently. And there may be some discussions during the year that
6 we hopefully would be invited to be involved in.

7 MR. POPE: Yes, I think that makes sense. Yeah, I think we would...you
8 should plan to proceed for one more year as you're now operating, but expect that there
9 probably would be some discussions after the first of the year. You know, hopefully, maybe
10 even before the March time frame then we could give you some revised...work out a revised
11 proposal and consultation with Colorado and with USGS, if we can get that far.

12 MR. CAIN: Okay, great. One other thing that I would just like to mention, and
13 I hadn't considered this earlier. In the past we have always billed the Compact, or the
14 Administration, I believe annually, for our activities within Colorado and that's because the
15 agreement was for less than \$25,000 on the side. I believe '99 is the first year that we will
16 exceed that so I think we would be billing quarterly. I don't know if that causes any difficulties
17 for you.

18 MR. MILLER: I think we finally got it figured out that your bill comes in
19 November and it's paid out of our fiscal year X, and it's your fiscal year X minus one bill that we
20 are getting. And we only have to make that decision once. And the auditor only has to get it
21 in the right year once. I think if you bill us quarterly it could be a tracking nightmare for us.

22 MR. CAIN: Let me do some follow-up on it.

23 MR. MILLER: Maybe we can prepay you. We certainly have cash in the
24 bank to make the payment. But I'm a little concerned if we will ever remember what check

1 went for what year.

2 MR. CAIN: Let me see if this is a hard and fast rule with our administrative
3 office and if there's ways to get around it. Can I get with you or with Jim, but...

4 MR. MILLER: We could maybe pay you in one payment for the entire year,
5 six months late and six months early. Installment plans don't work.

6 MR. CAIN: I'm glad I brought it up.

7 MR. MILLER: I knew it was coming.

8 MR. POPE: I think in terms of just getting formal closure on this then, we
9 haven't had formal action on our budgets, but I think maybe we ought to deal with this USGS
10 thing. And I guess the action there that I would move, Mr. Chairman, would be that the
11 Compact Administration delegates to the State official member of the Compact Administration
12 for Kansas and for Colorado the opportunity to review and adjust as necessary the cooperative
13 agreement for the tributary gages during the course of the next year within the limits of the
14 budget that has been approved for the gage program.

15 MR. EVANS: Second.

16 CHAIRMAN TRUJILLO: All in favor signify...should I have you clarify it
17 again? State it again. No, I'm just kidding. Signify by saying aye.

18 MEMBERS: Aye.

19 CHAIRMAN TRUJILLO: All opposed signify by saying no. The motion is
20 adopted.

21 Now to the budget. Anything further Mr. Miller?

22 MR. MILLER: You maybe need to follow-up with one more piece of the
23 motion that you just did. Assuming that this body might not meet again until next December.
24 There's another decision point on October 1st, '99, and that would be the...following the federal

1 fiscal year's budget. Should Doug submit that to Jim Rogers for approval and based on the
2 tributary gages being in there or not does this body need to take an action today about that?

3 CHAIRMAN TRUJILLO: I think the motion the way you stated it giving you
4 and Mr. Evans that flexibility to deal with it covers it.

5 MR. MILLER: It's not just for this year that...

6 MR. POPE: I think that continues.

7 CHAIRMAN TRUJILLO: I think that was the intent.

8 MR. POPE: That was the way I intended that, so you probably need to remind
9 us and we just need to be diligent to make sure we make that decision.

10 MR. MILLER: And the way it's worked with the GS agreement is when they
11 submit it to us just before October 1st, or just after both States get it and both States
12 communicate once and agree that it's appropriate for Jim to sign and then Jim signs.

13 MR. POPE: We probably just need to make sure we back that up a little bit so
14 that we have time to do whatever we are going to do. Hopefully, we'll have it resolved on an
15 arbitrary basis prior to that. But we appreciate that point.

16 CHAIRMAN TRUJILLO: Okay. Anything else on the budget, back on the
17 budget?

18 MR. MILLER: I think the only action that we need to take then...I don't have
19 my agenda here. But certainly, as far as I can remember, is this far right-hand column, the
20 proposed fiscal year zero zero dash zero one (2000-01) budget.

21 MR. ROGERS: For the adoption of?

22 CHAIRMAN TRUJILLO: For the adoption of that.

23 MR. MILLER: To approve that and I've got the worksheet here and we can put
24 that in the record. And then I will type this up as a formal-looking budget document that Jim

1 Rogers can sign. Just to get it set in everybody's mind and the record what we'll do is we're
2 talking about totally proposed expenditures of \$62,450.00 total income based on assessments of
3 sixty-eight thousand plus one thousand dollars in interest, expected interest earnings, and a total
4 of 69,000 then. And an addition to surplus of sixty-five hundred and fifty dollars. If all of
5 that happens the way we are estimating, at the end of the year 2000, fiscal year 2001, we would
6 have \$71,693 in reserve. That would be the budget goal.

7 MR. POPE: Let me make sure I follow where you are. If everything went
8 through the year zero zero dash zero one (2000-01).

9 MR. MILLER: It's...flip to the last page of the handout, it's marked Analysis of
10 ARCA Surplus Account. And what I do on that spreadsheet table is each year I add one more
11 column for the...and I change one year of estimated expense to actual. So we now have actual
12 expenses for '97 - '98 based on the audit we just approved. And that 55,000, if you look at
13 actual fiscal year '97 - '98 and all the way down to the bottom row, closing cash balance,
14 fifty-five three sixty-three (55,363), that's the number the auditor gave us and it also checks
15 with my calculations of what we should have. I don't even listen to Jim's report, I assume
16 that's...Jim has modified that closing balance on June 30th by what additional checks that are
17 written. I don't worry about the interim too much. But the auditor found we had as much as I
18 calculated we should have in the bank on that date. At any rate, the next three columns are
19 projections based on the existing two years of budget and the budget that we...I guess we didn't
20 adopt it yet, right?

21 CHAIRMAN TRUJILLO: No.

22 MR. MILLER: The budget you may adopt very soon. And it shows estimated
23 expense, estimated assessments and over - under. And if it's over it goes into surplus. If it's
24 under it comes out of surplus.

1 MR. POPE: My question is this, and I think it may be...I'll just throw it out so
2 maybe it doesn't change anything for this year. But it looks like on your first sheet, and I think
3 this is confirmed on the last one, that we are basically gaining to the surplus six or 7,000 dollars
4 a year.

5 MR. MILLER: Right.

6 MR. POPE: And we are at something in the range of about 55,000 actual end
7 of the previous fiscal year. I hadn't noticed it until just now that we...we had, I think back when
8 we thought we needed more money because we had some things we were dealing with a few
9 years ago we did up the assessments from a total of 62,000, which is our current, what we paid
10 for this year, to 68,000, and that would continue then those next several years.

11 MR. MILLER: No. Actually, last year we made a conscious decision to jump
12 the assessments by a small amount, can't do it in my head, roughly ten percent. And that was
13 when we were debating whether or not to do the transit loss study below John Martin when
14 we...for a variety of reasons we decided not to do that, but the price tag on that I think gave us
15 pause, that a project like that it could take us four or five years of lead time to ever have enough
16 surplus to enter into an agreement. So we have made the decision and I carried it forward into
17 this further-out year to make a slight increase. But you're right, we are increasing to surplus
18 fairly steadily now unless we take on a new project with GS. And remember also, this budget
19 in effect has a \$9,000 additional potential flow into surplus if you decide not to do the tributary
20 gages.

21 MR. POPE: We are currently at 68,000 in terms of our current assessment?

22 MR. MILLER: Assessment, right.

23 MR. POPE: Well, I think under the circumstances rather than trying to
24 piecemeal this it's probably better to move forward. But if things...we don't...after we get a

1 better feel for what we are going to do on the gages and some of these other issues I don't see
2 any need of continuing to gain any money in surplus. We...several years ago, as I recall, we
3 were getting pretty low so we made a conscious effort to build this back up. But that was just
4 to kind of get us back to where we needed to be. But if you looked long term we have actually
5 increased the assessments to this body pretty substantially over about a ten year period. And at
6 that time you know, we were pretty low and we had some things we had to deal with. And I
7 just don't want us to get over too much money in the bank and not a really good plan for it, really
8 needed. But for one more year I think we can go this way and then maybe we can adjust next
9 year if we need to.

10 MR. MILLER: Maybe we will do a transit loss study.

11 MR. POPE: Yeah.

12 CHAIRMAN TRUJILLO: Okay. Do I hear a motion to adopt the budget?

13 MR. POPE: I think I can move the adoption of the proposed fiscal year zero
14 zero dash zero one. Easily translated, in the year 2000 - 2001.

15 MR. MILLER: You've got too small of fonts.

16 CHAIRMAN TRUJILLO: Do I hear a second?

17 MR. EVANS: Second.

18 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

19 MEMBERS: Aye.

20 CHAIRMAN TRUJILLO: All opposed signify by saying no. And the budget
21 for the year 2000 - 2001 is hereby adopted.

22 MR. MILLER: I don't have my agenda. Is ratification of the GS contract four,
23 that's the next thing.

24 MR. ROGERS: It was Item 3 on the agenda.

1 MR. MILLER: Maybe your previous motion took care of that.

2 CHAIRMAN TRUJILLO: I think Mr. Pope's motion took care of that.

3 MR. POPE: I think it was limited to the tributary gages.

4 CHAIRMAN TRUJILLO: Was it? Why don't we have a motion to...

5 MR. POPE: Probably just for clarification we need for this current year that we
6 are in, we need to ratify the existing co-op agreements with both Districts, is that correct?

7 MR. MILLER: I guess I have to pull them out to tell you the exact dollar
8 amount. You don't have a copy with you do you, Jim?

9 MR. ROGERS: No, I don't.

10 MR. MILLER: The agreement that we should ratify is the one that Jim would
11 have signed with Colorado District on or about October 1st in the amount of \$25,000...\$25,550
12 and Jim was approved, authorized, to do that by correspondence between David, myself and
13 Peter agreeing that that was within the budget amount. I don't have a copy in front of me.
14 There was a similar exchange of correspondence with the Kansas District, with Jim concerning
15 the Kansas District, and that was in the neighborhood of...let me see if I can guess the number,
16 \$7,180. Is that right? So those would be the two existing agreements that we are operating
17 under right now, that you haven't previously approved.

18 CHAIRMAN TRUJILLO: Do you want to move to ratify?

19 MR. POPE: Everybody is looking at me. I guess I've already been a partner in
20 crime in terms of...

21 CHAIRMAN TRUJILLO: Mr. Evans, do you want to move to ratify the GS?

22 MR. EVANS: So move.

23 CHAIRMAN TRUJILLO: Second.

24 MR. POPE: Second.

1 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

2 MEMBERS: Aye.

3 CHAIRMAN TRUJILLO: All opposed signify by saying no. The USGS
4 Gaging Agreement is hereby ratified. And does that do it, Steve, for you?

5 MR. MILLER: I think so.

6 CHAIRMAN TRUJILLO: Then we will go to the election of officers. And I
7 would hope Mr. Pope or Mr. Evans would give us...unless there's something going on that I'm
8 not aware of, give us one motion for a slate of officers and take care of it in one motion.

9 MR. POPE: I move the reelection of the existing officers as set forth in Agenda
10 Item Number 11 for Compact Year 1999.

11 MR. EVANS: Second.

12 CHAIRMAN TRUJILLO: All in favor of the motion signify by saying aye.

13 MEMBERS: Aye.

14 CHAIRMAN TRUJILLO: All opposed signify by saying no. The motion
15 carries. The people as delineated under Item 11-A, B, C, D and E are considered elected to
16 those positions.

17 The Appointment of Committees. The normal...at least in last years has been to
18 reverse those chairs in the specific committees and I guess this year we would have to replace
19 the two former commissioners from Kansas with Mr. Hayzlett and Mr. Brenn. Is that your
20 desire?

21 MR. POPE: Yes. We have caucused and recommend that Mr. Hayzlett would
22 replace Mr. Overton on the Administrative Legal Committee and that Mr. Brenn would replace
23 Mr. Buerkle on the Operations Committee.

24 CHAIRMAN TRUJILLO: And the chairs therefore would be Mr. Hayzlett for

1 Administration, Mr. Pointon for Engineering, and Mr. Brenn for Operations, is that correct?

2 MR. POPE: That's been our tradition.

3 CHAIRMAN TRUJILLO: Is that agreed to?

4 MR. EVANS: Yes.

5 CHAIRMAN TRUJILLO: We will consider those as appointments. The

6 Administrative Legal will be Mr. Hayzlett, Chairman, with Mr. Evans on the committee.

7 Engineering, Mr. Pointon with...as Chairman, Mr. Pope as a member of the committee. And

8 Operations, Mr. Brenn, and Mr. Rogers as member, Mr. Brenn as Chairman.

9 Any further business before the Administration, Mr. Miller?

10 MR. MILLER: I do think it would be useful to go through the exercise of
11 designating the exhibits.

12 CHAIRMAN TRUJILLO: Okay. Yes, I think...why don't we do that. Both
13 you, Mr. Miller, as well as Mr. Pope with...we have the agenda I suppose as Exhibit 1. The list
14 that Mr. Miller has provided you of the attendance as Exhibit B. And why don't you pick it up
15 from there, Mr. Pope.

16 MR. POPE: I'm sorry?

17 CHAIRMAN TRUJILLO: The exhibits.

18 MR. POPE: Could I...as part of that could I raise one other item before we
19 move to that?

20 CHAIRMAN TRUJILLO: Sure.

21 MR. POPE: Last year or the year before we amended the Bylaws, I believe, in
22 regard to the location of the annual meeting to provide for flexibility of alternating between
23 Kansas and Colorado. It wasn't mandated but it was an issue that I think we did authorize. I
24 would like to offer an invitation for the annual meeting of the Compact Administration next

1 December to be held in Garden City. We have some very fine facilities. It's been a number of
2 years since this body has met in Garden City. With all due respect to the Cow Palace, why it's
3 been a little crowded this year and I know that could probably be rectified, but...so I would...I
4 would like to move that the annual meeting of the Compact Administration for 1999 be held in
5 Garden City at a facility to be designated.

6 CHAIRMAN TRUJILLO: Do I hear a second?

7 MR. EVANS: Second.

8 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

9 MEMBERS: Aye.

10 CHAIRMAN TRUJILLO: All opposed signify by saying no. The motion
11 carries and the next meeting of the Administration will be in Kansas.

12 MR. POPE: Hey, we actually got something done.

13 MR. EVANS: That's two things.

14 CHAIRMAN TRUJILLO: I was hoping we would do it back and forth if you
15 recall, Mr. Pope, and I'm very happy it just happened.

16 MR. MILLER: You guys bring the microphones next year then, the State
17 provides that.

18 MR. POPE: Okay. We'll try to take care of that. Now I guess we're ready for
19 the exhibits I guess.

20 CHAIRMAN TRUJILLO: Why don't you go ahead and proceed then with the
21 exhibits. We have already talked about the agenda and as well as the attendance lists she has
22 those as A and B. And now if we get the rest of the reports. Yes, I also tend this as an exhibit,
23 we'll make this as Exhibit C, this is a letter from Governor Romer appointing Mr. Evans to the
24 Administration. And why don't you go ahead, Dave, and...

1 MR. POPE: Okay. We...just a second here to get organized. But after
2 speaking to the agenda and did you mention attendance lists?

3 CHAIRMAN TRUJILLO: Yes. Then we mentioned a letter from Governor
4 Romer as Exhibit 3.

5 MR. POPE: That would appear to be next.

6 CHAIRMAN TRUJILLO: Okay.

7 MR. POPE: Now we had...

8 MR. EVANS: Resolutions.

9 MR. POPE: We had the resolutions. It would be each of the successive
10 resolutions identified in the record for the past Compact members and those that have passed
11 on, if those can be picked up individually in that order.

12 MR. EVANS: With respect to those exhibits I'll have to finalize the four that
13 we talked about from Colorado. I've got rough copies right now, but I'll have to...

14 MR. POPE: I think that's certainly acceptable, there's nothing controversial
15 about the language in those resolutions, in my way of thinking. So we have acted on all of
16 them, didn't we, that...was there a resolution for Mr. Milenski explicitly or do we need to do that
17 in concept?

18 MR. MILLER: I think given Steve Arveschoug's remarks, and I've got the
19 recording and we will soon have the transcript. If you would act on it right now that could
20 become a resolution. We didn't present it that way at the time but after hearing what Steve
21 Arveschoug said it's probably more appropriate and better worded than anything I had put down
22 on paper for the other three gentlemen.

23 CHAIRMAN TRUJILLO: And the Administration has not...the record will not
24 reflect it was adopted. If you care to make a motion and then they would put the resolution

1 together based on Mr. Arveschoug's remarks if you're comfortable with that we can do that.

2 MR. POPE: I think we are comfortable with that if we could give some latitude
3 to Steve or Peter to essentially put that into proper form as far as resolution format, adding some
4 of the bells and whistles, but within the framework of the language that was spoken very
5 eloquently by Steve.

6 MR. EVANS: So move.

7 MR. MILLER: Mr. Trujillo's remarks also.

8 MR. POPE: Yes. I think you could build those two together into an
9 appropriate resolution, that would be acceptable to us.

10 CHAIRMAN TRUJILLO: The motion is on the table.

11 MR. POPE: Second.

12 CHAIRMAN TRUJILLO: All in favor signify by saying aye.

13 MEMBERS: Aye.

14 CHAIRMAN TRUJILLO: All opposed signify by saying no. The Resolution
15 on Mr. Frank Milenski is adopted. Now back to the exhibits.

16 MR. POPE: Okay. We had the...yes, I believe we then got to the issue of the
17 Operation Secretary Report and the matter of the discussions about the spill issues and the like,
18 and I had requested at that time the series of letters exchanged between Mr. Simpson and I be
19 made a matter of record, those I think are...well, actually I have mine, I don't have Hal's right in
20 front of me. But I think there are three letters, those being December 22, 1997, January 9,
21 1998 and April 15, 1998 and there was a response to each of those three. I don't have the
22 specific dates but I think those are clearly things that can be produced without any
23 misunderstanding.

24 CHAIRMAN TRUJILLO: And you will provide those?

1 MR. POPE: Sure, we can.

2 CHAIRMAN TRUJILLO: In order to make sure we will make it part of the
3 record. I don't think we need a motion on this unless there's any objection to that becoming
4 part of the record and in that order.

5 MR. POPE: If that's acceptable those would be the next six items. We then
6 move to, was it the Corps Report then next, according to my notes we had a written report from
7 the Corps of Engineers.

8 CHAIRMAN TRUJILLO: Was the Corps of Engineers Report next followed
9 by the Operations?

10 MR. POPE: I'm sorry.

11 CHAIRMAN TRUJILLO: Do you have a copy of the agenda?

12 MR. POPE: Here it is.

13 CHAIRMAN TRUJILLO: We are on Item 5, Dave, the Engineers Report was
14 next.

15 MR. POPE: There was no written Engineering Committee Report. Then we
16 went to Operations, just covered that, we...yeah, we went to the...

17 CHAIRMAN TRUJILLO: Then we went to the reports of the federal agencies
18 because we deferred the others to the end of the agenda.

19 MR. POPE: Did I...on the federal agencies we just spoke of the Corps, but the
20 Bureau did make reference to the letter of December 7 that Mr. Gyllenborg mentioned just
21 before they departed. I think it was his request that that letter and the two attachments be made
22 and I think that should be next because that falls under the Bureau's Report. Then the next item
23 after that would be the Army Corps of Engineers Report. The following item after that would
24 be the written report from the...written report from the U.S. Geological Survey. We had a

1 verbal report on Number 7 I believe.

2 CHAIRMAN TRUJILLO: Right, from Mr. Arveschoug.

3 MR. POPE: At that point in time we dealt with the minutes. I don't think
4 those become exhibits just the fact that...

5 MR. EVANS: (Interrupting.) I'm sorry, on Agenda Item Number 7 we had an
6 oral on...oral presentation on 7-A, but for 7-B we have this stack of documents that the District
7 produced.

8 CHAIRMAN TRUJILLO: Thank you.

9 MR. EVANS: That went along with what the Bureau offered and we do,
10 courtesy of the Kansas Attorney General's office, have a draft of this amendment to the
11 Operating Principles.

12 MR. PITTS: We have a final with signature blocks.

13 MR. EVANS: I think we could use this for the record, we're needing an
14 amendment. We will get this signed.

15 MR. POPE: The action item we really took was the Resolution or the action on
16 the amendment for the stock watering that you have. And that could be made an...what do we
17 call it, an...

18 MR. EVANS: Exhibit.

19 MR. POPE: Exhibit. Do we, in fact, need the...what's your pleasure in regard
20 to the stack of documents that the Purgatoire District left with us?

21 MR. EVANS: They asked that this stack of documents be included in the
22 record. They handed it out to us and nobody objected, so I guess...

23 CHAIRMAN TRUJILLO: I see no reason why they shouldn't be made part of
24 the record.

1 MS. WEISS: I think after that they also have the original version of their stock
2 water language, that one pager, be made part of the record, so that should probably be part of the
3 record also.

4 MR. POPE: Yes, I think you're correct, I think they did request that. Let's do
5 it this way, if that stack that Julianne provided is an exhibit, there's also the original draft that
6 Mr. Danielson spoke of. And then I would like to...I think I've mentioned earlier, but not
7 necessarily right at that time, in looking through the documents that do...that are contained in
8 the District's version, there's a whole series of letters here, but the letter we spoke of verbally
9 several times during the meeting from Kansas dated March 18 of 1998, I would request that be
10 made a subsequent exhibit.

11 MR. MILLER: It's in my stack.

12 MR. POPE: It's in your stack, I didn't find it.

13 MR. MILLER: Part of mine was inserted in here upside down but it's actually
14 the very last thing in my stack.

15 MR. POPE: It's there, that takes care of my concern. I just didn't see it when I
16 flipped through this and thought that that was something that ought to be there, so that takes
17 care of that.

18 MR. EVANS: So you want to just use these two then to make the record?

19 CHAIRMAN TRUJILLO: Right.

20 MR. EVANS: The version that the District offered and the version that was
21 proposed by the Administration and approved?

22 MR. POPE: Yes, I think that's...that would be the next...

23 CHAIRMAN TRUJILLO: That will be the next item. And do you have it
24 prepared so the members can sign it?

1 MR. POPE: We have a version prepared that has a signature box on it.

2 CHAIRMAN TRUJILLO: We need a copy and give the signed copies to...for
3 the record.

4 MR. POPE: The version...I don't know whether the version that we attached to
5 the minutes should be the signed version or just a plain version that he read from that's been
6 typed. What's your pleasure in that regard?

7 MR. PITTS: I already have the version that's typed without signature blocks in
8 the record.

9 MR. POPE: The version that's the typed version of what Peter read from but
10 without the signature blocks. We use the original signature item for the signatures.

11 MR. POPE: The next item in my way of thinking here would be then, on the
12 financial matters, a copy of the document that Steve provided to us dealing with the...Steve, I
13 would be suggesting the next item would be your draft budget proposal and the other associated
14 documents showing the balances, does that...

15 MR. MILLER: Did you say the Audit Report already?

16 MR. POPE: No, I missed that. I've got that ready.

17 MR. MILLER: I left a copy at the table with the reporter, I think that would be
18 the first. And then the second thing that is underneath would be that five-page handout that has
19 the spreadsheet, the memo and three more spreadsheets.

20 MR. POPE: Okay, yeah. So I stand corrected. So the next...actually, the next
21 item would be the audit. And following the audit would then be the packet of budget materials.

22 MR. MILLER: Did you get Jim's Treasurer's Report, did he submit a written
23 report?

24 MR. POPE: Let me ask him if there was a written report.

1 CHAIRMAN TRUJILLO: I don't think there was a written report. Jim, was
2 there a written Treasurer's Report?

3 MR. ROGERS: Yes, and I gave it to her.

4 MR. POPE: You have it written. Okay. So the Treasurer's Report ought to
5 be in there. Actually, I think we acted on that, whichever order we acted on that.

6 MR. MILLER: So we had the Treasurer's Report and then the audits?

7 MR. POPE: Yes.

8 CHAIRMAN TRUJILLO: Was there a written document for the ratification of
9 the GS gaging?

10 MR. MILLER: No.

11 MR. ROGERS: No.

12 CHAIRMAN TRUJILLO: Nothing in writing, okay.

13 MR. POPE: I think the final document, of course would then be the series of
14 budget materials that we dealt with. And I think that's the last item.

15 MR. EVANS: Yeah, that's got it.

16 CHAIRMAN TRUJILLO: I think that gets it.

17 MR. EVANS: In terms of the packet of budget materials, are you referring to
18 the November 27th package that Steve Miller forwarded to the committee?

19 MR. POPE: Yes.

20 CHAIRMAN TRUJILLO: That was the one that he handed out.

21 MR. EVANS: To the chairman and members. Okay.

22 MR. MILLER: That's the one extra page.

23 MR. POPE: From last night's handout there was one extra page right on top
24 that I think was just bigger print, had a few less columns but same information I think. But that

1 ought to be included in the whole packet.

2 CHAIRMAN TRUJILLO: Okay. Just...I guess anything else come before the
3 Administration? There's a couple of things that I would like to bring up. One, of course, is
4 you will set, Steve, the meeting of the next annual meeting, the date? And also I am concerned
5 with the time lines that we talked about earlier and getting those and how we are going to handle
6 that. Mr. Pope, will that be done between you and Mr. Evans as to the time lines that we are
7 talking about?

8 MR. POPE: I'm sorry. On, what was...

9 CHAIRMAN TRUJILLO: The time lines that we talked about addressing
10 some of the issues that we have discussed today on the principles, the right number of the
11 principles. I would be comfortable with leaving that in your hands, with Mr. Evans, and
12 coming up and informing the rest of the Administration what you folks have figured out with
13 your schedule.

14 MR. POPE: I think we have reached a special agreement that we work
15 diligently on that schedule. The only reason I would not suggest explicit scheduling dates is I
16 think we have heard from the Bureau they'll be sending out a document right away setting forth
17 a schedule. And we don't necessarily want to get into some conflicts here, but I think we have
18 agreed amongst ourselves informally that we will have this on a fairly fast track as far as
19 whatever exchange of documents, telephonic meetings, regular meetings, whatever we need,
20 probably within this next couple of months time-frame, I guess. I think a little bit of the
21 urgency has been removed in regard to dealing with the stock watering thing but we just don't
22 want to let down our guard in terms of resolving some of the other ones. And I think we can do
23 that in that time frame.

24 CHAIRMAN TRUJILLO: Right. And I was not looking for specific dates,

1 just a commitment from both you and Mr. Evans that you two will discuss the matter with each
2 other and continue to work on it and...

3 MR. EVANS: Mr. Chairman, you can count on us, we will do that.

4 CHAIRMAN TRUJILLO: Thank you. Anything else?

5 MR. POPE: Not that I'm aware of. We'll work with our colleagues from
6 Colorado in regards to the details of arrangements in Garden City, get something reserved here.

7 MR. MILLER: I'm assuming we would have that on the schedule itself, the
8 Bylaws, seemingly the second Tuesday in December. I guess we have the option of changing
9 that, but that falls on the 14th next year, December 14th, '99. I know there's been some talk
10 that we need to meet later in the month but not too late in the month. That seems like a pretty
11 reasonable date, it doesn't require to do anything out of sequence.

12 MR. POPE: Under the circumstances, since it falls on the 14th I think that's
13 probably workable. This year we really were very tight in terms of the deadlines for receiving
14 the various reports and things like that. I think we can probably live with the 14th. Long term
15 I would like for us to at least have a couple of weeks from the 1st until the day of the meeting.

16 MR. MILLER: It's tough if we change that sequence because other ditch
17 companies rely on us to meet on the second Tuesday, so they know they can meet on the first or
18 the third so...but I think one thing we might really want to focus on next year is getting the
19 notice out even earlier than we did this year because some people are going to show up at the
20 Cow Palace and not even read their notice. Get it out there early.

21 (Everyone talking at once.)

22 MR. POPE: Well, does the 14th work then, in terms of any conflicts, for you
23 folks? I don't personally see any reason...we could move it, but as far as that I would rather stay
24 with the second Tuesday if this will work for everybody.

CHAIRMAN TRUJILLO: Okay. Anything else? If not, the 1998 meeting
of the Administration is hereby adjourned. Thank you.

(Meeting Adjourned.)

C E R T I F I C A T E

STATE OF COLORADO)

) ss:

COUNTY OF PROWERS)

I, Beverly D. Lohrey, a Certified Shorthand Reporter and Registered

Professional Shorthand Reporter within and for the State of Colorado, hereby certify that the foregoing is a full and correct transcript of all the oral proceedings had in this matter at the aforementioned time and place.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at

Montezuma, Gray County, Kansas, this day of____, 1999.

Beverly D. Lohrey, C.S.R., R.P.R.
TRI-STATE REPORTING SERVICE
PO Box 98
Montezuma, Kansas 67867
(316) 846-2962

Note re editing by the States

Due to the retirement of Ms. Lohrey and her unavailability to make editorial corrections to the original transcript she prepared as noted above, this final approved transcript was prepared by Kevin Salter and his staff for Kansas and Steve Miller and his staff for Colorado, using the original transcript file provided by Ms. Lohrey, and presented to ARCA for approval at the 2019 Annual Meeting.

Kevin Salter, Kansas Div. of Water Resources

Steve Miller, Colorado Water Conservation Board

Exhibits to 1998 transcript of the annual meeting of the Arkansas River Compact Administration
December 8, 1998

Exhibit no.	Item
1	Agenda
2	Attendance list
3	Letter from Colorado Governor Romer - appointing Mr. Evans to the Administration
4	Resolution honoring Eugene Overton
5	Resolution honoring Bob Buerkle
6	Resolution honoring Bob Tempel <i>(minutes approved in 2019, unable to locate exhibit)</i>
7	Resolution honoring Deries C. "Chuck" Lile <i>(minutes approved in 2019, unable to locate exhibit)</i>
8	Resolution honoring Carl Genova <i>(minutes approved in 2019, unable to locate exhibit)</i>
9	Resolution honoring Frank Milenski <i>(minutes approved in 2019, unable to locate exhibit)</i>
10	Annual Report of the Operations Secretary
11	Letter to Hal Simpson from David Pope, dated December 22, 1997
12	Letter from Hal Simpson to David Pope, dated December 23, 1997
13	Letter to Hal Simpson from David Pope, dated January 9, 1998
14	Letter from Hal Simpson to David Pope, dated January 14, 1998
15	Letter to Hal Simpson from David Pope, dated April 15, 1998
16	Letter from Hal Simpson to David Pope
17	Letter from Gyllenborg to David Pope and 2 attachments, dated December 7, 1998
18	Corps of Engineer's Report of Civil Works Activities
19	US Geological Survey report
20	Draft amendment of stock watering provisions proposed by the Bureau of Reclamation (December 7, 1998 version)
21	Stack of documents from Purgatoire Water Conservancy District including David Pope's letter dated March 18, 1998
22	Amendment proposed by the Purgatoire Water Conservancy District drafted by Jeris Danielson (for stock water)
23	Treasurer's Report
24	Auditor's Report
25	Steve Miller's financial documents (draft budget proposal and other documents) sent November 27, 1998

Exhibit 1

Annual Meeting

December 8, 1998

ARKANSAS RIVER COMPACT ADMINISTRATION

307 South Fifth Street, Lamar, Colorado 81052

For Colorado

Peter H. Evans [acting], Denver
James G. Rogers, Lamar
Thomas R. Pointon, Las Animas

719-336-9696

Chairman and Federal Representative

Larry E. Trujillo, Sr.
Pueblo, Colorado

For Kansas

David L. Pope, Topeka
David a. Brenn, garden city
randy hayzlett, lakin

Exhibit 1

NOTICE OF ANNUAL MEETING

ARKANSAS RIVER COMPACT ADMINISTRATION

TUESDAY, DECEMBER 8, 1998,

8:30 A.M. (MST) COLORADO ROOM

COW PALACE INN, LAMAR, COLORADO

The 1998 Annual Meeting of the Arkansas River Compact Administration will be held at the time and place noted above. The meeting will be recessed for the lunch hour at about noon and reconvened for the completion of business in the afternoon as necessary. Meetings of the Administration are operated in compliance with the federal Americans with

ARKANSAS RIVER COMPACT ADMINISTRATION
December 8, 1998 Annual Meeting,
Notice and Agenda Page 2

Disabilities Act. If you anticipate needing a special accommodation as a result of a disability please contact Steve Miller at 303-866-3441 or Mary Louise Clay at 719-336-9696 at least 3 days before the meeting.

The following **Committees of the Administration will meet beginning on Monday, December 7, 1998 at 7:30 P.M.** and continuing to completion at approximately 9:00 P.M. in the Colorado Room at the Cow Palace:

1. Operations
2. Engineering
3. Administrative/Legal

For a description of items to be discussed by the Committees refer to agenda item 5, below. The public is welcome to attend the Committee meetings, but time for comments may be limited.

The tentative agenda for the Annual Meeting, which is **subject to change**, is as follows:

TENTATIVE AGENDA

- 1. Call to order and introductions**

- 2. Review and revision of agenda**

- 3. Commemoration of the 50th Anniversary of the Arkansas River Compact Administration and John Martin Reservoir.**

- 4. Resolutions honoring past members and friends of the Arkansas River Compact Administration:** Eugene Overton, Syracuse, Kansas; Robert Buerkle, Holcomb, Kansas; Robert Tempel (deceased), Wiley, Colorado; Daries Lile, Denver, Colorado; Carl Genova, Pueblo, Colorado; Frank Milenski (deceased), La Junta, Colorado.

- 5. Reports of Officers and Committees for Compact Year 1998:**
 - a. Chairman - Larry Trujillo**

b. **Engineering Committee** - Chair David Pope:

- (1) USGS status report on continued operation of tributary gages, review of data, and hydrograph separation methods.
- (2) Army Corps report on channel capacity studies below John Martin and Pueblo Reservoirs.

c. **Operations/Assistant Operations Secretaries** - Steve Witte and Mark Rude

d. **Operations Committee** - Chair Jim Rogers:

- (1) Approval of 1998 Operations Secretary Report
- (2) Colorado Compact compliance efforts, 19⁹8 Offset Account operations, potential water repayment account at John Martin Reservoir: status reports by Colorado State Engineer, Hal Simpson.
- (3) Trinidad Lake permanent pool operations, exchanges and accounting: status report by Colorado State Parks.
- (4) Review approval status of prior years Operations Secretary Reports
- (5) Introduction and overview of new John Martin Reservoir accounting ("JMAS") software and reporting system.

e. **Recording Secretary** - Mary Louise Clay (defer until agenda item 10)

f. **Treasurer** - Jim Rogers (defer until agenda item 10)

g. Administrative/Legal Committee - Chair Peter Evans:

- (1) Financial matters (defer to agenda item 10)
- (2) By-Law revisions

6. Reports of federal agencies:

a. U.S. Bureau of Reclamation:

- (1) Trinidad Project Operating Principles, status report
- (2) Pueblo Reservoir "safety of dams", potential enlargement, and temporary modified operations issues

b. U.S. Army Corps of Engineers

c. U.S. Geological Survey:

- (1) Status of gaging efforts and costs.
- (2) Cooperative Agreements: ratify federal FY 1999 and preauthorize federal FY 2000 gaging agreements (defer until agenda item 10).
- (3) Overview of other studies and activities.

7. Colorado Water Conservancy District Items

a. Southeastern Colorado Water Conservancy District,

- (1) Water and Storage Needs Assessment Study, status report
- (2) Winter Water Storage Program, status report

- b. **Purgatoire River Water Conservancy District**, approval of proposed changes to Trinidad Project Operating Principles.

8. Approval of transcripts and/or summaries from prior meetings:

- a. Approval of December, 1997 Annual Meeting Minutes
- b. Approval of March, 1998 Special Meeting Minutes
- c. Approval of December, 1993 Annual Meeting Minutes

9. Annual report preparation:

- a. Status of 1994, 1995, 1996, and 1997 draft reports
- b. Discussion of 1998 draft report

10. Financial matters:

- a. **Recording Secretary's Report** - deferred from agenda item 5.

- b. **Treasurer's Report** - deferred from agenda item 5.
- c. **Audit Report**, review and approval of FY 97-98 Report (7/1/97-6/30/98)
- d. **Budget review and adoption**
 - (1) Review of current fiscal year (1998-99) budget
 - (2) Review of previously adopted FY 1999-2000 budget and assessments
 - (3) Ratify USGS gaging agreements for federal FY 1999 and preauthorize for federal FY 2000 (defer from agenda item 6.c).
 - (4) Adoption of FY 2000-2001 budget and assessments

11. Election of officers for Compact Year 1999:

- a. Vice-chairman, currently David Pope, Topeka
- b. Recording Secretary, currently Mary Louise Clay, Lamar
- c. Treasurer, currently Jim Rogers, Lamar
- d. Operations Secretary, currently Steve Witte, Pueblo
- e. Assistant Operations Secretary, currently Mark Rude, Garden City

12. Appointment of Committee members and chairs for Compact Year 1999:

- a. Administrative/Legal (current Chair Evans and Overton)
- b. Engineering (current Chair Pope and Pointon)
- c. Operations (current Chair Rogers and Buerkle)

13. Adjournment

Exhibit 2

Annual Meeting

December 8, 1998

ATTENDANCE LIST
ARKANSAS RIVER COMPACT ADMINISTRATION
ANNUAL MEETING

Tuesday, December 8, 1998, 8:30 a.m. (MST)
Cow Palace Inn, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE #
LARRY E TRUSILLO	ARCA	1155 212 nd N Pueblo	719 542 6912
James Rogers	ARCA	37359 Rd 13 Lamar	719 336 2124
Peter Evans	St. of Colorado	Colo Water Conservation Board 1313 Sherman St #721, Denver	303 866-3441
Tom Pointon	ARCA	34825 Rd 17 La Grana	719 456-0413
Dennis Montgomery	State of Colorado	141 18th St. #100 Denver, CO 80207	303 296-8100
Wendy Weiss	State of Colorado	1525 Sherman St, 5 th fl. Denver, CO 80203	303/866-5008
Steve Mink	State of Colorado	1313 Sherman St Denver CO 80203	303 866 3441
HAL SIMPSON	State of Colorado - DWR	1713 Sherman St. Rm 818 Denver, CO 80203	303-866-7581
Steve Witte	" "	310 E Abriendo Suite B Pueblo, CO 81004	719-542-3368
R.J. (GIL) GYLLENBORG	USBR - ECAO	W COUNTY RD. 18E LOVELAND CO 80538	970-962-4300
Alice Johns	" "	11056 W City Rd 18E Loveland CO 80537	970-962-4338
Malcolm Wilson	" "	"	970-962-4362
Julie Swanda	" "	"	970-962-4369
JOHN GIERARD	" "	"	(970) 962-4392
Dick Kreiner	Corps of Engineers	4101 Jefferson Plaza, NE Albuquerque, NM 87109	
DENNIS GARCIA	"	"	(505) 342-3380
Tom Musgrove	USBR - Pueblo	201 W. 8 th St. Suite 720 Pueblo, CO 81003	719-544-8171
KA VETTMAS	USDOJ - Solicitor's Ofc.	755 Paquet St #151 Denver, CO 80215	303 331-5553

ARKANSAS RIVER COMPACT ADMINISTRATION ANNUAL MEETING
Tuesday, December 8, 1998 8:30 a.m. (MST) Cow Palace Inn, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE #
MANNY TORRES	FT LYON CANAL CO.	750 BENT, LAS ANIMAS, CO	456-0720
Steve Arveschong	SECURED	905 Hwy 50 West, Pueblo	719-544-2040
John S. Leffendink	FT Lyon Canal	Box 110, Lamar, CO	336-7411
Lloyd Hershey	BW - Consultant	816 W. Maple St, Lamar, CO	336-7799
Bill Howland	Colo. Div. Water Resour	1640 W. 6th, Las Animas Co	719-544-0093
Don Taylor	Colo. Div. Water Res	P.O. Box 321, Silt, CO	384-5103
Danny Marques	Colo Div of Water Resources	16390 Old 151, Teller Co	846-3518
KEIS SCHAFER	CORPS of Eng'rs	4101 Jefferson Pl. Arap. Wm	505-342-3201
Ernie Hofmeister	Lamar Canal Dist	31 Cedar Hills Ranch	719-336-8382
Joe Cline	FT LYON CANAL	3311 Hwy 196 Wiley, CO	719-829-4416
Jr. Hamilton	Amity Mutual	Box 105 Holly, Colo	719-537-6427
KEN SMART	Amity Mutual	33715 Rd 12 LAMAR, CO 81052	719 336 5635
Ken Knox	Colo Division Water Resources	1313 Sherman St. Rm 818 Denver 80237	(303) 866-3585
Danny Hansen	Holbrook Mutual Ins.	30108 Rd 818 Lufkin, TX	719-853-6228
Paul Main	Holbrook Mutual Ins.	26200 Hwy 266 Rock Ford	719-853-6258
Howard Bogue	Fort Lyon Canal Co	9795 Hwy 194 Las Animas, CO	719-456-0137
Dale Straw	Colo Div of Water Resources	Pueblo, CO	719-462-3368
BILL TYNER	COLORADO DIV. OF WATER RESOURCES	PUEBLO, CO	(719) 542-3368
Jeanette Bryan	AGUA - ARKANSAS Groundwater Users Assoc.	100 West 1st Street - Box 7 Manzanola CO 81058	719-462-5140
Vivian Brown	Colo. Div of Water Res.	Pueblo, Co.	719-542-3368
LEROY E. MAUCH	SECURED	LAMAR, Colo.	719-336-3895

ARKANSAS RIVER COMPACT ADMINISTRATION ANNUAL MEETING
Tuesday, December 8, 1998 8:30 a.m. (MST) Cow Palace Inn, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE #
Donna L. Steerman	Amity, Pueblo Dist 67 Ditch Assoc	P.O. 390 Lamar, CO 81052	(719) 386-4818
Paul Flack	Colo. State Parks	1313 Sheenman Denver, CO	303-866-3203
Doris Morgan	Senator Allard	503 N. Main Pueblo, Co. 81003	719-545-9751
Mark Hillman	SENATOR-ELECT COLO. DIST. 2	P.O. Box 245 BURLINGTON, CO 80807	719-346-7689
Craig Dane	U.S. Geol. Survey	3819 E 8th, Bldg. B Hays, KS 67601	785-628-8918
ELMER BAUMAN	CATLIN CANAL Co.	P.O. Box 207 MANZANILLA COLO 81058	719-462-5280
Doug Cain	USGS	Box 25046, MS-415 Denver Federal Center Lakewood CO 80225	303-236-4882 x 257
Pat Edelmann	USGS	Northwest Bank Bldg, suite 200 8th & Main St Pueblo, CO 81005	(719) 544-7155 x 106
RON STEGER	USGS	201 W. 8th Suite 200 PUEBLO, CO 81003	(719) 544-7155 ext 121
MARY LOUISE CLAY	ARCA - LAWMA	P.O. Box 1161 LAMAR, CO 81052	719-336-9696
JERIS DANIELSON	Purgatoire River WCD	6805 W. 4th Ave. LAKEWOOD CO 80226	303-237-5146
Therma Evans	P.R. WCD	1206 Alta St Trinidad	719-846-6484
Julianne Wolbridge	" "	102 N. Cascade #400 Colo. Springs, CO 80903	(719) 520-9288
Dan Anderson	" "	16478 Co Rd 81 TRINIDAD CO 81082	719-846-2175
Beverly Spady	Spady Consulting	420 Vajil Las Animas, CO 81054	719-486-1892
Thelma Lujan	Purgatoire RWCD	904 Rosita Trinidad, CO 81082	(719) 846-7285
Jim FERNANDEZ	CITY OF TRINIDAD	P.O. BOX 880, TRINIDAD, CO 81082	719-846-9893
Jason Crowe	La Junta Tribune	508 Hammett Ave, La Junta, CO 81050	719-384-4475
GREG SULLIVAN	SPRINK WATER ENGINEERS	1000 W. 1st ST. DENVER, CO 80203	303-861-9700
B.J. Hybl	Garden City Company	P.O. Box 597 Garden City, KS 67846	(316) 276-3246
James Amos	Pueblo Chamber	618 Carson, La Junta, CO, 81050	(719) 846-2606

ARKANSAS RIVER COMPACT ADMINISTRATION ANNUAL MEETING
Tuesday, December 8, 1998 8:30 a.m. (MST) Cow Palace Inn, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE #
Key Merchants	Corps of Engineers Trippid Lake	Box 771 Trippid, CO 80882	719 846-7990
Mark M. Stark	Corps of Engineers John Martin Dam	Hasty, CO 29955 Co. Rd. 25.75 81044	719-336-3476
Tom Trejillo	Env. Res. Union Sp.	29218 LESLIE LANE RD P.O. Box 81044	719-198-3132
Donald Whitemore	Kansas Geological Survey	1930 Constant Ave. Lawrence, KS 66049	785-864-3965
Larry G.		171 846	316-276-2901
Kevin G.		city 111-82846	316-276-2901
Oliver Hines	Frontier Ditch	Coolidge, Ka. 67836	316-372-8241
Steven Hines	Frontier Ditch	Box 143 Coolidge, Kansas 67836	316-372-8241
Randy Laygett	ARCA	Rt #1 Box 44 Lakin, KS 67860	316-355-7499
David A. Brenn	ARCA KS	Box 597 Garden City, KS	316-276-3246
David L. Pope	ARCA & KS DWR	901 S Kansas 2nd Floor Topeka	785-296-3710
JOHN B. DRAPER	KANSAS	PO Box 2307, SANTA FE, NM 87504	(505) 982-3873
Leland E. Rolfs	Kansas	901 South Ks. Ave, Topeka, KS 66612 #1000 Logan St.	(785) 296-4623
Dale Book	Sprinkler Water Engineers	Devin Co	(303) 861-9700
Donald L. P.H.	Kansas AGO	301 SW 10th Topeka, KS 66612	(785) 296-2215
Mark Ruse	KS DWR	GARDEN CITY	316 276-2901
Dan Barfield	" "	901 S Kansas Ave Topeka, KS 66612	785-296-3830

Exhibit 3

Annual Meeting

December 8, 1998

STATE OF COLORADO

EXECUTIVE CHAMBERS

136 State Capitol
Denver, Colorado 80203-1792
Phone (303) 866-2471



Roy Romer
Governor

December 3, 1998

Larry E. Trujillo
Chairman
Arkansas River Compact Administration
1155 21st Lane
Pueblo, CO 81003

Dear Mr. Trujillo:

I'm writing to inform you that Peter H. Evans, acting director of the Colorado Water Conservation Board, will represent the state of Colorado in place of Daries C. Lile at the December 7-8, 1998 annual meeting of the Arkansas River Compact Administration and will continue to do so until further notice.

Sincerely,


Roy Romer
Governor

cc: Vice Chairman David Pope, ARCA
Recording Secretary Mary Louise Clay, ARCA
Peter Evans
Hal Simpson
Wendy Weiss
Dennis Montgomery
Steve Witte
Tom Pointon
Jim Rogers

Exhibit 4

Annual Meeting

December 8, 1998

RESOLUTION

WHEREAS, Eugene Overton, farmer and life-long resident of the Syracuse, Kansas area, has served on the Arkansas River Compact Administration as a representative of the State of Kansas and the water users of the Arkansas River Valley in Kansas from December 1994 until December 1998; and

WHEREAS, he faithfully performed his duties and represented the interests of the State of Kansas; and

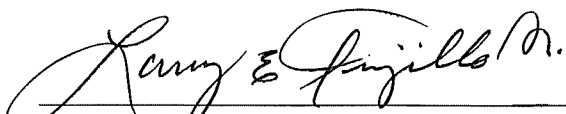
WHEREAS, his service to the Arkansas River Compact Administration has been greatly appreciated; and

NOW THEREFORE, BE IT RESOLVED by the Arkansas River Compact Administration that it hereby acknowledges with gratitude the dedicated service of Eugene Overton to the Administration and expresses its appreciation to him for his dedication.

BE IT FURTHER RESOLVED that this Resolution be entered into the records of the Arkansas River Compact Administration and that the recording secretary be instructed to send a copy to Mr. Overton.

BE IT FURTHER RESOLVED that the Administration honor Mr. Overton for his many years of service by including his picture and appropriate dedicatory remarks in the Administration's annual report for the compact year 1998.

Entered this 8th day of December, 1998, at the annual meeting of the Arkansas River Compact Administration held in Lamar, Colorado.


Larry E. Trujillo, Sr., Chairman

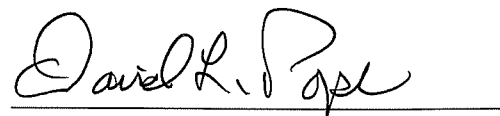

David L. Pope, Vice Chairman

Exhibit 5

Annual Meeting

December 8, 1998

RESOLUTION

WHEREAS, Robert Buerkle, farmer and life-long resident of the Holcomb, Kansas area, has served on the Arkansas River Compact Administration as a representative of the State of Kansas and the water users of the Arkansas River Valley in Kansas from December 1994 until December 1998; and

WHEREAS, he faithfully performed his duties and represented the interests of the State of Kansas; and

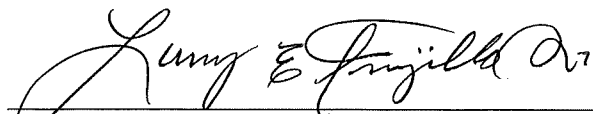
WHEREAS, his service to the Arkansas River Compact Administration has been greatly appreciated; and

NOW THEREFORE, BE IT RESOLVED by the Arkansas River Compact Administration that it hereby acknowledges with gratitude the dedicated service of Robert Buerkle to the Administration and expresses its appreciation to him for his dedication.

BE IT FURTHER RESOLVED that this Resolution be entered into the records of the Arkansas River Compact Administration and that the recording secretary be instructed to send a copy to Mr. Buerkle.

BE IT FURTHER RESOLVED that the Administration honor Mr. Buerkle for his many years of service by including his picture and appropriate dedicatory remarks in the Administration's annual report for the compact year 1998.

Entered this 8th day of December, 1998, at the annual meeting of the Arkansas River Compact Administration held in Lamar, Colorado.



Larry E. Trujillo, Sr., Chairman



David L. Pope, Vice Chairman

Exhibit 10

Annual Meeting

December 8, 1998

KSDW12

ANNUAL REPORT
OF THE
OPERATIONS SECRETARY
CONCERNING THE OPERATION
OF
JOHN MARTIN RESERVOIR
1998
SUBMITTED TO THE
OPERATIONS COMMITTEE
ARKANSAS RIVER COMPACT ADMINISTRATION

DUP FOR GWA

Summary

Operation of John Martin Reservoir

November 1, 1997 through October 31, 1998

Winter storage in John Martin Reservoir began at 0001 hr, November 1, 1997. At that time, the reservoir contained 296,088.00 a.f., distributed as follows: 278,529.78 a.f. in Agreement accounts; 7562.11 a.f. in the permanent recreation pool; 4433.19 a.f. in conservation storage (stored during the summer storage season and shown in the Summer Compact Water account); 5356.98 a.f. in the Offset account; and 205.94 a.f. in the City of Lamar Project account. Pursuant to Section (Article) III B and C of the Resolution Concerning An Operating Plan for John Martin Reservoir as amended (Operating Plan), water remaining in the Fort Lyon and Las Animas Consolidated Article III account at the end of the compact year was transferred to conservation storage shown in the Winter Compact Water account. The Pueblo winter storage program did not operate during the winter of 1997-98 to cause any accrual to the Winter Water account for subsequent transfer to Article III accounts of Amity, Fort Lyon Canal Company, and the Las Animas Consolidated.

Although the content of John Martin Reservoir did not reach the maximum allowable content on December 12, 1997, the Corps of Engineers decided to assume control of operations for flood control purposes at that time and began a release of 100 cfs. at 0930 hr. This release was increased to 200 cfs. at 1400 hr. A total of 604.00 a.f. was released from conservation storage (Winter Compact Water account) prior to when spill was determined to have occurred at 0000 hr. on December 14, 1997.

After the reservoir content reached the level of the maximum allowable invasion of the flood pool by the permanent recreation pool all inflow continued to accrue to conservation storage (Winter Compact Water account) pursuant to Article II A of the Operating Plan and releases (transfers) were made from various accounts (according to the order of spill provided for in Article II G of the Operating Plan and revised by Paragraph 13 of the Resolution Concerning An Offset Account In John Martin Reservoir For Colorado Pumping as amended March 30, 1998) to the Flood Pool account at the rate of actual inflow to the reservoir.

Storage of water upstream of John Martin Reservoir under post-Compact water rights occurred beginning on December 15, 1997 at which time the flow of water measured at the Garden City, Kansas, gauge registered approximately 375 c.f.s. Such upstream storage had the effect of reducing the inflow to John Martin Reservoir and the total volume of water that otherwise would have physically spilled from John Martin Reservoir. In order to compensate for reduced inflow to conservation storage (Winter Compact Water account) an adjustment was calculated to determine the amount and timing of additional inflow to John Martin Reservoir that would have occurred but for the upstream storage. A release (transfer) equal to this adjustment was then made from the actively spilling account to conservation storage (Winter Compact Water account). Thus, accruals to conservation storage occurred at the rate of adjusted inflow. Additionally, a release (transfer) from the actively spilling account to the Flood Pool account was made at the rate of physical inflow to the reservoir. Upstream storage continued with minor interruptions from December 15, 1997 through March 31, 1998 during which time the mean daily average flow of the Arkansas at Garden City, Kansas was never less than 200 c.f.s. In this manner spill of the Article III accounts were completed on January 14, 1998 and spill of the Offset account was completed January 17, 1998. At the onset of spill of Article II accounts the total content of such accounts was 213,723.80 a.f. of which 121,439.68 a.f. (56.8%) was in the Kansas account and 92,284.12 a.f. (43.2%) were in Colorado accounts.

All water transferred into the Flood Pool account was released from the reservoir at a rate determined by the Corps of Engineers. A total of 106,171 a.f. was released from the Flood Pool

account between December 14, 1997 and March 31, 1998 and all evaporation was charged to the Flood Pool account during this time period.

During the period November 1, 1997 through March 31, 1998 a total of 215,040 a.f. was stored as conservation storage.

Article I of the Operating Plan provides the following definitions:

A. "Periods of winter storage" consists of the period of time commencing on November 1 of each year and continuing to the first exhaustion of conservation storage during the compact year.

B. "Summer storage season" shall be the period of time commencing at the first exhaustion of conservation storage and continuing to and including the next succeeding October 31.

Furthermore, Article II of the Operating Plan provides that:

All inflows into John Martin Reservoir during a period of winter storage shall accrue to conservation storage" and "all inflows entering said reservoir during a period of conservation storage in the summer storage season shall accrue to conservation storage."

Since the first exhaustion of conservation storage during the 1997-98 compact year occurred at 0712 hr., September 5, 1998, technically the period of winter storage extended from November 1, 1997 until September 5, 1998.

The accounting of the Operations Secretary has traditionally and continues herein to show all inflows during the winter storage period as accruals to conservation storage, however, prior to April 1 of each year such inflows are assigned to an account entitled "Winter Compact Water" and afterward to an account entitled "Summer Compact Water." The latter account is also used during periods of conservation storage in the summer storage season to show the accrual of inflow to conservation storage. This accounting is done for the purpose of administering a certain intrastate agreement among Colorado water users.

On and after April 1, 1998, while water remained in the Flood Pool account, conservation storage continued to accrue at the rate of inflow pursuant to Article II B of the Operating Plan.

On April 7, 1998 releases of conservation storage into accounts began pursuant to Article II D of the Operating Plan.

A total of 2,796 a.f. was stored in the Permanent Recreation pool during the year. On April 14 and 15, 1998, the Colorado Division of Wildlife added 2495.63 a.f. of reusable transmountain return flow acquired from Colorado Springs Utilities pursuant to the Arkansas River Compact Administration's Resolution concerning water for the John Martin Reservoir Permanent Pool dated April 15, 1980. Additionally, 300.37 a.f. was stored in priority during the months of July and August pursuant to the Arkansas River Compact Administration's Resolution Concerning John Martin Reservoir Permanent Pool dated August 14, 1976.

The Flood Pool account was determined to be empty at 2321 hr. on April 26, 1998. During April an additional 40,093.37 a.f. was released from the flood pool. The total Flood Pool account release for the year was 146,264.37 a.f. When the Flood Pool account became empty, releases were begun from the accounts of those entities requesting such releases. Six separate releases (runs) to the State of Kansas were made during the year. See Tables XI-a through XI-f for details.

H16

Over the period of April 27-30, 1998 a release from the reservoir of 4376.0 a.f. in excess of demands on Agreement accounts was made due to an operational measurement error. This erroneous release was charged to conservation storage (Summer Compact Water account). During this same approximate time period 5422.62 a.f. was stored in Pueblo Reservoir under post-Compact water rights on the assumption that John Martin Reservoir was spilling. Upon discovery of the effect of this measurement error the entire quantity stored in Pueblo Reservoir as East Slope Project water during the period April 27, 1998 through May 3, 1998 was released to John Martin Reservoir conservation storage during the period of June 5, 1998 through June 8, 1998.

A summary of Offset account activities may be found in the report of the Colorado State Engineer concerning accounting of the Operations of the Offset Account in John Martin Reservoir for Colorado Pumping-1998, submitted to the Operations Committee under separate cover.

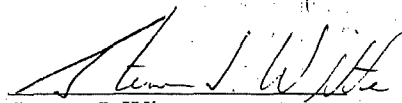
A total of 14,840.8 a.f. was stored in Article III accounts this year. The transfer of water into the Transit Loss account was performed pursuant to Article III D. Transfers were first used to fill the Transit Loss account to the amount of 1700 a.f. Thereafter all such water was transferred to Colorado and Kansas accounts at a ratio of 29/35 to Colorado and 11/35 to Kansas. A balance of 1635.10 a.f. was carried forward in the Transit Loss account to the 1998-99 compact year.

Storage in the amount of 1604.21 a.f. was delivered to the City of Lamar account in July 1998 with the concurrence of the Compact Administration. This water was totally released by October 5, 1998.

As previously stated, the first exhaustion of conservation storage occurred at 0712 hr. on September 5, 1998. Since April 1, 1998 an additional 154,236.98 a.f. was accumulated as conservation storage.

During the Summer Storage season two additional conservation storage events occurred. From October 2-4, 1998, 4487.56 a.f. was stored and during the 12 hour period after 1200 hrs. on October 31, 1998, 693.25 a.f. were stored prior to the end of the compact year. A total of 374,457.91 a.f. was stored as conservation storage during the 1998 compact year. Water stored in conservation storage, less evaporation, was all transferred to accounts at rates specified in the Operating Plan.

At the close of the compact year, the reservoir accounts contained 242,531.00 a.f. This is 53,557.00 a.f. less than on the same date last year.


Steven J. Witte
Arkansas River Compact Administration
Operations Secretary

11/30/98
Date

Exhibit 11

Annual Meeting

December 8, 1998

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
901 South Kansas Avenue, 2nd Floor
Topeka, Kansas 66612-1283
(913) 296-3717 FAX (913) 296-1176

RECEIVED

DEC 30 1997

DIVISION ENGINEER
PUEBLO, COLORADO

KANSAS DEPARTMENT OF AGRICULTURE

December 22, 1997

TELECOPY & MAIL

Mr. Hal D. Simpson
Colorado State Engineer
818 State Centennial Building
1313 Sherman Street
Denver, Colorado 80203

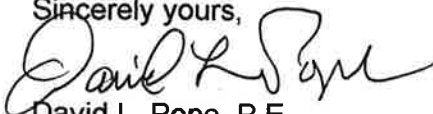
Dear Hal:

I understand from Steve Witte's statements to Mark Rude, that Steve is allowing water to be diverted or stored upstream of John Martin Reservoir under postcompact priorities. If this is true, Colorado would appear to be in violation of the Arkansas River Compact, the 1980 Resolution, and the spill provision of the Resolution Concerning An Offset Account in John Martin Reservoir For Colorado Pumping.

The Compact protects flows into John Martin Reservoir until conservation storage water spills. Pursuant to the 1980 Resolution as construed by you and the Colorado Supreme Court, no conservation storage water has spilled this year, nor is it expected to spill until the Article III and Article II water stored pursuant to the 1980 Resolution and water stored in the Offset Account have fully spilled from John Martin Reservoir. Water stored under Article III-A of the 1980 Resolution cannot be rolled over to other accounts or uses in John Martin Reservoir or exchanged out of John Martin Reservoir, but must be spilled pursuant to Article II-G of the 1980 Resolution and paragraph 13 of the Offset Account Resolution adopted this year.

Please confirm by return telecopy that you have taken all necessary steps to ensure that no water is diverted or stored upstream of John Martin Reservoir pursuant to postcompact water rights until Article III, Article II, and Offset Account water has fully spilled and conservation storage water is spilling from John Martin Reservoir, and that Article III water is not being rolled over or exchanged.

Sincerely yours,


David L. Pope, P.E.
Chief Engineer-Director

DLP:dlo
cc: (Telecopy & Mail)
Steve Witte
Mark Rude

Exhibit 11

Exhibit 12

Annual Meeting

December 8, 1998

RECEIVED

DEC 29 1997

DIVISION ENGINEER
PUEBLO, COLORADO

cc to Steve K
Bill H
Date 5/27/98
Don
STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589



Roy Romer
Governor

James S. Lochhead
Executive Director

Hal D. Simpson
State Engineer

December 23, 1997

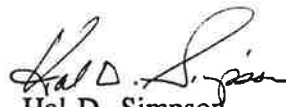
Mr. David L. Pope
Chief Engineer - Director
Division of Water Resources
Kansas State Board of Agriculture
109 SW 9th Street, Suite 202
Topeka, KS 66612-1283

Dear David:

In response to your letter of December 22, 1997, your understanding is correct that Steve Witte is allowing water to be diverted or stored upstream of John Martin Reservoir under post-Compact priorities during times when water is being spilled from Section III accounts in John Martin Reservoir; however, there is an important fact that needs to be pointed out. At times when Steve is allowing water to be diverted or stored upstream of John Martin Reservoir under post-Compact priorities, he is including any upstream diversions and storage in the rate at which he is converting water in the Section III accounts to conservation storage. The effect of permitting such upstream storage and diversions is to reduce the rate at which water is physically spilling from John Martin Reservoir, but it has no effect on the rate at which water in Section III accounts is converted into conservation storage.

In my opinion, permitting upstream diversion or storage under post-Compact priorities under these conditions at the present time is good water management and is not in violation of the Arkansas River Compact, the 1980 Operating Plan, or the Resolution Concerning an Offset Account in John Martin Reservoir for Colorado Pumping. At the present time, there is approximately 700 cfs at the stateline and 400 cfs passing Garden City. Therefore, it does not appear to me that upstream diversion or storage in Colorado under post-Compact priorities is depleting waters of the Arkansas River in usable quantity or availability for use to the water users in Colorado or Kansas under the Compact. If you feel I am wrong in that regard, I would appreciate hearing the basis for your opinion.

Sincerely,


Hal D. Simpson
State Engineer

cc: Steve Witte
Wendy Weiss
David Robbins
Dennis Montgomery

Exhibit 12

Exhibit 13

Annual Meeting

December 8, 1998

RECEIVED

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture
DIVISION ENGINEER
PUEBLO, COLORADO



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
901 South Kansas Avenue, 2nd Floor
Topeka, Kansas 66612-1283
(913) 296-3717 FAX (913) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

January 9, 1998

TELECOPY & MAIL

Mr. Hal D. Simpson
Colorado State Engineer
818 State Centennial Building
1313 Sherman Street
Denver, Colorado 80203

Dear Hal:

I have received your letter of December 23, 1997. In that letter you confirm that you are allowing water to be diverted or stored upstream of John Martin Reservoir under postcompact priorities during times when water is being spilled from Section III accounts in John Martin Reservoir. This is a matter of substantial concern to Kansas, and we therefore need immediate detailed accounting of such diversion and storage. Please be so kind as to provide that accounting within the next few days.

In your letter of December 23 you also indicate that your office is "converting water in the Section III accounts to conservation storage." Section III of the 1980 Operating Plan, however, does not allow such "conversion." In addition, the spill provision of the 1980 Operating Plan, Section II-G, specifically provides that, "in the event that runoff conditions occur in the Arkansas River basin upstream from John Martin Reservoir that cause water to spill physically over the project's spillway," certain mandatory spill procedures must be followed. Such runoff conditions presently exist. Those spill procedures do not allow exchange or "conversion" of water that is to be spilled. Consequently, such "conversion" would appear to violate the 1980 Operating Plan. The spill provision of the recently adopted Resolution Concerning an Offset Account in John Martin Reservoir for Colorado Pumping is to similar effect. It would also appear to violate the Arkansas River Compact which protects usable flows to Kansas.

You seek to justify your actions on the basis of (1) "good water management" and (2) a daily usability analysis. It is not altogether clear that your recent actions constitute good water management, given the inevitable evaporation of the water stored and the reduction in transmountain importation of water that such storage causes. Even if such storage is good water management for

Exhibit 13

Mr. Hal D. Simpson
January 9, 1998
Page 2

Colorado, it is not acceptable to Kansas if it deprives Kansas of water to which it is entitled. Further, the mandatory spill provisions of the 1980 Operating Plan and the Offset Account Resolution referred to above are not subject to exceptions based on usability.

In view of the foregoing, I would reaffirm the request in my December 22, 1997 letter to you that you take all necessary steps to insure that no water is diverted or stored upstream of John Martin Reservoir pursuant to postcompact water rights until Section III, Section II and Offset Account water has fully spilled and conservation storage water is spilling from John Martin Reservoir, and that Section III water not be rolled over or exchanged (i.e., "converted to conservation storage"). Since some of this unauthorized diversion and storage of water has already occurred, I would ask that you take immediate steps to rectify those violations and that you provide the detailed accounting requested.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "David L. Pope", with a stylized, flowing script.

David L. Pope, P.E.
Chief Engineer-Director

DLP:dlo

cc: By Telecopy & Mail
Steve Witte
Mark Rude

Exhibit 14

Annual Meeting

December 8, 1998

RECEIVED

JAN 22 1998

DIVISION OF THE STATE ENGINEER
PUEBLO, COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

Bill Howland
Dale Strawn
Don Taylor
S K
Steve

STATE OF COLORADO



Roy Romer
Governor

James S. Lochhead
Executive Director

Hal D. Simpson
State Engineer

January 14, 1998

Mr. David L. Pope
Chief Engineer-Director
Division of Water Resources
Kansas State Board of Agriculture
109 S.W. 9th St., Ste. 202
Topeka, KS 66612-1283

Dear David:

In response to your letter of January 13, 1998, enclosed is the accounting that you requested concerning water diverted or stored upstream of John Martin Reservoir under post-compact priorities during times when water was being spilled from Section III accounts in John Martin Reservoir. Steve Witte is available to answer any questions you or your staff have concerning these diversions. It was our intention that such diversions or storage have no impact on storage in John Martin Reservoir, except to reduce the rate at which water was or would have been released from John Martin Reservoir during the spill of water in the Section III accounts. If you disagree with our accounting in any regard, I request that you inform me as soon as possible so that we can try to resolve any disagreements. It was certainly not our intention that such diversion or storage cause injury either to entities in Colorado or to Kansas, or that any entity upstream from John Martin Reservoir receive any improper benefits.

With regard to your interpretation of the "spill" provisions of the 1980 Operating Plan and the Resolution Concerning an Offset Account in John Martin Reservoir for Colorado Pumping, Colorado does not agree with your interpretation. Section II G of the 1980 Operating Plan states, in pertinent part: "In the event that runoff conditions occur in the Arkansas River basin upstream that cause water to spill physically over the project's spillway, then...". Paragraph 13 of the Offset-account Resolution is similar, but this language was modified to read "that cause water to spill from the Reservoir" in recognition that the Corps of Engineers does not spill water physically over the project's spillway. However, Section II G of the 1980 Operating Plan and paragraph 13 of the Offset-account Resolution simply describe the runoff conditions that must occur to trigger a spill of water stored in the accounts. Those runoff conditions have occurred; however, I do not read Section II G or paragraph 13 to preclude upstream diversion or storage of water when those runoff conditions occur, so long as the upstream diversion or storage is properly accounted for and does not affect the amount of the spill from the accounts. Your

interpretation of Section II G and paragraph 13 would require water to spill from John Martin Reservoir even though there is no water user in Colorado or Kansas under the Compact who would benefit from the water.

You also state: "It would also appear to violate the Arkansas River Compact which protects usable flows to Kansas." And you further state: "Even if such storage is good water management for Colorado, it is not acceptable to Kansas if it deprives Kansas of water to which it is entitled."

It was not our intention to deprive Kansas of water to which it is entitled. During times when water was being diverted or stored upstream of John Martin Reservoir under post-compact priorities, we kept careful track of Stateline flow and the flow at Garden City to ensure that the water users in Colorado and Kansas under the Compact were not injured by such diversion or storage. At all times there was substantial flow at the Stateline and at Garden City. Beyond simply stating that it would appear to violate the Arkansas River Compact and that it is not acceptable to Kansas if it deprives Kansas of water to which it is entitled, you have provided no information on how such diversions or storage would appear to violate the Compact or how they would deprive Kansas of water to which it is entitled. If you have such information, I request that you provide it to me.

You also state: "It is not altogether clear that your recent actions constitute good water management, given the inevitable evaporation of the water stored and the reduction in transmountain importation of water that such storage causes." It has always seemed to me that storage of water higher in the basin during periods of high streamflow represents good water management, particularly when such water would otherwise flow past Garden City unused. Admittedly, there may be inevitable evaporation of the water stored; but, Pueblo Reservoir is relatively efficient compared to other reservoirs in the basin. Nor does storage of water necessarily reduce transmountain importation because the Fryingpan-Arkansas Project has a limit on the amount of water that can be diverted in any year and a limit on the aggregate that can be diverted in any period of 34 consecutive years. Thus, upstream storage in Pueblo Reservoir does not necessarily reduce the amount of transmountain diversions. Furthermore, the present snowpack is about 20 percent below normal in the Colorado River basin, so the opportunity for importing water may be limited this year.

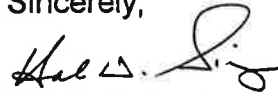
In conclusion, based on information currently available to me, I do not intend to preclude diversions or storage upstream of John Martin Reservoir pursuant to post-compact water rights until Section III, Offset Account, and Section II water has fully spilled and conservation storage water is spilling from John Martin Reservoir, at least so long as no water user in Colorado or Kansas under the Compact is injured. We will continue to carefully monitor flows at the Stateline and Garden City to insure that such diversions or storage has not caused injury to water users in Colorado and Kansas. If, after reviewing

Mr. David L. Pope
January 14, 1998

Page 3

the accounting provided or the explanation of the basis on which such diversions or storage is permitted, you continued to have concerns about such diversions or storage, I urge you to provide additional information so that we can try to resolve any disagreements. Because this is an issue which involves the interpretation of resolutions adopted by the Arkansas River Compact Administration, I am copying Chairman Trujillo and the Colorado representatives of the Compact Administration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Hal D. Simpson", with a stylized flourish at the end.

Hal D. Simpson
State Engineer

cc: David W. Robbins/Dennis M. Montgomery
Larry Trujillo, Chairman, ARCA
Jim Rogers
Tom Pointon
Chuck Lile, Director, CWCB
Steve Witte, Div. Eng.
Wendy C. Weiss, First Assistant Attorney General

Exhibit 15

Annual Meeting

December 8, 1998

RECEIVED

APR 20 1998

STATE OF KANSAS

DIVISION ENGINEER
BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
901 South Kansas Avenue, 2nd Floor
Topeka, Kansas 66612-1283
(800) 296-3717 FAX (913) 296-1176
785 785

KANSAS DEPARTMENT OF AGRICULTURE

April 15, 1998

Mr. Hal D. Simpson
Colorado State Engineer
Division of Water Resources
Department of Natural Resources
1313 Sherman Street - Room 818
Denver, Colorado 80203

Dear Hal:

I am writing to follow up on my comments at the March 25, 1998 telephonic meeting of the Arkansas River Compact Administration regarding Kansas' complaints that Colorado has been improperly administering and accounting for the ongoing John Martin Reservoir spill and to address additional concerns. Kansas continues to be dissatisfied with the administration and accounting of the spill, as explained in our earlier letters of December 22, 1997 and January 9, 1998. You most recently responded on January 14, 1998, confirming that the effect of that administration has been to decrease the water physically spilled from John Martin Reservoir.

We interpret the spill provisions of the 1980 Operating Plan and the Offset Account Resolution to be mandatory. We also interpret the word "spill" to mean "spill" and not "exchange." It is the purpose of those two resolutions to allow reservoir operations that would not be permitted under the Compact absent the resolutions. Therefore, further spill operations not provided for in the Compact, the 1980 Resolution or the Offset Account Resolution, are not permitted. In other words, the "exchange" of water allowed by Colorado Division II is an unauthorized action. Also, your suggestion that the express wording of the 1980 Resolution and the Offset Account Resolution can be ignored unless Kansas can show that the water in question would be usable in Kansas, is not correct. Moreover, Colorado should not be making unilateral determinations that the terms of ARCA resolutions can be ignored.

The effect of your actions has been to deprive Kansas of water to which it is entitled, including water in the Kansas Article II Account and recharge in Kansas above and below Garden City. This effect has been achieved in two ways: (1) your administration of water rights above John Martin Reservoir, and (2) your accounting of the spill from accounts established by the 1980 Operating Plan and the Offset Account Resolution. As explained in the earlier correspondence, no Colorado water right above John Martin Reservoir with a priority junior to the Arkansas River

Exhibit 15


Mr. Hal D. Simpson
April 15, 1998
Page 2

Compact should be allowed to divert until conservation storage as defined in the 1980 Operating Plan is spilling. You have drawn a clear distinction between conservation storage and account water in the conservation pool. This distinction was affirmed by your Supreme Court in the recent Highland/Nine-Mile litigation. The result of your allowing premature diversions upstream of John Martin has been less water flowing into conservation storage in John Martin.

The second way by which you have deprived Kansas of water to which it is entitled is your accounting of the John Martin spill. You enclosed the Colorado accounting with your last letter. We believe that accounting is inconsistent with the spill provisions of the 1980 Operating Plan and the Offset Account Resolution. The primary problems with your accounting include the following: (1) the rate of spill of account water should be equal to the rate of physical spill from the reservoir; and (2) release of conservation storage to the Article II accounts which was occurring at the end of the summer storage season should have continued until complete. The correct spill accounting, for the period October 1, 1997 to March 31, 1998, is attached. It shows that some 33,000 acre-feet more water should be accounted to be in the Kansas Article II Account on March 31, 1998 than the Division II accounting shows.

You recently informed me that 20,000 acre-feet would be evacuated from Pueblo Reservoir over a five-day period ending April 15 at a rate of 2000 cfs to meet dam safety requirements. As we have argued in our previous correspondence, this is water that should never have been stored in the first place. The problems created by the improper storage of this water, in the context of the ongoing spill from John Martin, have been exacerbated by your failure to require its release over a longer period at a more manageable rate. The April 15 deadline has been known by you for a number of months. Your handling of the present release will create difficulties that would not otherwise exist with using the water in Kansas. I request that the next such reduction in storage of 20,000 acre-feet, which must be accomplished by May 1, 1998, be made at a lower, more manageable rate, beginning immediately.

Sincerely yours,


David L. Pope, P.E.
Chief Engineer-Director

DLP:dr

Enclosure

pc: (via Telecopy & U. S. Mail)
Larry Trujillo, Chairman, ARCA
Steve Witte, Colorado Division II Engineer
Mark Rude, Kansas Water Commissioner, Garden City

Kansas John Martin Spill Accounting

John Martin Reservoir

John Martin Reservoir														Kansas														Transit Loss Account														Agreement Water														Summer Compact Water														Article III														1987 Winter Stored Water																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Oct: 97		Calculated		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97		Inflow		Release		Evap		Own		Oct: 97</	

Kansas

	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	26	27	28	29	30	31	
1	0.00	0.00	60.53	119173.23	1	0.00	0.00	0.85	1666.82	1	0.00	128.16	29.25	5724.70	1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2	0.00	0.00	85.45	119027.25	2	0.00	0.00	1.20	1664.68	2	0.00	161.23	41.19	5721.37	2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	75.55	118851.70	3	0.00	0.00	1.05	1663.83	3	0.00	243.01	36.32	5695.04	3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	75.20	118676.50	4	0.00	0.00	1.09	1662.78	4	0.00	280.76	36.00	5693.26	4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	71.78	118498.72	5	0.00	0.00	1.09	1661.69	5	0.00	280.76	37.05	5693.47	5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	71.78	118326.05	6	0.00	0.00	1.09	1660.60	6	0.00	280.78	36.90	5595.61	6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	112.55	118068.30	7	0.00	0.00	1.57	1659.02	7	0.00	183.85	53.06	5578.88	7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	55.08	117853.22	8	0.00	0.00	0.77	1658.25	8	0.00	0.00	0.00	25.68	5571.30	8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	80.17	117647.05	9	0.00	0.00	1.12	1657.13	9	0.00	0.00	0.00	37.66	5567.53	9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	102.25	117437.90	10	0.00	0.00	1.43	1655.70	10	0.00	0.00	0.00	48.05	5562.29	10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	97.24	117230.96	11	0.00	0.00	1.38	1654.34	11	0.00	0.00	0.00	45.70	5559.59	11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	97.25	117017.31	12	0.00	0.00	1.36	1652.89	12	0.00	0.00	0.00	45.70	5555.89	12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13	0.00	0.00	97.26	116809.75	13	0.00	0.00	1.36	1651.82	13	0.00	0.00	0.00	45.71	5549.18	13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14	485.88	0.00	30.06	116544.87	14	0.00	0.00	0.42	1651.20	14	743.81	328.53	14.13	55980.33	14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
15	382.22	0.00	32.56	116384.53	15	0.00	0.00	0.45	1650.75	15	573.33	484.28	15.35	55984.03	15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16	0.00	0.00	27.63	116223.00	16	0.00	0.00	0.38	1650.37	16	0.00	118.91	13.01	55952.11	16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17	0.00	0.00	30.15	116066.75	17	0.00	0.00	0.42	1649.85	17	0.00	0.00	14.17	55937.84	17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	0.00	0.00	30.16	115898.50	18	0.00	0.00	0.42	1649.33	18	0.00	0.00	14.17	55930.50	18	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
19	0.00	0.00	30.17	115728.42	19	0.00	0.00	0.35	1648.78	19	0.00	0.00	14.17	55923.77	19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20	0.00	0.00	25.14	115551.11	20	0.00	0.00	0.14	1648.23	20	0.00	0.00	14.17	55916.99	20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21	0.00	0.00	10.06	115374.22	21	0.00	0.00	0.00	1647.68	21	0.00	0.00	11.81	55797.79	21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22	0.00	0.00	47.38	115193.84	22	0.00	0.00	0.86	1647.36	22	0.00	0.00	17.26	55770.81	22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
23	0.00	0.00	37.77	115015.07	23	0.00	0.00	0.52	1647.44	23	0.00	0.00	17.74	55753.07	23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24	0.00	0.00	116618.28	114841.28	24	0.00	0.00	0.00	1646.81	24	0.00	0.00	17.76	55735.31	24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
25	0.00	0.00	22.45	115655.63	25	0.00	0.00	0.00	1646.81	25	0.00	0.00	0.00	10.55	55724.78	25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
26	0.00	0.00	22.38	115488.94	26	0.00	0.00	0.00	1646.81	26	0.00	0.00	0.00	10.52	55694.34	26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
27	793.40	0.00	27.95	115326.94	27	0.00	0.00	0.31	1646.28	27	1190.10	0.00	0.00	13.32	55691.12	27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28	793.40	0.00	27.95	120132.29	28	0.00	0.00	0.39	1645.81	28	1190.10	0.00	0.00	13.32	55691.12	28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
29	793.40	0.00	46.01	120879.68	29	0.00	0.00	0.63	1645.28	29	1190.10	0.00	0.00	22.24	55648.98	29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30	793.40	0.00	46.32	121626.76	30	0.00	0.00	0.63	1644.64	30	1190.10	0.00	0.00	22.71	60416.37	30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
31	4845.10	0.00	46.46	122373.00	31	0.00	0.00	0.63	1644.02	31	1190.10	0.00	0.00	23.08	61583.39	31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
			1644.63					22.90			7267.64	2479.25	780.20																			

[illegible]

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Kansas John Martin Spill Accounting

John Martin's Reservoir	Kansas - John Martin Spill Accounting										15-Apr-88 09:28 AM									
	Agreement Water					Summer Compact Water					Winter Compact Water					Article III				
	Jan: 98	Inflow	Release	Evp	Own	Jan: 98	Inflow	Release	Evp	Own	Jan: 98	Inflow	Release	Evp	Own	Jan: 98	Inflow	Release	Evp	Own
1	1212.00	1169.00	64.00	344182.00	256905.64	1	0.00	0.00	0.00	0.00	1	1159.00	0.00	0.00	71212.94	1	0.00	0.00	0.00	71212.94
2	14793.00	1184.00	54.00	344182.00	257445.64	2	0.00	0.00	0.00	0.00	2	1194.00	0.00	0.00	72370.94	2	0.00	0.00	0.00	72370.94
3	14793.00	1184.00	54.00	344625.00	256251.84	3	0.00	0.00	0.00	0.00	3	1218.00	0.00	0.00	73584.94	3	0.00	0.00	0.00	73584.94
4	1656.00	1218.00	54.00	344625.00	255039.64	4	0.00	0.00	0.00	0.00	4	1218.00	0.00	0.00	74782.94	4	0.00	0.00	0.00	74782.94
5	1680.00	1510.00	54.00	345024.00	253914.64	5	0.00	0.00	0.00	0.00	5	1510.00	0.00	0.00	76001.94	5	0.00	0.00	0.00	76001.94
6	1634.00	1712.00	54.00	344771.00	252304.64	6	0.00	0.00	0.00	0.00	6	1712.00	0.00	0.00	77221.84	6	0.00	0.00	0.00	77221.84
7	1534.00	1712.00	54.00	344639.00	249895.64	7	0.00	0.00	0.00	0.00	7	1712.00	0.00	0.00	78223.84	7	0.00	0.00	0.00	78223.84
8	1419.00	1713.00	53.00	344182.00	247187.64	8	0.00	0.00	0.00	0.00	8	1713.00	0.00	0.00	79233.84	8	0.00	0.00	0.00	79233.84
9	843.00	1027.00	48.00	343729.00	246728.64	9	0.00	0.00	0.00	0.00	9	1027.00	0.00	0.00	80244.84	9	0.00	0.00	0.00	80244.84
10	943.00	1026.00	48.00	343497.00	244700.64	10	0.00	0.00	0.00	0.00	10	1026.00	0.00	0.00	81254.84	10	0.00	0.00	0.00	81254.84
11	1307.00	1026.00	48.00	343729.00	243674.64	11	0.00	0.00	0.00	0.00	11	1026.00	0.00	0.00	82264.84	11	0.00	0.00	0.00	82264.84
12	1422.00	1026.00	48.00	344078.00	242648.64	12	0.00	0.00	0.00	0.00	12	1026.00	0.00	0.00	83274.84	12	0.00	0.00	0.00	83274.84
13	1511.00	1462.00	48.00	344078.00	241166.64	13	0.00	0.00	0.00	0.00	13	1462.00	0.00	0.00	84284.84	13	0.00	0.00	0.00	84284.84
14	1511.00	1723.00	48.00	344182.00	239463.64	14	0.00	0.00	0.00	0.00	14	1723.00	0.00	0.00	85294.84	14	0.00	0.00	0.00	85294.84
15	1537.00	1723.00	48.00	344182.00	237743.64	15	0.00	0.00	0.00	0.00	15	1720.00	0.00	0.00	86304.84	15	0.00	0.00	0.00	86304.84
16	1498.00	1586.00	48.00	343964.00	236519.64	16	0.00	0.00	0.00	0.00	16	1586.00	0.00	0.00	87314.84	16	0.00	0.00	0.00	87314.84
17	1698.00	1441.00	48.00	343964.00	235297.64	17	0.00	0.00	0.00	0.00	17	1441.00	0.00	0.00	88324.84	17	0.00	0.00	0.00	88324.84
18	1373.00	1440.00	48.00	343844.00	233927.64	18	0.00	0.00	0.00	0.00	18	1440.00	0.00	0.00	89334.84	18	0.00	0.00	0.00	89334.84
19	1482.00	1439.00	43.00	343844.00	232699.64	19	0.00	0.00	0.00	0.00	19	1439.00	0.00	0.00	90344.84	19	0.00	0.00	0.00	90344.84
20	1320.00	1508.00	43.00	343613.00	230350.64	20	0.00	0.00	0.00	0.00	20	1508.00	0.00	0.00	91354.84	20	0.00	0.00	0.00	91354.84
21	1465.00	1420.00	43.00	343613.00	228930.64	21	0.00	0.00	0.00	0.00	21	1420.00	0.00	0.00	92364.84	21	0.00	0.00	0.00	92364.84
22	1405.00	1380.00	43.00	343613.00	227570.64	22	0.00	0.00	0.00	0.00	22	1380.00	0.00	0.00	93374.84	22	0.00	0.00	0.00	93374.84
23	1363.00	1320.00	43.00	343613.00	226250.64	23	0.00	0.00	0.00	0.00	23	1320.00	0.00	0.00	94384.84	23	0.00	0.00	0.00	94384.84
24	1248.00	1250.00	43.00	343844.00	225000.64	24	0.00	0.00	0.00	0.00	24	1250.00	0.00	0.00	95394.84	24	0.00	0.00	0.00	95394.84
25	1262.00	1250.00	43.00	343844.00	223750.64	25	0.00	0.00	0.00	0.00	25	1250.00	0.00	0.00	96404.84	25	0.00	0.00	0.00	96404.84
26	1262.00	1335.00	43.00	343844.00	222500.64	26	0.00	0.00	0.00	0.00	26	1335.00	0.00	0.00	97414.84	26	0.00	0.00	0.00	97414.84
27	1787.00	1390.00	48.00	344182.00	221250.64	27	0.00	0.00	0.00	0.00	27	1390.00	0.00	0.00	98424.84	27	0.00	0.00	0.00	98424.84
28	1145.00	1444.00	48.00	343844.00	220000.64	28	0.00	0.00	0.00	0.00	28	1444.00	0.00	0.00	99434.84	28	0.00	0.00	0.00	99434.84
29	1305.00	1447.00	48.00	343844.00	218754.68	29	0.00	0.00	0.00	0.00	29	1447.00	0.00	0.00	100444.84	29	0.00	0.00	0.00	100444.84
30	1806.00	1441.00	48.00	343729.00	217504.68	30	0.00	0.00	0.00	0.00	30	1441.00	0.00	0.00	101454.84	30	0.00	0.00	0.00	101454.84
31	1340.00	1407.00	48.00	343613.00	216254.68	31	0.00	0.00	0.00	0.00	31	1407.00	0.00	0.00	102464.84	31	0.00	0.00	0.00	102464.84
	44288.00	43357.00	4510.00		39848.86							43357.00	0.00	0.00			4510.00	0.00	0.00	

Agreement Water				Summer Compact Water				Winter Compact Water				Officer Account			
Feb. 98	Inflow	Release	Evap	Feb. 98	Inflow	Release	Evap	Feb. 98	Inflow	Release	Evap	Feb. 98	Inflow	Release	Own
1	1025.00	1408.00	78.00	1	0.00	598.83	0.00	1	1408.00	0.00	0.00	1	0.00	808.07	808.07
2	1165.00	962.00	86.00	2	0.00	982.00	0.00	2	0.00	0.00	0.00	2	0.00	0.00	0.00
3	819.00	736.00	63.00	3	0.00	736.00	0.00	3	736.00	0.00	0.00	3	0.00	0.00	0.00
4	803.00	742.00	65.00	4	0.00	742.00	0.00	4	0.00	0.00	0.00	4	0.00	0.00	0.00
5	803.00	720.00	65.00	5	0.00	719.00	0.00	5	719.00	0.00	0.00	5	0.00	0.00	0.00
6	770.00	720.00	65.00	6	0.00	720.00	0.00	6	720.00	0.00	0.00	6	0.00	0.00	0.00
7	696.00	719.00	65.00	7	0.00	719.00	0.00	7	719.00	0.00	0.00	7	0.00	0.00	0.00
8	892.00	614.00	83.00	8	0.00	614.00	0.00	8	614.00	0.00	0.00	8	0.00	0.00	0.00
9	853.00	308.00	83.00	9	0.00	308.00	0.00	9	308.00	0.00	0.00	9	0.00	0.00	0.00
10	733.00	303.00	83.00	10	0.00	303.00	0.00	10	303.00	0.00	0.00	10	0.00	0.00	0.00
11	424.00	341.00	83.00	11	0.00	341.00	0.00	11	341.00	0.00	0.00	11	0.00	0.00	0.00
12	511.00	428.00	83.00	12	0.00	428.00	0.00	12	428.00	0.00	0.00	12	0.00	0.00	0.00
13	530.00	558.00	88.00	13	0.00	558.00	0.00	13	558.00	0.00	0.00	13	0.00	0.00	0.00
14	893.00	605.00	88.00	14	0.00	605.00	0.00	14	605.00	0.00	0.00	14	0.00	0.00	0.00
15	154.00	528.00	88.00	15	0.00	528.00	0.00	15	528.00	0.00	0.00	15	0.00	0.00	0.00
16	1018.00	353.00	88.00	16	0.00	353.00	0.00	16	353.00	0.00	0.00	16	0.00	0.00	0.00
17	632.00	428.00	88.00	17	0.00	428.00	0.00	17	428.00	0.00	0.00	17	0.00	0.00	0.00
18	568.00	480.00	88.00	18	0.00	480.00	0.00	18	480.00	0.00	0.00	18	0.00	0.00	0.00
19	504.00	531.00	88.00	19	0.00	531.00	0.00	19	531.00	0.00	0.00	19	0.00	0.00	0.00
20	343.00	602.00	88.00	20	0.00	602.00	0.00	20	602.00	0.00	0.00	20	0.00	0.00	0.00
21	572.00	602.00	88.00	21	0.00	602.00	0.00	21	602.00	0.00	0.00	21	0.00	0.00	0.00
22	690.00	602.00	88.00	22	0.00	602.00	0.00	22	602.00	0.00	0.00	22	0.00	0.00	0.00
23	419.00	446.00	88.00	23	0.00	446.00	0.00	23	446.00	0.00	0.00	23	0.00	0.00	0.00
24	993.00	317.00	88.00	24	0.00	317.00	0.00	24	317.00	0.00	0.00	24	0.00	0.00	0.00
25	42.00	301.00	88.00	25	0.00	301.00	0.00	25	301.00	0.00	0.00	25	0.00	0.00	0.00
26	272.00	300.00	88.00	26	0.00	300.00	0.00	26	300.00	0.00	0.00	26	0.00	0.00	0.00
27	620.00	301.00	88.00	27	0.00	301.00	0.00	27	301.00	0.00	0.00	27	0.00	0.00	0.00
28	273.00	300.00	88.00	28	0.00	300.00	0.00	28	300.00	0.00	0.00	28	0.00	0.00	0.00
29				29				29				29			
30				30				30				30			
31	17447.00	15273.00	2405.00	31	0.00	0.00	0.00	31	15273.00	0.00	0.00	31	0.00	808.07	0.00

Transit Loss				Cool Summer Stored Water				1987 Winter Stored Water				Article III			
Feb. 98	Inflow	Release	Evap	Feb. 98	Inflow	Release	Evap	Feb. 98	Inflow	Release	Evap	Feb. 98	Inflow	Release	Own
1	0.00	338.84	0.00	1	0.00	0.00	0.00	1	0.00	281.09	0.00	1	0.00	0.00	0.00
2	0.00	554.63	0.00	2	0.00	0.00	0.00	2	0.00	427.37	0.00	2	0.00	0.00	0.00
3	0.00	415.89	0.00	3	0.00	0.00	0.00	3	0.00	320.31	0.00	3	0.00	0.00	0.00
4	0.00	419.08	0.00	4	0.00	0.00	0.00	4	0.00	322.92	0.00	4	0.00	0.00	0.00
5	0.00	408.08	0.00	5	0.00	0.00	0.00	5	0.00	313.34	0.00	5	0.00	0.00	0.00
6	0.00	406.08	0.00	6	0.00	0.00	0.00	6	0.00	312.91	0.00	6	0.00	0.00	0.00
7	0.00	406.08	0.00	7	0.00	0.00	0.00	7	0.00	312.91	0.00	7	0.00	0.00	0.00
8	0.00	346.78	0.00	8	0.00	0.00	0.00	8	0.00	312.91	0.00	8	0.00	0.00	0.00
9	0.00	173.86	0.00	9	0.00	0.00	0.00	9	0.00	312.91	0.00	9	0.00	0.00	0.00
10	0.00	171.13	0.00	10	0.00	0.00	0.00	10	0.00	148.40	0.00	10	0.00	0.00	0.00
11	0.00	182.80	0.00	11	0.00	0.00	0.00	11	0.00	186.27	0.00	11	0.00	0.00	0.00
12	0.00	241.73	0.00	12	0.00	0.00	0.00	12	0.00	242.84	0.00	12	0.00	0.00	0.00
13	0.00	315.18	0.00	13	0.00	0.00	0.00	13	0.00	293.30	0.00	13	0.00	0.00	0.00
14	0.00	341.70	0.00	14	0.00	0.00	0.00	14	0.00	228.79	0.00	14	0.00	0.00	0.00
15	0.00	298.21	0.00	15	0.00	0.00	0.00	15	0.00	275.25	0.00	15	0.00	0.00	0.00
16	0.00	199.37	0.00	16	0.00	0.00	0.00	16	0.00	153.63	0.00	16	0.00	0.00	0.00
17	0.00	242.30	0.00	17	0.00	0.00	0.00	17	0.00	186.70	0.00	17	0.00	0.00	0.00
18	0.00	271.10	0.00	18	0.00	0.00	0.00	18	0.00	208.80	0.00	18	0.00	0.00	0.00
19	0.00	236.91	0.00	19	0.00	0.00	0.00	19	0.00	231.08	0.00	19	0.00	0.00	0.00
20	0.00	338.91	0.00	20	0.00	0.00	0.00	20	0.00	261.99	0.00	20	0.00	0.00	0.00
21	0.00	338.91	0.00	21	0.00	0.00	0.00	21	0.00	261.12	0.00	21	0.00	0.00	0.00
22	0.00	341.86	0.00	22	0.00	0.00	0.00	22	0.00	261.99	0.00	22	0.00	0.00	0.00
23	0.00	341.86	0.00	23	0.00	0.00	0.00	23	0.00	184.10	0.00	23	0.00	0.00	0.00
24	0.00	179.04	0.00	24	0.00	0.00	0.00	24	0.00	137.98	0.00	24	0.00	0.00	0.00
25	0.00	179.04	0.00	25	0.00	0.00	0.00	25	0.00	130.56	0.00	25	0.00	0.00	0.00
26	0.00	169.44	0.00	26	0.00	0.00	0.00	26	0.00	130.56	0.00	26	0.00	0.00	0.00
27	0.00	169.44	0.00	27	0.00	0.00	0.00	27	0.00	130.56	0.00	27	0.00	0.00	0.00
28	0.00	169.44	0.00	28	0.00	0.00	0.00	28	0.00	130.56	0.00	28	0.00	0.00	0.00
29	0.00	169.44	0.00	29	0.00	0.00	0.00	29	0.00	130.56	0.00	29	0.00	0.00	0.00
30	0.00	169.44	0.00	30	0.00	0.00	0.00	30	0.00	130.56	0.00	30	0.00	0.00	0.00
31	0.00	8169.76	0.00	31	0.00	0.00	0.00	31	0.00	6295.17	0.00	31	0.00	0.00	0.00

Agreement Water					Summer Compact Water					Winter Compact Water					Transit Loss				
Mar: 98	Infrow	Release	Evap	Own	Mar: 98	Infrow	Release	Evap	Own	Mar: 98	Infrow	Release	Evap	Own	Mar: 98	Infrow	Release	Evap	Own
1	442.00	300.00	142.00	343382.00	1	0.00	300.00	0.00	205280.76	1	0.00	0.00	0.00	0.00	1	0.00	0.00	0.00	0.00
2	326.00	300.00	142.00	343266.00	2	0.00	300.00	0.00	204989.76	2	0.00	0.00	0.00	0.00	2	0.00	0.00	0.00	0.00
3	366.00	244.00	142.00	343266.00	3	0.00	244.00	0.00	204465.76	3	0.00	0.00	0.00	0.00	3	0.00	0.00	0.00	0.00
4	446.00	188.00	142.00	343382.00	4	0.00	188.00	0.00	204057.76	4	0.00	0.00	0.00	0.00	4	0.00	0.00	0.00	0.00
5	416.00	158.00	142.00	343487.00	5	0.00	158.00	0.00	204057.76	5	0.00	0.00	0.00	0.00	5	0.00	0.00	0.00	0.00
6	287.00	155.00	142.00	343487.00	6	0.00	155.00	0.00	203943.76	6	0.00	0.00	0.00	0.00	6	0.00	0.00	0.00	0.00
7	381.00	154.00	142.00	344182.00	7	0.00	154.00	0.00	203789.76	7	0.00	0.00	0.00	0.00	7	0.00	0.00	0.00	0.00
8	402.00	135.00	142.00	343960.00	8	0.00	135.00	0.00	203634.76	8	0.00	0.00	0.00	0.00	8	0.00	0.00	0.00	0.00
9	474.00	332.00	142.00	344076.00	9	0.00	332.00	0.00	203400.76	9	0.00	0.00	0.00	0.00	9	0.00	0.00	0.00	0.00
10	474.00	415.00	142.00	343890.00	10	0.00	415.00	0.00	203088.76	10	0.00	0.00	0.00	0.00	10	0.00	0.00	0.00	0.00
11	445.00	458.00	142.00	343890.00	11	0.00	458.00	0.00	202849.76	11	0.00	0.00	0.00	0.00	11	0.00	0.00	0.00	0.00
12	434.00	509.00	142.00	343613.00	12	0.00	509.00	0.00	202191.76	12	0.00	0.00	0.00	0.00	12	0.00	0.00	0.00	0.00
13	420.00	551.00	142.00	343613.00	13	0.00	551.00	0.00	201692.76	13	0.00	0.00	0.00	0.00	13	0.00	0.00	0.00	0.00
14	924.00	509.00	142.00	343613.00	14	0.00	509.00	0.00	201131.76	14	0.00	0.00	0.00	0.00	14	0.00	0.00	0.00	0.00
15	581.00	554.00	142.00	343726.00	15	0.00	554.00	0.00	200577.76	15	0.00	0.00	0.00	0.00	15	0.00	0.00	0.00	0.00
16	927.00	554.00	142.00	343960.00	16	0.00	554.00	0.00	199023.76	16	0.00	0.00	0.00	0.00	16	0.00	0.00	0.00	0.00
17	552.00	757.00	142.00	343613.00	17	0.00	757.00	0.00	198548.76	17	0.00	0.00	0.00	0.00	17	0.00	0.00	0.00	0.00
18	1902.00	718.00	142.00	344655.00	18	0.00	718.00	0.00	187446.76	18	0.00	0.00	0.00	0.00	18	0.00	0.00	0.00	0.00
19	1244.00	1102.00	142.00	344655.00	19	0.00	1102.00	0.00	187446.76	19	0.00	0.00	0.00	0.00	19	0.00	0.00	0.00	0.00
20	1844.00	2313.00	142.00	343844.00	20	0.00	2313.00	0.00	185133.76	20	0.00	0.00	0.00	0.00	20	0.00	0.00	0.00	0.00
21	2355.00	2906.00	142.00	343151.00	21	0.00	2906.00	0.00	182227.76	21	0.00	0.00	0.00	0.00	21	0.00	0.00	0.00	0.00
22	1895.00	1522.00	142.00	343382.00	22	0.00	1522.00	0.00	160705.76	22	0.00	0.00	0.00	0.00	22	0.00	0.00	0.00	0.00
23	1493.00	773.00	142.00	343960.00	23	0.00	773.00	0.00	160705.76	23	0.00	0.00	0.00	0.00	23	0.00	0.00	0.00	0.00
24	1773.00	1052.00	142.00	344539.00	24	0.00	1052.00	0.00	168690.76	24	0.00	0.00	0.00	0.00	24	0.00	0.00	0.00	0.00
25	1532.00	1288.00	142.00	344855.00	25	0.00	1288.00	0.00	167592.76	25	0.00	0.00	0.00	0.00	25	0.00	0.00	0.00	0.00
26	1699.00	1406.00	142.00	344539.00	26	0.00	1406.00	0.00	161186.76	26	0.00	0.00	0.00	0.00	26	0.00	0.00	0.00	0.00
27	1658.00	185.00	142.00	344076.00	27	0.00	185.00	0.00	164528.76	27	0.00	0.00	0.00	0.00	27	0.00	0.00	0.00	0.00
28	1520.00	1658.00	142.00	343844.00	28	0.00	1658.00	0.00	162538.76	28	0.00	0.00	0.00	0.00	28	0.00	0.00	0.00	0.00
29	2696.00	1890.00	142.00	345078.00	29	0.00	1890.00	0.00	160548.76	29	0.00	0.00	0.00	0.00	29	0.00	0.00	0.00	0.00
30	3913.00	1892.00	0.00	345078.00	30	0.00	1892.00	0.00	176558.76	30	0.00	0.00	0.00	0.00	30	0.00	0.00	0.00	0.00
31	39712.00	25033.00	4515.00	346278.00	31	0.00	25033.00	0.00	175986.76	31	0.00	0.00	0.00	0.00	31	0.00	0.00	0.00	0.00

Article III					1897 Winter Stored Water					1897 Winter Compact Water				
Mar: 98	Infrow	Release	Evap	Own	Mar: 98	Infrow	Release	Evap	Own	Mar: 98	Infrow	Release	Evap	Own
1	0.00	166.44	0.00	115028.74	1	0.00	0.00	0.00	83753.03	1	0.00	130.96	0.00	129842.94
2	0.00	169.44	0.00	114890.34	2	0.00	0.00	0.00	83753.03	2	0.00	130.96	0.00	130142.94
3	0.00	137.81	0.00	114553.05	3	0.00	0.00	0.00	83753.03	3	0.00	168.19	0.00	130442.94
4	0.00	106.18	0.00	114446.87	4	0.00	0.00	0.00	83753.03	4	0.00	81.62	0.00	130889.94
5	0.00	87.54	0.00	114357.07	5	0.00	0.00	0.00	83753.03	5	0.00	89.20	0.00	130874.94
6	0.00	86.98	0.00	114268.53	6	0.00	0.00	0.00	83753.03	6	0.00	87.46	0.00	131058.94
7	0.00	86.98	0.00	114182.55	7	0.00	0.00	0.00	83753.03	7	0.00	87.46	0.00	131168.94
8	0.00	87.54	0.00	114065.01	8	0.00	0.00	0.00	83753.03	8	0.00	87.46	0.00	131358.94
9	0.00	132.16	0.00	113962.85	9	0.00	0.00	0.00	83753.03	9	0.00	161.84	0.00	131467.94
10	0.00	167.51	0.00	113775.34	10	0.00	0.00	0.00	83753.03	10	0.00	161.84	0.00	131731.94
11	0.00	256.85	0.00	113538.66	11	0.00	0.00	0.00	83753.03	11	0.00	182.35	0.00	132063.94
12	0.00	256.85	0.00	113260.01	12	0.00	0.00	0.00	83753.03	12	0.00	182.35	0.00	132492.94
13	0.00	256.85	0.00	112862.33	13	0.00	0.00	0.00	83753.03	13	0.00	221.52	0.00	132904.94
14	0.00	311.20	0.00	112698.43	14	0.00	0.00	0.00	83753.03	14	0.00	239.80	0.00	133448.94
15	0.00	312.80	0.00	112055.53	15	0.00	0.00	0.00	83753.03	15	0.00	241.10	0.00	134000.94
16	0.00	312.80	0.00	111637.88	16	0.00	0.00	0.00	83753.03	16	0.00	241.10	0.00	134554.94
17	0.00	427.55	0.00	111622.45	17	0.00	0.00	0.00	83753.03	17	0.00	328.45	0.00	135108.94
18	0.00	405.53	0.00	111228.45	18	0.00	0.00	0.00	83753.03	18	0.00	328.45	0.00	135665.94
19	0.00	822.41	0.00	110600.04	19	0.00	0.00	0.00	83753.03	19	0.00	312.47	0.00	136653.94
20	0.00	1306.38	0.00	109233.66	20	0.00	0.00	0.00	83753.03	20	0.00	478.59	0.00	137665.94
21	0.00	1641.31	0.00	107652.32	21	0.00	0.00	0.00	83753.03	21	0.00	1006.62	0.00	138698.94
22	0.00	859.63	0.00	106356.13	22	0.00	0.00	0.00	83753.03	22	0.00	862.37	0.00	139242.94
23	0.00	436.59	0.00	105761.96	23	0.00	0.00	0.00	83753.03	23	0.00	862.37	0.00	139894.94
24	0.00	584.17	0.00	105054.50	24	0.00	0.00	0.00	83753.03	24	0.00	862.37	0.00	140658.94
25	0.00	727.48	0.00	104240.38	25	0.00	0.00	0.00	83753.03	25	0.00	862.37	0.00	141532.94
26	0.00	784.11	0.00	103303.85	26	0.00	0.00	0.00	83753.03	26	0.00	862.37	0.00	142516.94
27	0.00	836.44	0.00	102300.86	27	0.00	0.00	0.00	83753.03	27	0.00	862.37	0.00	143610.94
28	0.00	1123.95	0.00	101056.05	28	0.00	0.00	0.00	83753.03	28	0.00	862.37	0.00	144814.94
29	0.00	1123.95	0.00	100560.05	29	0.00	0.00	0.00	83753.03	29	0.00	862.37	0.00	146134.94
30	0.00	1123.95	0.00	99479.43	30	0.00	0.00	0.00	83753.03	30	0.00	862.37	0.00	147568.94
31	0.00	16550.31	0.00	98479.43	31	0.00	0.00	0.00	83753.03	31	0.00	1118.46	0.00	149228.94

Exhibit 16

Annual Meeting

December 8, 1998

Steve Witte

RECEIVED

DEC 04 1998

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

DIVISION ENGINEER
PUEBLO, COLORADO



Roy Romer
Governor

James S. Lochhead
Executive Director

Hal D. Simpson
State Engineer

November 25, 1998

David L. Pope
Chief Engineer-Director
Division of Water Resources
Kansas State Board of Agriculture
109 S.W. 9th St., Ste. 202
Topeka, KS 66612-1283

Re: John Martin Reservoir Accounting

Dear David:

I am writing in response to your letter of April 15, 1998, regarding Kansas' complaints that Colorado improperly administered water rights in Colorado during the John Martin Reservoir spill that occurred after November 1, 1997.

As I explained in my letter to you of January 14, 1998, I do not agree that storage in Colorado upstream from John Martin Reservoir under post-Compact water rights is not permitted when water is being spilled from accounts in John Martin Reservoir. I did not respond to your April 15 letter because I did not feel there was anything further to add to my letter of January 14.

However, because the administration and accounting during the John Martin Reservoir spill may come up at the annual meeting of the Arkansas River Compact Administration, I wanted to provide you and the other members of the Compact Administration with information concerning the flows passing Garden City during the period of the spill and while Colorado was permitting storage in Pueblo Reservoir.

During the period November 1 through April 30, the flow of the Arkansas River at Garden City never fell below 200 cfs. See attached graphs of the flow of the Arkansas River at Garden City. Under those conditions, I do not interpret the 1980 Operating Plan or the Arkansas River Compact to preclude storage upstream from John Martin Reservoir under post-Compact water rights, so long as the upstream storage is properly accounted for and does not affect the amount of the spill from the accounts.


Mr. David L. Pope
December 1, 1998

Page 2

The accounting attached to your April 15 letter seems to suggest that the spill from the accounts, including the Kansas Section II Account, should have been limited to the actual reservoir outflow. Colorado's accounting is based on actual inflow, adjusted for the amount of water stored upstream in Pueblo Reservoir. In my opinion, it is necessary to adjust the rate of inflow for the amount being stored upstream in Pueblo Reservoir because of Article IV D of the Compact, which says that the Compact is not intended to impede or prevent future beneficial development, "Provided, that the waters of the Arkansas River . . . shall not be materially depleted in usable quantity or availability for use to the water users in Colorado and Kansas under this Compact by such future development or construction." Unless the rate of inflow to conservation storage is adjusted to account for upstream storage in Pueblo Reservoir, it would deplete the water available to conservation storage in John Martin Reservoir. In this case, Kansas had considerable water in storage in its Section II Account and may have preferred to reduce the rate of spill from its Section II account; however, that will not always be the case during spills, and water users in Kansas would be injured if the rate of spill from the accounts is not adjusted for the upstream storage.

Because these issues have not been resolved by Steve Witte and Mark Rude, I propose that Steve Witte prepare the Operation Secretary's report based on Colorado's administration and accounting. If necessary, appropriate footnotes can be placed in the report to indicate that Kansas does not agree with the administration and accounting, as was done in the Operation Secretary's 1996 annual report.

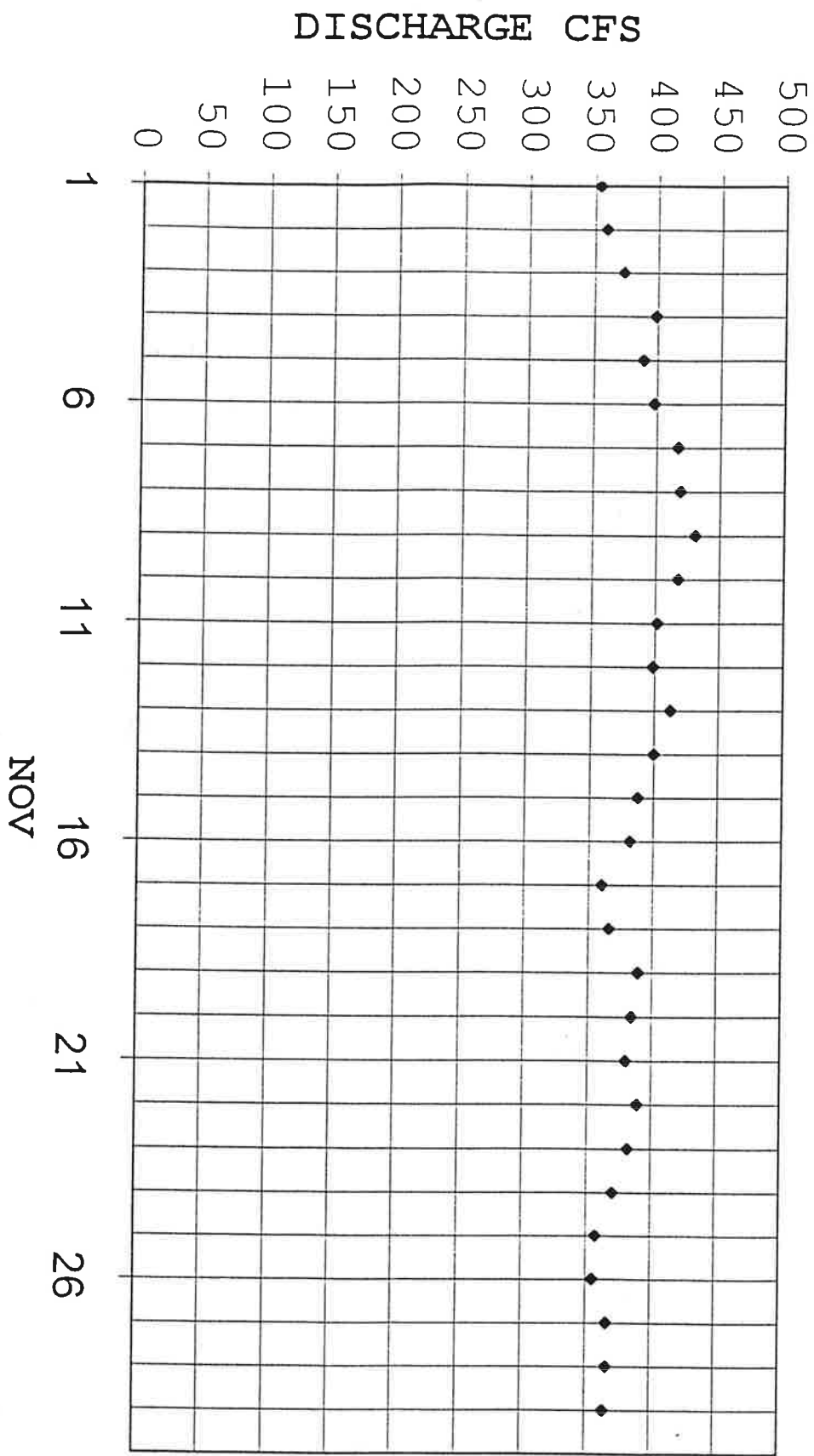
Very truly yours,


Hal D. Simpson
State Engineer

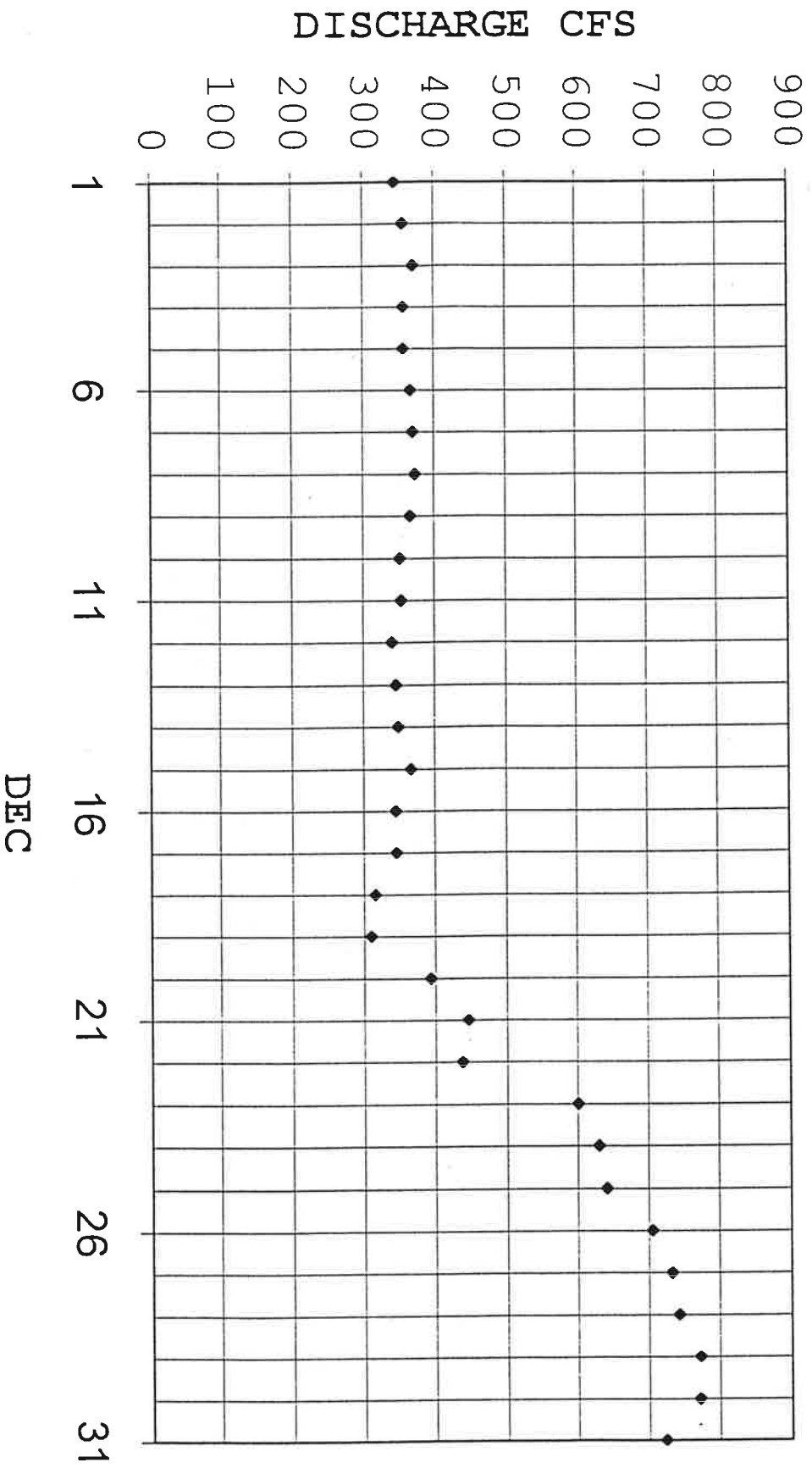
Enclosures

cc: Larry Trujillo, Chairman, ARCA
Peter Evans, Acting Director, CWCB
Jim Rogers
Tom Pointon
Steve Witte, Division Engineer, Water Division 2
Mark Rude, Kansas Water Commissioner, Garden City
David W. Robbins/Dennis M. Montgomery
John B. Draper
Wendy C. Weiss

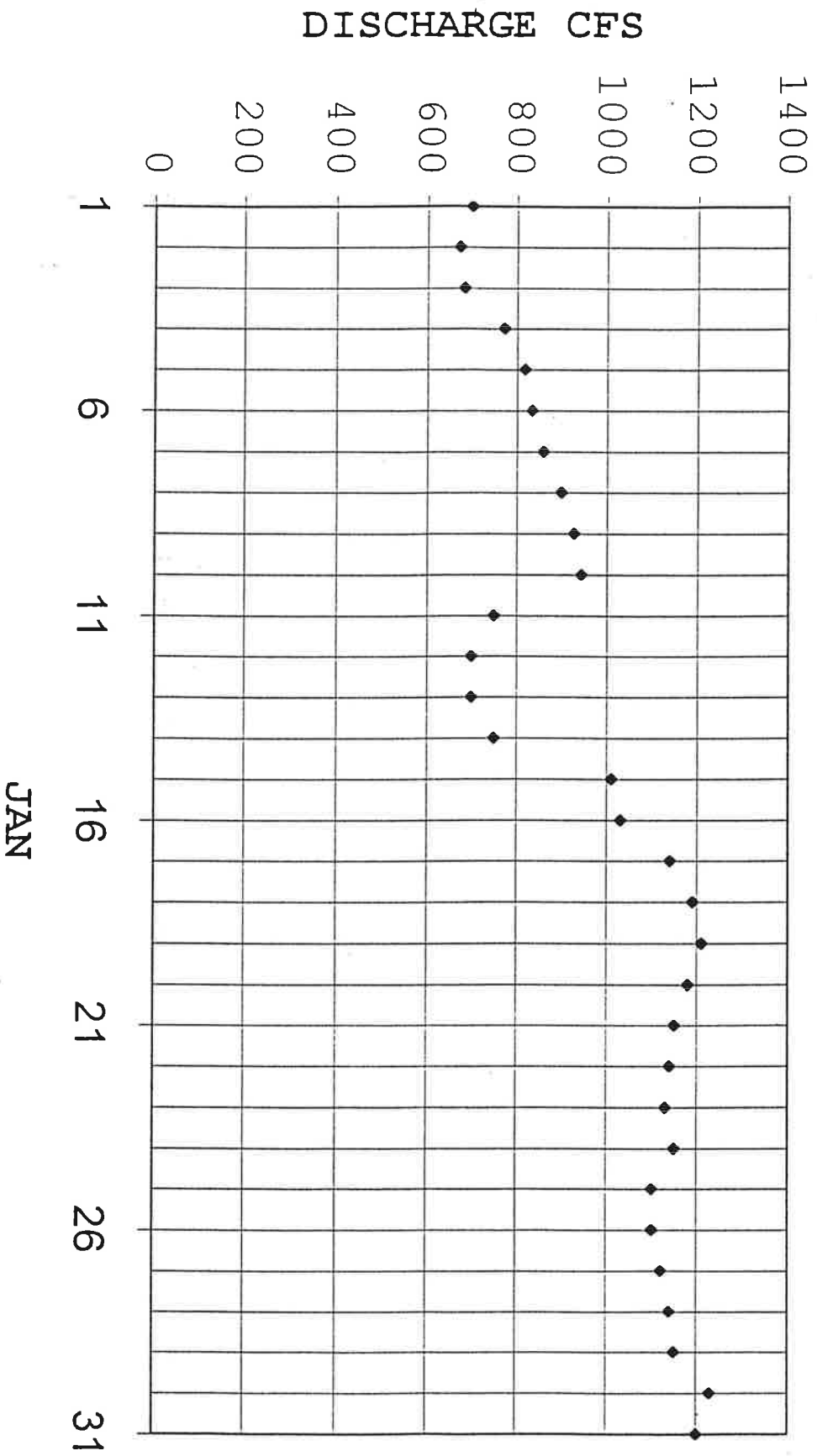
ARKANSAS RIVER at GARDEN CITY



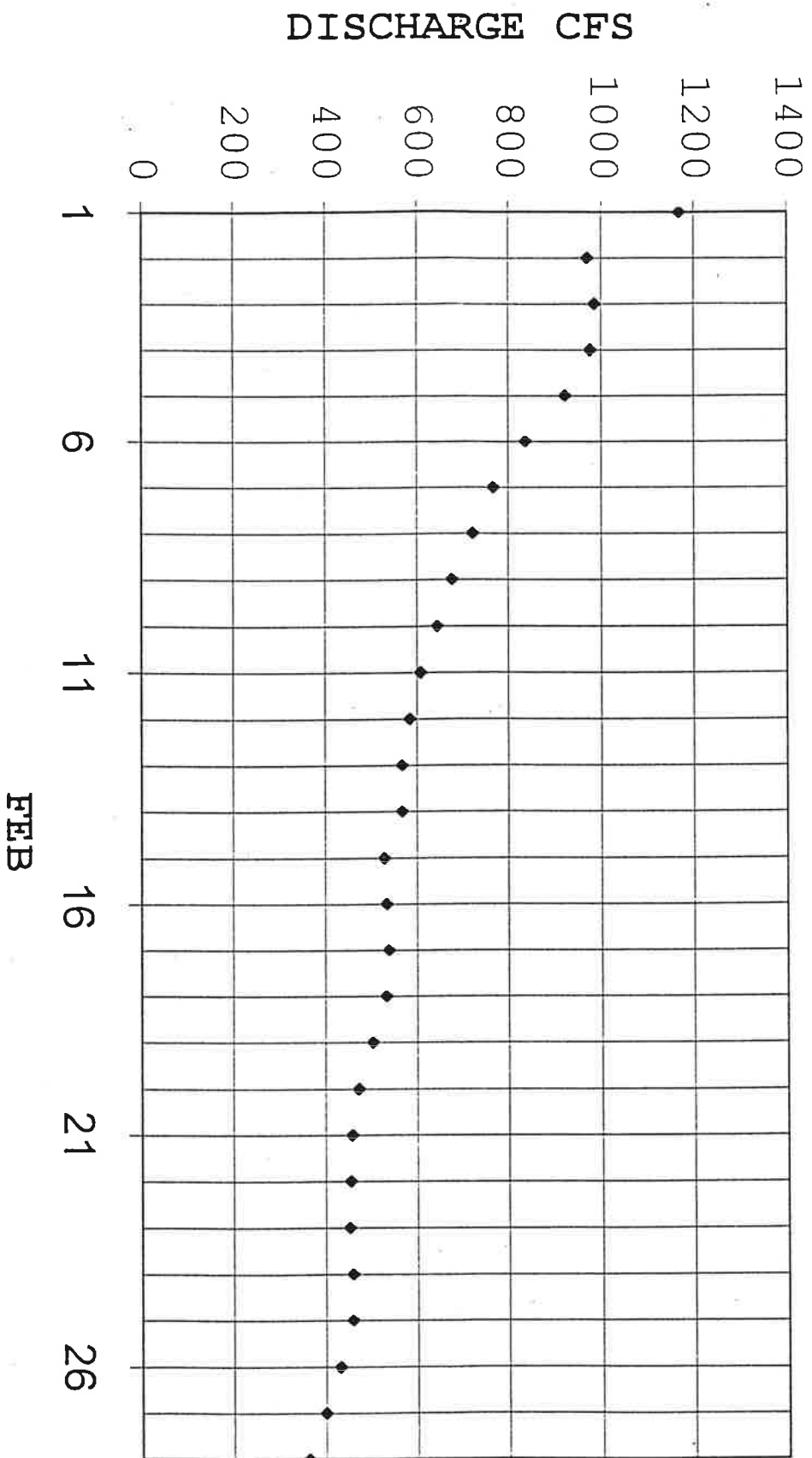
ARKANSAS RIVER at GARDEN CITY



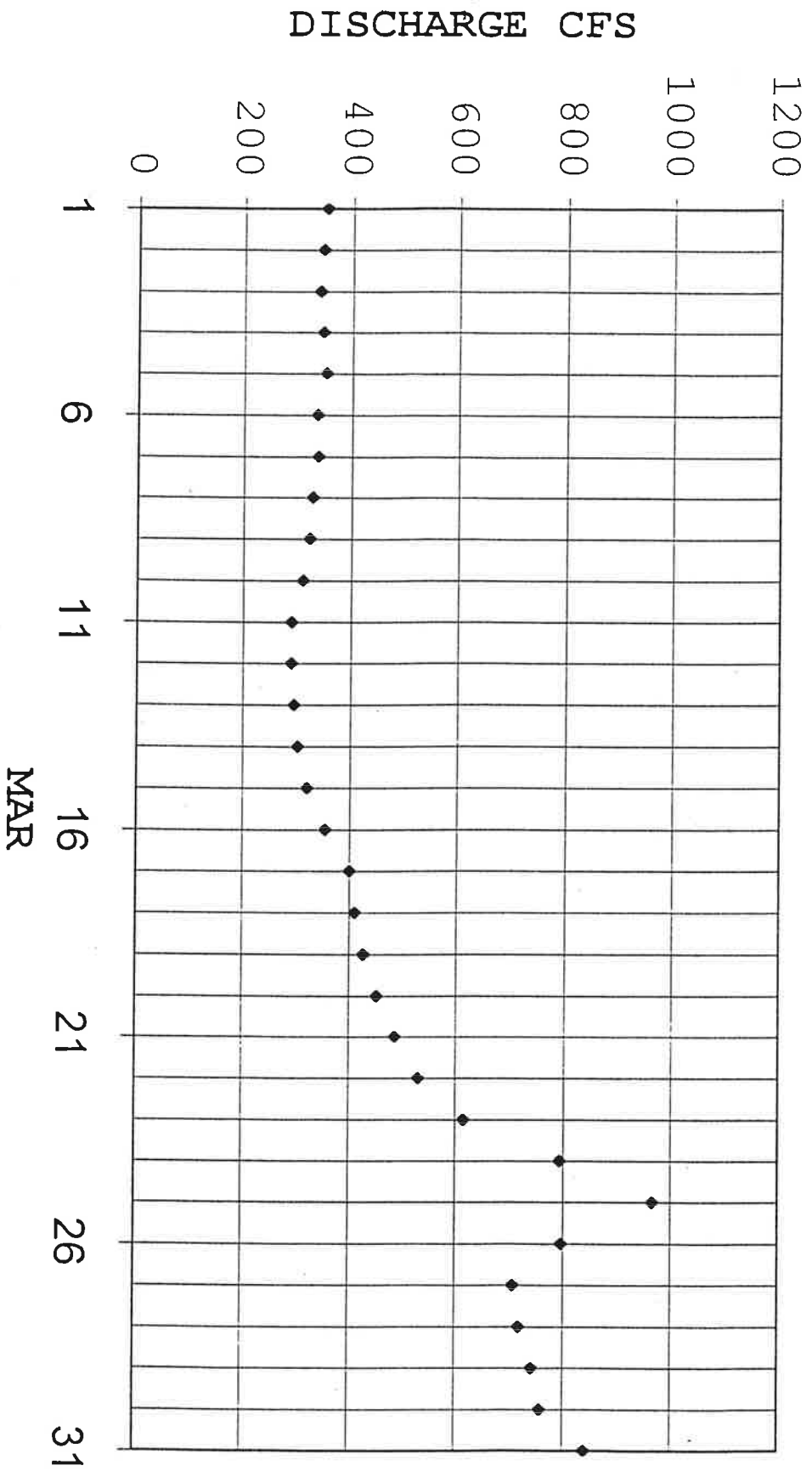
ARKANSAS RIVER at GARDEN CITY



ARKANSAS RIVER at GARDEN CITY



ARKANSAS RIVER at GARDEN CITY



ARKANSAS RIVER at GARDEN CITY

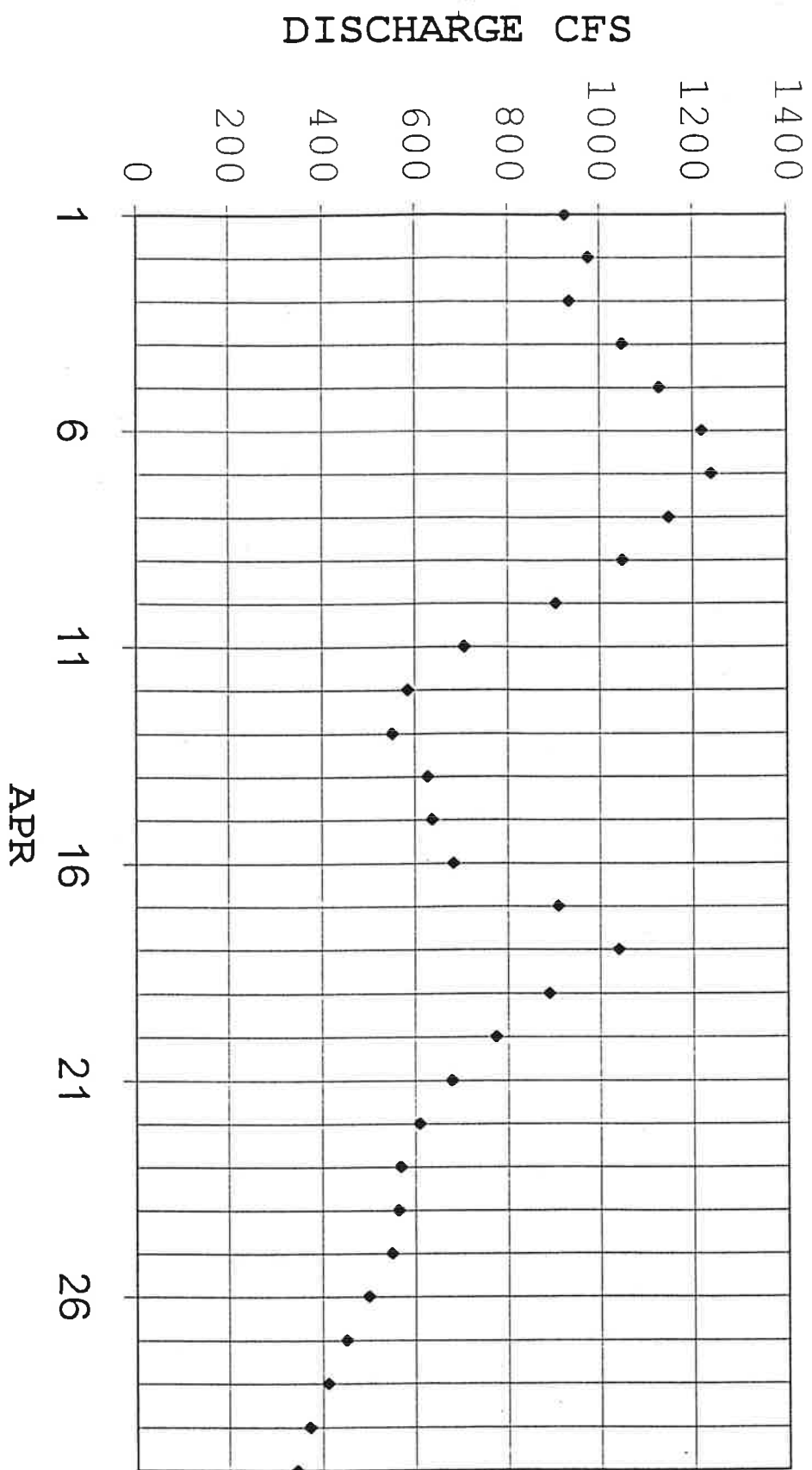


Exhibit 17

Annual Meeting

December 8, 1998



United States Department of the Interior



BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-1320 (MWilson)

DEC 7 1998

Mr. David Pope, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka, KS 66612

Subject: Additional 'Cleaned-Up' Versions of Trinidad Operating Principles, Trinidad Project,
Colorado

Dear Mr. Pope:

Due to some confusion over which version of the Trinidad Operating Principles Reclamation committed to 'cleaning up' at the February 18, 1998, meeting, and to facilitate consideration of further amendments, we are enclosing two additional 'cleaned-up' versions of the Operating Principles.

The version sent to you on December 1, 1998, was a 'cleaned-up' version of the amended Operating Principles proposed by Reclamation in its November 5, 1997 letter to the Purgatoire River Water Conservancy District and presented at the Arkansas River Compact Administration (ARCA) meeting December 9, of last year. That version was 'cleaned-up' to match the format of the original Operating Principles and did not include amended language approved through the resolution passed by ARCA at the 1997 meeting.

The amended language approved by resolution at last year's ARCA meeting was subsequently included in a version which became the current amended Operating Principles approved and signed by the five entities between December 13, 1997 and April 30, 1998. The changes included in this current signed version primarily addressed M&I water use issues sought by the City of Trinidad. This version as signed was also not in the format of the original Operating Principles. We have 'cleaned-up' this version so it is in the same form as the original Operating Principles and it is enclosed with this letter. There were no changes to verbiage made from the version circulated and signed. This 'cleaned-up' version of the signed amended Operating Principles may be identified by the footnote 'As Amended and Signed 12/13/97 - 4/30/98' at the bottom of each page.

To facilitate consideration of further amendments, we have enclosed a second additional 'cleaned-up' version of the Operating Principles adding proposed modifications from Reclamation's

November 5, 1997, version to the current version signed this past year. Proposed modifications shown in this version address issues such as; the changes in acreage limitations, which were agreed to at the February 18, 1998, meeting; and modifications addressing stock water and winter water storage. Additions to and depletions from the current signed Operating Principles are denoted in this version by shading and strikeout. This version is also in the format of the original Operating Principles and may be identified by the footnote 'Version as signed 12/97 - 4/98 with proposed amendments' at the bottom of each page.

We hope that providing these further two versions will facilitate consideration of further amendments to the Operating Principles. Should you have any questions regarding this matter, feel free to call Malcolm Wilson of this office at (970) 962-4362.

Sincerely,

A handwritten signature in cursive script, reading "Robert Gyllenborg".

Robert Gyllenborg
Acting Area Manager

Enclosures

cc: Mr. Steve Miller
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver CO 80203-2239

Mr. Donald Pitts
Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka KS 66612

Mr. Bob Buerkle
Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka KS 66612

Mr. John Draper
Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka KS 66612

Mr. Eugene Aiello, President
Purgatoire River Water Conservancy District
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Trinidad CO 81082

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Colorado Department of Corrections
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Mr. Gary Moore
Field Solicitor's Office
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P. O. Box 36900
Billings MT 59107-6900

Ms. Julianne Woldridge
MacDougall Law Office
Western National Bank Bldg.
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Colorado Springs CO 80903-1418

Lt. Col. Lloyd Wagner
U.S. Army Corps of Engineers
Albuquerque District
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Mr. Mark Rude
Kansas Department of Agriculture
Division of Water Resources
2508 Johns
Garden City KS 67846-2804

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6805 West Fourth Ave.
Lakewood CO 80226

Ms. Wendy Weiss, Esq.
Assistant Attorney General
State Services Building
1525 Sherman Street, 5th Floor
Denver CO 80203

Mr. Dale Book
Spronk Water Engineers, Inc.
1000 Logan Street
Denver CO 80203-3011

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT

AMENDED 1997

Preamble

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

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

Article I - OBJECTIVES

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

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.
2. Optimum beneficial use of the available water for irrigation and municipal and industrial uses (municipal and industrial hereinafter abbreviated M&I) within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:

- (a) Transfer of the storage decree of the Model Land and Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.
 - (b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam which would otherwise spill from John Martin Reservoir.
 - (c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.
- 3. The maintenance of a minimum pool for enhancement of recreation and fishery values.
- 4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood Control	51,000 acre-feet
Irrigation and M&I	20,000 acre-feet
Permanent fishery pool	15,967 acre-feet
Joint use *	<u>39,000</u> acre-feet

<u>Total capacity</u>	125,967 acre-feet
-----------------------	-------------------

*For irrigation, M&I and sediment accumulation.

Article II - DEFINITION OF TERMS

Definition of terms as used herein:

- 1. "Reservoir" means the reservoir presently planned and authorized for construction on the Purgatoire River above the City of Trinidad, Colorado.
- 2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M&I use. The District shall also be the agency responsible for the regulation of irrigation and M&I water supplies within the District boundaries in the manner set forth therein.

3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of Reservoir capacity allocated to joint use but unoccupied by sediment at any given time.
4. "Irrigation Capacity" means the 20,000 acre-feet of Reservoir capacity allocated to irrigation and M&I use plus the unsedimented portion of the joint use capacity.
5. "Permanent Fishery Pool Capacity" means the 15,967 acre-feet of Reservoir capacity allocated to fishery and recreation.
6. "Permanent Fishery Pool" means the quantity of water stored in the Permanent Fishery Pool Capacity.
7. "Flood Control" means the temporary storage of flood waters at any Reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.
8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying initially above m.s.l. reservoir elevation 6,229.6.
9. "Reservoir Inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the Reservoir, comprising measured flows at the inflow gaging stations and other unmeasured inflows entering the Reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the Permanent Fishery Pool.
10. "District Irrigable Area" means only the 19,717 acres of Class 1, 2 and 3 irrigable lands to be served lying within District boundaries.
11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District Irrigable Area, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.
12. "Non-Irrigation Season" means that period of the year other than the Irrigation Season.

13. "District Storage Right" means those rights under which the District may store water in the Irrigation Capacity for use within the District.
14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District.
15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.
16. "Operating Agency" means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.

Article III - FLOOD CONTROL

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

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

Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the irrigation capacity in Trinidad Reservoir and the distribution of water to the District irrigable area and to M&I uses within the District will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these Operating Principles. Agreements, satisfactory to the Secretary of Interior, shall be entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District irrigable area and to M&I uses within the District are contained in the following four parts of this Article: "Water Rights", "Limits of Land and Water Use", "District Water Supply", and "Operation and Exercise of Water Rights".

A. Water Rights

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

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

Direct Flow Rights
Water Division No. 2

<u>Priority</u> <u>Number</u>	<u>Date</u>	<u>Amount</u> <u>(cfs)</u>	<u>Name of Ditch</u>
3	11/30/61	6.00	Baca
5	03/20/62	4.00	Johns Flood
7	04/30/62	7.00	Chilili
8	11/15/62	2.82	Baca
8	11/15/62	1.18	El Moro
9	01/01/63	1.28	Johns Flood
9	01/01/63	4.72	Hoehne
12	06/30/63	0.50	South Side
13	01/01/64	1.25	Johns Flood
13	01/01/64	3.75	Lewelling & McCormick
15	04/10/64	5.10	Johns Flood
15	04/10/64	0.80	Hoehne
15	04/10/64	2.54	Salas
19	06/01/65	4.00	Lewelling & McCormick
20	10/07/65	7.35	Johns Flood
20	10/07/65	16.65	Hoehne
21	01/01/66	6.00	Burns & Duncan
22	02/01/66	4.00	Salas
27	05/31/66	2.25	Johns Flood
27	05/31/66	0.75	Salas
40	04/30/68	1.40	South Side

<u>Number</u>	<u>Date</u>	<u>(cfs)</u>	<u>Name of Ditch</u>
64	04/01/73	2.40	Johns Flood
73	11/01/75	6.00	South Side
74	02/17/76	34.00	South Side
75	12/25/76	4.00	South Side
77	03/11/77	1.30	El Moro
77	03/11/77	2.70	Baca
80	04/07/77	18.60	South Side
93	12/15/82	4.00	South Side
95	11/04/83	14.38	Baca
96	11/23/83	16.84	South Side
98	04/30/84	60.00	South Side
103	06/21/86	14.73	Baca
104	10/21/86	10.00	Lewelling & McCormick
106	03/12/87	15.00	Baca
108	02/15/88	9.70	South Side
109	03/01/88	8.00	South Side
137	11/23/97	2.00	V. Florez
145	10/20/02	100.00	Johns Flood
152	12/31/03	2.00	V. Florez
168	01/22/08	200.00	Model
242 ½	06/12/20	45.56	Baca

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

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation and M&I use within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District water supply shall be limited to 19,717 acres classified as 1, 2 and 3 irrigable land lying within the District boundaries. These 19,717 acres of the District irrigable area shall be composed as nearly as practicable of the following acreages under individual ditches:

Baca	2,428	acres
Chilili	114	acres
El Moro	160	acres
Johns Flood	1,854	acres
Model	6,177	acres
South Side	6,359	acres
Victor Florez	22	acres
Hoehne	1,742	acres
Burns & Duncan	322	acres
Lewelling & McCormick	378	acres
Salas	<u>161</u>	<u>acres</u>
Total	19,717	acres

2. All water deliveries to the 19,717 acres of the District irrigable area will be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.
3. Water deliveries may be diverted or stored for M&I or permanent fishery pool purposes with the following limitations:
 - (a) Only water attributable to the historic consumptive use on acreage removed from irrigation, limited to 948 acres under the Johns Flood Ditch system and 373.7 acres under the Model Land and Irrigation Company system may be made available for M&I storage or permanent fishery pool storage. Water deliveries shall be limited to the following volumes, which shall not include the volumes retained in storage for later release to maintain historic delayed return flow patterns to the Purgatoire River:

	Maximum Monthly Water Deliveries (acre-feet)
Apr	220
May	345
Jun	565
Jul	685
Aug	620
Sep	345
Oct	160
Nov - Mar	0
Annual Total	2802

- (b) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River. Such return flows, which shall include non-irrigation season return flows, shall be equal to at least 35 percent of the water available to acreage removed from irrigation.
 - (c) Removal of District irrigable land from irrigation to enable water to be diverted or stored for M&I or permanent fishery pool purposes shall correspondingly reduce the number of acres allowed to be irrigated from the District water supply. Prior to April 1 each year, the City of Trinidad shall provide notice to the Arkansas River Compact Administration and the State of Kansas of the acreage to be removed each year corresponding to the amount of water for the Johns Flood Ditch and the Model ditch to be stored in Trinidad Reservoir for that year. The report shall include a map indicating the specific acreage to be removed from irrigation.
 - (d) Any Colorado state court or administrative approval of the City of Trinidad's water use covered by these Operating Principles shall require compliance herewith.
4. No water deliveries for irrigation of the 19,717 acres of the District irrigable area will be made during the non-irrigation season. Water may be released during the non-irrigation season for M&I use or to maintain historic return flow patterns for lands removed from irrigation.

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District, defined as the District water supply, consists of:
 - (a) The water stored under the District storage right in the irrigation capacity.
 - (b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District irrigable area for irrigation use through the District's exercise of the water rights listed in IV.A.1.
 - (c) That portion of the reservoir inflow at Trinidad Dam which is available to the District through the District's exercise of the water rights listed in IV.A.1.
2. The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate.

D. Operation and Exercise of Water Rights

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

1. Non-interference with Downstream Water Rights
 - (a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied; but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.
 - (b) Reservoir inflow in excess of the amount stored under the transferred Model right may be detained in the reservoir at

such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District storage right and become part of the District water supply. Such detained water which does not become a part of the District water supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact C.R.S., 1953, 148-9-1.

- (c) Except as provided by paragraph (b) above, any water temporarily detained in the reservoir as a result of the reservoir inflow exceeding the design outlet capacity of the reservoir shall be released as soon as possible.
- (d) All releases from the reservoir as set forth in (a), (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

2. District Operation, Non-Irrigation Season

- (a) During the non-irrigation season the District will provide an allowance for stock watering purposes of not more than a daily mean flow of five second-feet or its volume equivalent measured at a gage to be located near and above the Baca River headgate. If the stream gains from the Trinidad Dam to said gage are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow will be released to satisfy stock water demands within the allowance.
- (b) During the non-irrigation season, the District shall release water stored by the City of Trinidad as designated by the City of Trinidad for:
 - (1) M&I purposes;
 - (2) Winter return flows;
- (c) During the non-irrigation season, the District will exercise the direct flow water rights and the District storage right only at such times and to the degree as necessary to assure:

- (1) That the maximum possible storage of reservoir inflow is accrued.
- (2) The stock water allowance is distributed in a manner determined equitable by the District.

3. District Operation - Irrigation Season

- (a) During the irrigation season, except at such times as provided for in IV.D.3.(c) below, the District shall exercise the direct flow water rights and the District storage right only at such times and to the degree necessary to assure:
 - (1) That stream gains to the river below Trinidad Dam which are divertible to the District irrigable area and such reservoir inflow which is available to the District for irrigation and M&I use will be equitably allocated to the District irrigable area as part of the District water supply.
 - (2) That the District storage right can be fully exercised to store reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a) (1) above.
- (b) During the irrigation season, water stored in the irrigation capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District irrigable area or, as designated by the City of Trinidad, made available for M&I purposes or the permanent fishery pool as provided in paragraph B.3. above.
- (c) During the irrigation season, when the irrigation capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the reservoir inflow and stream gains below Trinidad Dam which are divertible to the District irrigable area exceed the irrigation requirement and such excess is storable under the District storage right, the District will resume the exercise of the direct flow rights and exercise of the District storage right as in D.3. (a) (2) above.

4. Evaporation and Seepage Losses

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

Article V - FISHERY AND RECREATION

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

1. Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District water supply or without interference to usable Stateline flows, or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated to the permanent fishery pool pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:
 - (a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;
 - (b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;
 - (c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at the Las Animas gaging station;

- (d) Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the Colorado State Engineer, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

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

2. In the accounting for water in storage, evaporation and seepage losses due to the permanent fishery pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.
3. There shall never be any release or transfer of water from the permanent fishery pool excepting by necessity of dam safety or flood emergency operations as determined by the Corps of Engineers, District Engineer.

Article VI - REVIEW AND AMENDMENT

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

FIVE CONDITIONS

State of Kansas

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

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

APPROVED:

Larry E. Trujillo, Sr., Chairman
Arkansas River Compact
Administration

Date

State of Kansas

Date

US Bureau of Reclamation

Date

Purgatoire River Water
Conservancy District

Date

US Army Corps of Engineers

Date

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT

AMENDED 1997

Preamble

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

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

Article I - OBJECTIVES

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

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.
2. Optimum beneficial use of the available water for irrigation and municipal and industrial uses (municipal and industrial hereinafter abbreviated M&I) within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:

- (a) Transfer of the storage decree of the Model Land and Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.
 - (b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam which would otherwise spill from John Martin Reservoir.
 - (c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.
3. The maintenance of a minimum pool for enhancement of recreation and fishery values.
4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood Control	51,000 acre-feet
Irrigation and M&I	20,000 acre-feet
Permanent fishery pool	15,967 acre-feet*
Joint use **	<u>39,000</u> acre-feet

<u>Total capacity</u>	125,967 acre-feet
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* Original Congressional Allocation was 4,500 acre-feet

**For irrigation, M&I and sediment accumulation.

Article II - DEFINITION OF TERMS

Definition of terms as used herein:

1. "Reservoir" means the reservoir ~~presently planned and authorized for construction~~ constructed on the Purgatoire River above the City of Trinidad, Colorado.
2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M&I use. The District shall also be the agency responsible for the regulation of irrigation and ~~M&I~~ & I water supplies within the District boundaries in the manner set forth therein.

3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of Reservoir capacity allocated to joint use but unoccupied by sediment at any given time.
4. "Irrigation Capacity" means the 20,000 acre-feet of Reservoir capacity allocated to irrigation and M&I use plus the unsedimented portion of the joint use capacity.
5. "Permanent Fishery Pool Capacity" means the 15,967 acre-feet of Reservoir capacity allocated to fishery and recreation.
6. "Permanent Fishery Pool" means the quantity of water stored in the Permanent Fishery Pool Capacity.
7. "Flood Control" means the temporary storage of flood waters at any Reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.
8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying ~~initially above m.s.l. reservoir elevation 6,229.6~~ above Reservoir elevation 6230.85 feet mean sea level as of the survey published by the Corps in November, 1994.
9. "Reservoir Inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the Reservoir, comprising measured flows at the inflow gaging stations and other unmeasured inflows entering the Reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the Permanent Fishery Pool.
10. "District Irrigable Area" means only the ~~19,717~~ 19,499 acres of ~~Class 1, 2 and 3~~ irrigable lands to be served lying within District boundaries.
11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District Irrigable Area, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.
12. "Non-Irrigation Season" means that period of the year other than the Irrigation Season.

13. "District Storage Right" means those rights under which the District may store water in the Irrigation Capacity for use within the District.
14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District.
15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.
16. "Operating Agency" means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.
17. "Winter water under the direct flow rights" means that the direct flow priorities set forth on pages 5 and 6 of these Operating Principles may hereafter be stored in the Irrigation Capacity (initially about 59,000 acre-feet) during the Non-Irrigation Season, and shall not be hereafter charged against, or deducted from, the 1908 Priority to store 20,000 acre-feet.
18. "Flow", whether stated in cubic feet per second (c.f.s.) or not, means a measurement in acre-feet per day. One c.f.s. flowing for one day will create 1.9835 acre-feet. The District shall account for water daily, in acre-feet.

Article III - FLOOD CONTROL

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

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

Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the irrigation capacity in Trinidad Reservoir and the distribution of water to the District irrigable area and to M&I uses within the District will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these Operating Principles. Agreements, satisfactory to the Secretary of Interior, ~~shall be~~ have been entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District irrigable area and to M&I uses within the District are contained in the following four parts of this Article: "Water Rights", "Limits of Land and Water Use", "District Water Supply", and "Operation and Exercise of Water Rights".

A. Water Rights

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

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

Direct Flow Rights Water Division No. 2, Colorado

<u>Priority</u>		<u>Amount</u>	
<u>Number</u>	<u>Date</u>	<u>(cfs)</u>	<u>Name of Ditch</u>
3	11/30/1861	6.00	Baca
5	03/20/1862	4.00	Johns Flood
7	04/30/1862	7.00	Chilili
8	11/15/1862	2.82	Baca
8	11/15/1862	1.18	El Moro
9	01/01/1863	1.28	Johns Flood
9	01/01/1863	4.72	Hoehne
12	06/30/1863	0.50	South Side
13	01/01/1864	1.25	Johns Flood
13	01/01/1864	3.75	Lewelling & McCormick
15	04/10/1864	5.10	Johns Flood
15	04/10/1864	0.80	Hoehne

<u>Number</u>	<u>Date</u>	<u>(cfs)</u>	<u>Name of Ditch</u>
15	04/10/1864	2.54 0.847	Salas
19	06/01/1865	4.00	Lewelling & McCormick
20	10/07/1865	7.35	Johns Flood
20	10/07/1865	16.65	Hoehne
21	01/01/1866	6.00 3.25	Burns & Duncan
22	02/01/1866	4.00 1.34	Salas
27	05/31/1866	2.25	Johns Flood
27	05/31/1866	0.75	Salas
40	04/30/1868	1.40	South Side
64	04/01/1873	2.40	Johns Flood
73	11/01/1875	6.00	South Side
74	02/17/1876	34.00	South Side
75	12/25/1876	4.00	South Side
77	03/11/1877	1.30	El Moro
77	03/11/1877	2.70	Baca
80	04/07/1877	18.60	South Side
93	12/15/1882	4.00	South Side
95	11/04/1883	14.38	Baca
96	11/23/1883	16.84	South Side
98	04/30/1884	60.00	South Side
103	06/21/1886	14.73	Baca
104	10/21/1886	10.00	Lewelling & McCormick
106	03/12/1887	15.00	Baca
108	02/15/1888	9.70	South Side
109	03/01/1888	8.00	South Side
137	11/23/97	2.00	V. Florez
145	10/20/1902	100.00	Johns Flood
152	12/31/03	2.00	V. Florez
168	01/22/1908	200.00	Model Ditch
242 ½	06/12/1920	45.56	Baca

2. Waters of the Purgatoire River shall be stored by the District in the irrigation capacity (initially about 59,000 acre-feet) of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the District storage right, include:

- (a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, ~~which right shall, by appropriate statutory proceedings be transferred from the place of storage as~~

~~originally decreed to the site of the reservoir;~~ and by Decree in Civil Action No.19793, District Court, Las Animas County, Colorado, of April 15, 1965, transferred from the place of storage as originally decreed to the site of the reservoir; and

- (b) Such other rights to store water in the reservoir as the District may lawfully acquire by appropriation or purchase, including the right to store Winter water under the direct flow rights, (appropriation dates as listed).

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation and M & I use within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District water supply shall be limited to ~~the 19,717~~ 19,499 acres classified as 1, 2 and 3 of irrigable land lying within the District boundaries. These ~~19,717~~ 19,499 acres of the District irrigable area shall be composed as nearly as practicable of the following acreages under individual ditches.

(Picketwire: includes Chicosa, Lujan, North Side and El Moro Water Users):

Picketwire		2,805.8 acres
Baca	2,428	311.4 "
Chilili	114	285.6 "
El Moro	160	154.6 "
Johns Flood	1,854	2085.8 "
Model	6,177	6804.9 "
South Side	6,359	5239.6 "
Victor Florez	22	
Hoehne	1,742	1202.7 "
Burns & Duncan	322	88.4 "
Lewelling & McCormick	378	417.1 "
Salas	161	61.8 "
Total	19,717	acres

2. All water deliveries to the ~~19,717~~ 19,499 acres of the District irrigable area will be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District.

Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.

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

- (a) Only water attributable to the historic consumptive use on acreage removed from irrigation, limited to 948 acres under the Johns Flood Ditch system and 373.7 acres under the Model Land and Irrigation Company system may be made available for M&I storage or permanent fishery pool storage. Water deliveries shall be limited to the following volumes, which shall not include the volumes retained in storage for later release to maintain historic delayed return flow patterns to the Purgatoire River:

	Maximum Monthly Water Deliveries (acre-feet)
Apr	220
May	345
Jun	565
Jul	685
Aug	620
Sep	345
Oct	160
Nov - Mar	0
Annual Total	2802

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

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

- (d) Any Colorado state court or administrative approval of the City of Trinidad's water use covered by these Operating Principles shall require compliance herewith.

- 4. No water deliveries for irrigation of the ~~19,717~~ 19,499 acres of the District irrigable area will be made during the non-irrigation season. Water may be released during the non-irrigation season for stock water and for M & I use or to maintain historic return flow patterns for lands removed from irrigation.

C. District Water Supply

- 1. That water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District, defined as the District water supply, consists of:
 - (a) The water stored under the District storage right in the irrigation capacity, (initially about 59,000 acre feet).
 - (b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District irrigable area for irrigation use through the District's exercise of the water rights listed in IV.A.1.
 - (c) That portion of the reservoir inflow at Trinidad Dam which is available to the District ~~through~~ during the irrigation season ~~through the District's~~ exercise of the water rights listed in IV.A.1.
 - (d) Any water acquired by the District and stored in the irrigation capacity of the reservoir by exchange or substitution.
- 2. The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate, subject to the special provisions of the Hoehne and Model contracts.

D. Operation and Exercise of Water Rights

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

1. Non-interference with Downstream Water Rights

- (a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied; but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.
- (b) Reservoir inflow in excess of the amount stored under the transferred Model right may be detained in the reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District storage right and become part of the District water supply. Such detained water which does not become a part of the District water supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact C.R.S., 1953, 148-9-1 §37-69-101.~~et seq.~~
- (c) Except as provided by paragraph (b) above, any water temporarily detained in the reservoir as a result of the reservoir inflow exceeding the design outlet capacity of the reservoir shall be released as soon as possible.
- (d) ~~All releases from the reservoir as~~ bypasses set forth in (a); above, and all releases of temporarily detained water from the reservoir, as set forth in (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

2. District Operation, Non-Irrigation Season

- (a) During the non-irrigation season, the District will provide an allowance for stock watering purposes of not more than a ~~daily mean flow of five second-feet or its volume equivalent~~ 1,200 acre-feet measured at a the Trinidad gage ~~to be located near and above the Baea on the Purgatoire River headgate at Lat.37° 10' 15", Long 104° 30' 31"~~. If the stream gains from the Trinidad Dam to said gage are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow ~~will~~ may be released to satisfy stock water demands within the allowance; provided the stockwater allowance shall not be used for irrigation purposes. The maximum daily rate of release may be up to but may not exceed the corresponding daily rate of reservoir inflow and will not count as stored water.

measured at Trinidad gage

- 2) add regarding to storage*
- (b) During the non-irrigation season, the District shall release water stored by the City of Trinidad as designated by the City of Trinidad for:

- (1) M&I purposes;
 - (2) Winter return flows; such releases shall be in addition to any releases to satisfy the stock water allowance and shall be passed down the Purgatoire River without interference by water users in the District irrigable area.
- (c) During the non-irrigation season, the District will exercise the direct flow water rights and the District storage right only at such times and to the degree as necessary to assure:
- (1) That the maximum possible storage of reservoir inflow is accrued.
 - (2) The stock water allowance is distributed in a manner determined equitable by the District.
 - (3) Winter water under the direct flow rights shall be accounted separately from the 20,000 acre-feet Model storage right, shall be stored in the irrigation capacity (initially about 59,000 acre-feet) and shall not be diminished by any water

stored under the 1908 priority for the 20,000 acre-foot Model storage right, nor shall the 1908 priority for 20,000 acre-feet be diminished by any amount of water stored as winter water under the direct flow rights.

District Operation - Irrigation Season

- (a) During the irrigation season, except at such times as provided for in IV.D.3.(c) below, the District shall exercise the direct flow water rights and the District storage right only at such times and to the degree necessary to assure:
 - (1) That stream gains to the river below Trinidad Dam which are divertible to the District irrigable area and such reservoir inflow which is available to the District for irrigation and M&I use will be equitably allocated to the District irrigable area as part of
 - (2) That the District storage right can be fully exercised to store reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a) (1) above.
- (b) During the irrigation season, water stored in the irrigation capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District irrigable area or, as designated by the City of Trinidad, made available for M&I purposes or the permanent fishery pool as provided in paragraph B.3. above.
- (c) Subject to the special provisions of the Model and Hoehne contracts, ~~D~~during the irrigation season, when the irrigation capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the reservoir inflow and stream gains below Trinidad Dam which are divertible to the District irrigable area exceed the irrigation requirement and such excess is storable under the District storage right, the District will resume the exercise of the direct flow rights and exercise of the District storage right as in D.3.(a) (2) above.

4. Evaporation and Seepage Losses

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

Article V - FISHERY AND RECREATION

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

1. Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District water supply ~~or~~ and without interference to usable Stateline flows, or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated to the permanent fishery pool pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:
 - (a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;
 - (b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;
 - (c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at the Las Animas gaging station;

- (d) Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the Colorado State Engineer, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

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

2. In the accounting for water in storage, evaporation and seepage losses due to the permanent fishery pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.
3. There shall never be any release or transfer of water from the permanent fishery pool excepting by necessity of dam safety or flood emergency operations as determined by the Corps of Engineers, District Engineer.

Article VI - REVIEW AND AMENDMENT

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

FIVE CONDITIONS

State of Kansas

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

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

APPROVED:

Larry E. Trujillo, Sr., Chairman
Arkansas River Compact
Administration

Date

State of Kansas

Date

US Bureau of Reclamation

Date

Purgatoire River Water
Conservancy District

Date

US Army Corps of Engineers

Date

Exhibit 18

Annual Meeting

December 8, 1998

**Report of Civil Works Activities by the
Albuquerque District, U.S. Army Corps of Engineers
in the Arkansas River Basin
During Calendar Year 1998**

1. **General.** During calendar year 1998, activities of the U.S. Army Corps of Engineers, (Corps), Albuquerque District in the Arkansas River Basin consisted of reservoir regulation, flood control related studies, Corps flood plain management services, the regulation of dredged or fill materials into waterways and emergency engineering assistance.

2. **Flood Control Operations.** In 1998, the Arkansas River snowmelt runoff was slightly above average. There were no significant flood control operations at Trinidad, John Martin or Pueblo Reservoirs. However, the conservation pool at John Martin Reservoir remained full during the 1997-98 winter months due to above average inflows during 1997.

A hydrographic survey of the sediment ranges at John Martin Reservoir was completed in March, 1998. Additional land surveys will be conducted to measure the sediment deposition at the head of the reservoir. A new elevation area-capacity table should be completed during the spring of 1999.

The five-year deviation approved on July 28, 1997 for Pueblo Reservoir remains in effect. The deviation was requested by the Bureau of Reclamation after a dam safety concern requiring structural modifications was determined. Work on the corrective measures has started and is expected to be completed in the spring of 1999.

3. **Planning Assistance to States (Section 22) Program.** Under authority of Section 22 of the Water Resources Development Act of 1974, the Corps is authorized to assist non-Federal entities in the preparation of comprehensive plans for the development, utilization, and conservation of water and related land resources.

On August 9, 1996 the Corps, in cooperation with the Colorado Water Conservation Board (CWCB), began the first of two studies under Section 22 authority: "Channel Capacity and Riverine Habitat Planning, Arkansas River Below John Martin Dam". The Corps will develop and evaluate potential maintenance plans which will provide long-term improvement of channel capacity and restoration of riverine habitat for the Arkansas River from John Martin Dam to the Colorado/Kansas state line. A geomorphological assessment of river processes was conducted in 1997 to identify long-term hydraulic conveyance changes downstream from John Martin Dam. The Corps also initiated analysis of existing sedimentation information for the reach. Hydraulic analysis for the five identified problem areas is complete. A draft report containing the formal recommendations was provided to the CWCB in November, 1998.

The second study will include the upper reach of the Arkansas River from John Martin Reservoir upstream to the Pueblo, Colorado area. The U.S. Geological Survey (USGS), the Corps, and the CWCB will cooperate on this study effort. The Corps will determine existing channel capacity and sediment effects; the USGS, groundwater/surface water interaction. The CWCB opened bids for a mapping contract for the upper reach in November 1997. The upper reach study is expected

to begin in December 1998.

If these planning studies show potential, similar broader efforts can be explored under other Corps authorities such as Section 1135.

4. Section 1135. The 1996 Water Resource Development Act expanded the Section 1135 (Project Modifications for Improvement of the Environment) authority to areas off Corps project lands where the construction or operation of a Corps project has contributed to the degradation of the environment. Albuquerque District is currently pursuing two Section 1135 projects in the Arkansas River Basin.

The Lake Hasty feasibility study was completed in August, 1998 and a request made to begin plans and specifications in early 1999. The recommended plan is to route 5-8 cfs from the John Martin stilling basin through Lake Hasty and back to the Arkansas River when irrigation releases are being made. This should significantly improve water quality conditions and hence fish production in the lake. The local sponsor is the Colorado Division of Wildlife.

The Fountain Creek habitat restoration feasibility study, which should be completed in early 1999, involves the evaluation of alternative plans for restoring approximately 10 acres of wetland habitat and 30 acres of native riparian woodland. The local sponsor is the city of Pueblo.

5. Section 206. The Water Resource Development Act of 1996 provided authority for aquatic ecosystem restoration projects in areas unrelated to existing Corps projects. The Albuquerque District currently is formulating a conceptual plan for improving fisheries and riparian habitat along 9 miles of the Arkansas River downstream of Pueblo Reservoir. The local sponsor is the Pueblo Conservancy District.

6. Continuing Authorities Program. Under Section 14 of the 1946 Flood Control Act, as amended, the Corps provides emergency streambank protection works to prevent damage to public facilities. Up to \$500,000 in Federal funds can be spent for each project. Under our Section 205 authority, small flood control projects may be constructed with a maximum Federal contribution of \$5,000,000.

The non-federal sponsor, under both of these authorities, must contribute 35% of the cost for these projects. This program is available to communities, flood control organizations, and other governing entities. Those having a need for this program should contact the U.S. Army Corps of Engineers, Formulation Section, 4101 Jefferson Plaza NE. , Albuquerque, New Mexico 87109, telephone (505) 342-3201.

To date, no studies have been requested in the Arkansas Basin for 1998.

7. Flood Plain Management Services. The objective of the flood plain management services program is to support comprehensive flood plain management planning with technical services and planning guidance at all appropriate governmental levels. This is intended to encourage and to guide local governments toward prudent use of our nation's flood plains.

Services available include: help in interpretation and evaluation of basic flood hazard data; guidance in preparation of flood plain regulations; advice on the use of data regarding possible alternative developments in flood-prone areas; guidance on structural and nonstructural measures which might be employed to reduce flood hazard; and in some cases, development of basic flood hazard data. Section 321 of the Water Resources Development Act of 1990 requires recovering the costs of services provided to Federal agencies, private persons and organizations. A fee schedule has been established. These services are provided to state and local governments at no cost.

Thus far in 1998, the Albuquerque District has received no requests for technical services and flood hazard evaluations of specific sites in the Arkansas River Basin.

Governmental agencies or persons having a need for these services should contact the U.S. Army Corps of Engineers, Hydrology and Hydraulics Section, 4101 Jefferson Plaza NE., Albuquerque, New Mexico 87109, telephone (505) 342-3461, or check-out our FPMS web page at: "<http://www.usace.army.mil/fpms/>".

8. 404 Permits. Section 404 of the Clean Water Act prohibits discharges of dredged or fill materials into waters of the United States, including wetlands, without a permit from the Corps. Persons or agencies who are planning to do filling or excavation activities in any waterway should contact the Corps office in Pueblo, Colorado. In 1998, we issued 10 individual permits in the Arkansas River basin. An additional 182 activities in the Basin were reviewed during the period and most were covered under nationwide permits. Persons or agencies who are planning to conduct fill or excavation activities in any waterway are advised to contact the Southern Colorado Project Office, 720 North Main, Suite 205, Pueblo, Colorado 81003, (719) 543-9459. Information, including all public notices, is also available on our web home page at: "<http://www.swp.usace.army.mil/reg/>".

9. Emergency Management Coordination. The Corps provides information on flood authorities such as Public Law 84-99. The Corps had 10 contacts during 1998 in the Arkansas River Basin for information or assistance regarding flood related issues. For information concerning emergency assistance programs, please contact the Emergency Management Branch at 505-342-3269.

Exhibit 19

Annual Meeting

December 8, 1998

Report of U.S. Geological Survey Water-Resources Activities in the Arkansas River Basin of Colorado

to the

Arkansas River Compact Administration

December 8, 1998

Items of Direct Interest to the Administration

The USGS again received small decreases in funding for the Federal Collection of Basic Records Program in 1999, and additional cuts are expected through 2002 as part of the agreement to balance the Federal budget. This program provides basic station funding for 6 of the stations operated in support of the Compact (4 in Colorado and 2 in Kansas). Although funding for Compact stations was not affected in 1999, continued decreases in funding could affect these stations in the future.

As part of a cooperative study between the USGS and the Colorado State Engineer, ground water pumpage data were collected at 105 wells multiple times during 1998. These data will be used to compare the power conversion coefficient (PCC) method to totalizing flow meters (TFM) for estimating ground-water pumpage in the lower Arkansas River valley alluvial aquifer of Colorado. The Colorado State Engineer adopted rules in 1994 governing the measurement of tributary ground-water diversions. The rules require owners of large-capacity wells to provide monthly pumpage information using either a TFM or using electrical power consumption and a PCC. Most well owners elected to use the PCC method. Representatives of the state of Kansas believe the PCC method is not an acceptable way to determine ground water pumpage unless studies can verify the comparability of pumpage estimates using the PCC method to estimates using TFMs. The Colorado State Engineer asked the USGS to do this study to help resolve this question. A draft report comparing estimates of pumpage by these two methods will be prepared in March 1999.

Items of General Interest

During 1999, the USGS will operate continuous-recording stream gages at about 55 sites in the basin, continuous-recording gages at 3 reservoirs, sediment data collection at about 15 sites, continuous recording water-quality stations at 13 sites, periodic water-quality measurements on Pueblo Reservoir, biological sampling at about 5 sites and periodic water quality sampling at about 35 surface-water sites and 115 wells (including about 100 wells at the U.S. Army's Pueblo Chemical Depot and 15 wells near Colorado Springs). Several networks of ground-water level measurements are operated in the basin, including 70 wells measured twice a year between Pueblo and the state line, 40 wells measured twice a year between Leadville and Pueblo, 40 wells

measured twice a year in the alluvial aquifer south of Colorado Springs, 30 wells measured every other month in the Upper Black Squirrel Creek Basin and 130 wells measured annually in El Paso County. Much of the continuous-recording streamflow and water-quality data are available on the World Wide Web at <http://webserver.cr.usgs.gov/>

The cooperative program between the USGS, U.S. Army, Agriculture Research Service, and Natural Resource Conservation Service of monitoring precipitation, streamflow, water quality, and suspended sediment at the U.S. Army's Pinon Canyon Maneuver Site along the Purgatoire River between La Junta and Trinidad as well as on Fort Carson Reservation is continuing to be developed to provide improved information to make land-use decisions.

Multiple reports evaluating the water quality of the Arkansas River Basin in Colorado were published in 1998. Water-resources investigations report 97-4111 which describes water-quality conditions in the basin was printed in early 1998. An evaluation of the potential effects of changes in irrigation practices (dry-up of agricultural land and decreases in ground-water pumpage) on salinity of surface and ground water in an irrigated area between La Junta and Las Animas was published in the journal "Ground Water" in early 1998. Water-resources investigations report 97-4239 and an accompanying USGS Fact Sheet describe the relation of streamflow and specific conductance trends to reservoir operations in the lower Arkansas River between Pueblo and Lamar. The reports show that, after implementation of the 1980 operating plan, streamflow at both the Arkansas River below John Martin Reservoir and the Arkansas River at Lamar increased during the irrigation season and salinity decreased during both the irrigation and non-irrigation season. Another report that describes the simulated effects of water exchanges on streamflow and specific conductance in the Arkansas River upstream from Avondale is being prepared for publication and should be printed in early 1999.

The USGS prepared drafts of two Fact Sheets to address the extent of a high water-table problem that has occurred on the St. Charles Mesa southeast of Pueblo and to address whether there was evidence the ground-water quality on the St. Charles Mesa had been effected by septic systems. The second phase of the study is expected to begin this spring.

The USGS implemented a water-quality monitoring network for the lower Arkansas River between Pueblo and John Martin Reservoir during 1998. The USGS is continuing to have discussion with several Federal, State, and local entities related to expanding the network to include the upper Arkansas River basin and the lower basin downstream from John Martin Reservoir.

The USGS in cooperation with the Colorado Water Conservation Board began in late 1998 to 1) determine the extent of high water-table conditions near La Junta, Colorado; 2) evaluate trends in ground-water levels, diversions, and streamflow; and 3) evaluate changes in stream channel elevations.

Exhibit 20

Annual Meeting

December 8, 1998

Amendment to the Operating Principles -
Trinidad Dam & Reservoir Project
Amended 1997

Approved
Version

Delete: Article IV, D, 2, (a)

Substitute the Following:

Article IV, D, 2, (a)

During the non-irrigation season, the District will provide an allowance for stock watering purposes of not more than 1,200 acre-feet measured at the ditch headgates. If the stream gains below the Trinidad Dam are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow may be released to satisfy stock water demands within the allowance; provided the stockwater allowance shall not be used for irrigation purposes. The maximum daily rate of release may be up to but may not exceed the corresponding daily rate of reservoir inflow and will not count as stored water. No other diversions by Project ditches will be allowed prior to April 1, 1999.

An annual report of reservoir releases and diversions for stockwater operations will be provided in April each year to the Kansas Division of Water Resources in Garden City, Kansas by the State of Colorado.

This amendment is temporary in response to emergency conditions and expires on April 1, 1999.

The State of Colorado will closely monitor these diversions and deliveries and report the results to Kansas immediately.

Further, this action will not serve as a precedent for any other amendments to the principles.

Colorado and Kansas pledge their cooperation in the development and adoption of amendments to the operating principles for the verification and reporting of irrigated acreage for the project.

Exhibit 21

Annual Meeting

December 8, 1998



United States Department of the Interior

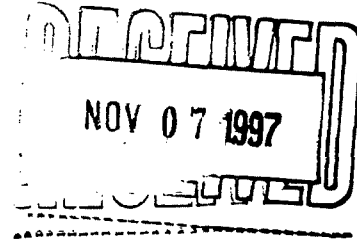


BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-1314

NOV 05 1997



Mr. Eugene Aiello, President
Purgatoire River Water Conservancy District
314 West Main Street
Trinidad Co 81082


Subject: Amended Operating Principles - Trinidad Dam and Reservoir Project, Colorado

Dear Mr. Aiello:

I stated, in an October 21, 1997 letter to you, that corrected Operating Principles for the Trinidad Dam and Reservoir Project, would be provided to all parties signatory to the previous amendment to the Operating Principles. A corrected copy of the proposed final amended Operating Principles is enclosed.

If you have any questions concerning these corrected Operating Principles, please contact Mr. John Gierard, of my staff at (970) 962-4392.

Sincerely,


For Jack Garner
Area Manager

Enclosure

cc: Mr. Larry Trujillo, Chairman (w/o encl.)
Arkansas River Compact Administration
Colorado Department of Corrections
2862 South Circle Drive, Suite 400
Colorado Springs CO 80906

Mr. David Pope (w/o encl.)
Kansas Department of Agriculture
901 SW 9th St., Ste. 202
Topeka KS 66612-1283

Lt. Col. Lloyd Wagner (w/o encl.)
U.S. Army Corps of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque NM 87103-1580

Mr. Chuck Lile, Director (w/encl.)
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver CO 80203-2239

Mr. Hal Simpson (w/encl.)
Colorado Division of Water Resources
Office of State Engineer
1313 Sherman Street
Denver CO 80203

Mr. Steve Witte (w/encl.)
Colorado Division of Water Resources
310 E. Abriendo, Suite B
Pueblo CO 81004

Mr. Doug Cain (w/encl.)
U.S. Geological Survey
Norwest Bank Bldg., Suite 200
201 West 8th Street
Pueblo CO 81003-3031

Mr. James Fernandez (w/encl.)
City of Trinidad
P.O. Box 880
Trinidad CO 81082

✓ Mr. M.E. MacDougall (w/encl.)
MacDougall Law Office
for Purgatoire River Water Conservancy District
Western National Bank Bldg.
102 N. Cascade Ave., Suite 400
Colorado Springs CO 80903-1418

Mr. Robert V. Trout (w/encl.)
Trout & Raley, P.C.
for Model Land and Irrigation Company
1775 Sherman St., Suite 1300
Denver CO 80203



United States Department of the Interior



BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

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NOV 05 1997

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Arkansas River Compact Administration
Colorado Department of Corrections
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Colorado Springs CO 80906

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For Jack Garner
Area Manager

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Purgatoire River Water Conservancy District
314 West Main Street
Trinidad Co 81082

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United States Department of the Interior



BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-1314

NOV 05 1997

Lt. Col. Lloyd Wagner
U.S. Army Corps of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque NM 87103-1580

Subject: Amended Operating Principles - Trinidad Dam and Reservoir Project, Colorado

Dear Lt. Col. Wagner:

I stated, in an October 21, 1997 letter to you, that corrected Operating Principles for the Trinidad Dam and Reservoir Project, would be provided to all parties signatory to the previous amendment to the Operating Principles. A corrected copy of the proposed final amended Operating Principles is enclosed.

If you have any questions concerning these corrected Operating Principles, please contact Mr. John Gierard, of my staff at (970) 962-4392.

Sincerely,

For. Jack Garner
Area Manager

Enclosure

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Purgatoire River Water Conservancy District
314 West Main Street
Trinidad Co 81082

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1775 Sherman St., Suite 1300
Denver CO 80203

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
AMENDED 1997

Preamble

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

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

Article I - OBJECTIVES

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

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

(c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.

3. The maintenance of a minimum pool for enhancement of recreation and fishery values.

4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

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

* Original Congressional Allocation was 4,500 acre-feet

**For irrigation, M & I and sediment accumulation.

Article II - DEFINITION OF TERMS

Definition of terms as used herein:

1. "Reservoir" means the reservoir constructed on the Purgatoire River above the City of Trinidad, Colorado.

2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M & I use. The District shall also be the agency responsible for the regulation of irrigation and M & I water supplies within the District boundaries in the manner set forth therein.

3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of Reservoir capacity allocated to joint use but unoccupied by sediment at any given time.

4. "Irrigation Capacity" means the 20,000 acre-feet of Reservoir capacity allocated to irrigation and M & I use plus the unsedimented portion of the joint use capacity.

5. "Permanent Fishery Pool Capacity" means the 15,967 acre-feet of Reservoir capacity allocated to fishery and recreation.

6. "Permanent Fishery Pool" means the quantity of water stored in the Permanent

Fishery Pool Capacity.

7. "Flood Control" means the temporary storage of flood waters at any Reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.

8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying above Reservoir elevation 6,230.85 feet mean sea level as of the survey published by the Corps in November, 1994.

9. "Reservoir inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the Reservoir, comprising measured flows at the inflow gaging stations and other unmeasured inflows entering the Reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the Permanent Fishery Pool.

10. "District Irrigable Area" means only the 19,499 acres of irrigable lands to be served lying within District boundaries.

11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District Irrigable Area, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.

12. "Non-Irrigation Season" - means that period of the year other than the Irrigation Season.

13. "District Storage Right" means those rights under which the District may store water in the Irrigation Capacity for use within the District.

14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation and M & I use within the District.

15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.

16. "Operating Agency" means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.

17. "Winter water under the direct flow rights" means that the direct flow priorities set forth on pages 5 and 6 of these Operating Principles may hereafter be stored in the Irrigation Capacity (initially about 59,000 acre-feet) during the Non-Irrigation Season, and shall not be

hereafter charged against, or deducted from, the 1908 Priority to store 20,000 acre-feet.

18. "Flow", whether stated in cubic feet per second (c.f.s.) or not, means a measurement in acre-feet per day. One c.f.s. flowing for one day will create 1.9835 acre-feet. The District shall account for water daily, in acre-feet.

Article III - FLOOD CONTROL

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

1. All potentially damaging flood inflows shall be temporarily detained as necessary to limit the flow insofar as possible to a non-damaging flow, currently estimated to be 5,000 c.f.s., downstream from the Trinidad Reservoir.

2. All flood water stored in the flow control capacity shall be released at the maximum non-damaging rate insofar as practicable.

3. Any Reservoir inflow, other than that stored for irrigation and Municipal and Industrial (M & I) and Permanent Fishery Pool use, temporarily retained below the bottom of the Flood Control Capacity for Flood Control purposes, shall be released by the operating agency at such a rate, time, and quantity as may be ordered by the Colorado State Engineer, but within non-damaging flow in the channels below the Reservoir.

Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the Irrigation Capacity in Trinidad Reservoir and the distribution of water to the District Irrigable Area and to M & I uses within the District will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these Operating Principles. Agreements, satisfactory to the Secretary of Interior, have been entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District Irrigable Area and to M & I uses within the District are contained in the following four parts of this Article: "Water Rights", "Limits of Land and Water Use", "District Water Supply", and "Operation and Exercise of Water Rights".

A. Water Rights

Accomplishment of the following conditions is necessary under the laws of the State of

Colorado to provide the District with the right to regulate the flows of the Purgatoire River in the manner described herein:

1. Water users within the District have assigned the right to the exercise of the following decreed direct flow water rights all in former water district No. 19, and within the District boundaries to the District for administration by the District at such times and to the degree outlined in these principles.

Direct Flow Rights
Water Division No. 2, Colorado

<u>Priority</u>		<u>Amount</u>	
<u>Number</u>	<u>Date</u>	<u>(C.F.S.)</u>	<u>Name of Ditch</u>
3	11/30/1861	6.00	Baca
5	03/20/1862	4.00	Johns Flood
7	04/30/1862	7.00	Chilili
8	11/15/1862	2.82	Baca
8	11/15/1862	1.18	El Moro
9	01/01/1863	1.28	Johns Flood
9	01/01/1863	4.72	Hoehne
12	06/30/1863	0.50	South Side
13	01/01/1864	1.25	Johns Flood
13	01/01/1864	3.75	Lewelling & McCormick
15	04/10/1864	5.10	Johns Flood
15	04/10/1864	0.80	Hoehne
15	04/10/1864	0.847	Salas
19	06/01/1865	4.00	Lewelling & McCormick
20	10/07/1865	7.35	Johns Flood
20	10/07/1865	16.65	Hoehne
21	01/01/1866	3.25	Burns & Duncan
22	02/01/1866	1.34	Salas
27	05/31/1866	2.25	Johns Flood
27	05/31/1866	0.75	Salas
40	04/30/1868	1.40	South Side
64	04/01/1873	2.40	Johns Flood
73	11/01/1875	6.00	South Side
74	02/17/1876	34.00	South Side
75	12/25/1876	4.00	South Side
77	03/11/1877	1.30	El Moro
77	03/11/1877	2.70	Baca
80	04/07/1877	18.60	South Side
93	12/15/1882	4.00	South Side

95	11/04/1883	14.38	Baca
96	11/23/1883	16.84	South Side
98	04/30/1884	60.00	South Side
103	06/21/1886	14.73	Baca
104	10/21/1886	10.00	Lewelling & McCormick
106	03/12/1887	15.00	Baca
108	02/15/1888	9.70	South Side
109	03/01/1888	8.00	South Side
145	10/20/1902	100.00	Johns Flood
168	01/22/1908	200.00	Model Ditch
242 ½	06/12/1920	45.56	Baca

2. Waters of the Purgatoire River shall be stored by the District in the Irrigation Capacity (initially about 59,000 acre-feet) of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the District Storage Right, include:

(a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, and by Decree in Civil Action No. 19793, District Court, Las Animas County, Colorado, of April 15, 1965, transferred from the place of storage as originally decreed to the site of the reservoir; and

(b) Such other rights to store water in the Reservoir as the District may lawfully acquire by appropriation or purchase, including the right to store Winter water under the direct flow rights, (appropriation dates as listed).

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation and M & I use within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District Water Supply shall be limited to 19,499 acres of irrigable land lying within the District boundaries. These 19,499 acres of the District Irrigable Area shall be composed as nearly as practicable of the following acreages under individual ditches.

(Picketwire: includes Chicosa,
Lujan, North Side and El Moro
Water Users):

Picketwire	2805.8
Baca	311.4
Chilili	285.6
El Moro	154.6
Johns Flood	2085.8
Model	6804.9
South Side	5239.6
Hoehne	1202.7
Burns & Duncan	88.4
Lewelling & McCormick	417.1
Salas	61.8

2. All water deliveries to the 19,499 acres of the District Irrigable Area will be limited during the Irrigation Season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.

3. Water deliveries from the District Water Supply may be diverted or stored for M & I or Permanent Fishery Pool purposes with the following limitations:

(a) Only water attributable to the historic consumptive use of the District Water Supply allocated for acreage removed from irrigation may be made available for M & I storage or Permanent Fishery Pool storage.

(b) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River, as necessary to prevent a material depletion thereto.

(c) Removal of District irrigable land from irrigation to enable water to be diverted or stored for M & I or Permanent Fishery Pool purposes shall correspondingly reduce the number of acres allowed to be irrigated from the District Water Supply.

(d) Water deliveries from the District Water Supply for storage in the Permanent Fishery Pool shall be stored directly in the Permanent Fishery Pool capacity and any water stored to maintain historical return flow patterns pursuant to (b) above attributable to such stored water shall be stored in the Irrigation Capacity; provided such water stored shall not be accounted for as stored water in administration of the water storage limitations of the Irrigation Capacity.

4. No water deliveries for irrigation of the 19,499 acres of the District Irrigable Area will be made during the Non-Irrigation Season. Water may be released during the Non-Irrigation Season for stockwater and for M & I use or to maintain historic return flow patterns for lands

removed from irrigation.

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M & I use within the District, defined as the District Water Supply, consists of:

(a) The water stored under the District Storage Right in the Irrigation Capacity, (initially about 59,000 acre feet).

(b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District Irrigable Area for irrigation use through the District's exercise of the water rights listed in IV.A.1.

(c) That portion of the Reservoir inflow at Trinidad Dam which is available to the District during the Irrigation Season through the District's exercise of the water rights listed in IV.A.1.

(d) Any water acquired by the District and stored in the Irrigation Capacity of the Reservoir by exchange or substitution.

2. The District Water Supply will be allocated by the District to the ditches within the District to provide each acre of the District Irrigable Area an equitable share of the District Water Supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate, subject to the special provisions of the Hoehne and Model contracts.

D. Operation and Exercise of Water Rights

The principles governing operation of the Irrigation Capacity and the District's exercise of the assigned direct flow water rights listed under IV.A.1. and the District Storage Right are hereinafter set forth as they apply to operations during either the Non-Irrigation Season or Irrigation Season.

1. Non-interference with Downstream Water Rights

(a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied; but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.

(b) Reservoir inflow in excess of the amount stored under the transferred

Model right may be detained in the Reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District Storage Right and become part of the District Water Supply. Such detained water which does not become a part of the District Water Supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact C.R.S., §37-69-101. et seq.

(c) Except as provided by paragraph (b) above, any water temporarily detained in the Reservoir as a result of the Reservoir inflow exceeding the design outlet capacity of the Reservoir shall be released as soon as possible.

(d) All bypasses set forth in (a) above, and all releases of temporarily detained water from the Reservoir, as set forth in (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District Irrigable Area.

2. District Operation, Non-Irrigation Season

(a) During the Non-Irrigation Season, the District will provide an allowance for stock watering purposes of not more than 1,200 acre-feet measured at the Trinidad gage located on the Purgatoire River at Lat. 37° 10' 15", Long. 104° 30' 31". If the stream gains from the Trinidad Dam to said gage are insufficient to fulfill the allowance, an equivalent volume of Reservoir inflow may be released to satisfy stock water demands within the allowance; provided the stockwater allowance shall not be used for irrigation purposes. The maximum daily rate of release may be up to but may not exceed the corresponding daily rate of Reservoir inflow and will not count as stored water.

(b) During the Non-Irrigation Season, the District shall release water stored by the City of Trinidad as designated by the City of Trinidad for:

(1) M & I purposes;

(2) Winter return flows; such releases shall be in addition to any releases to satisfy the stock water allowance and shall be passed down the Purgatoire River without interference by water users in the District Irrigable Area.

(c) During the Non-Irrigation Season, the District will exercise the direct flow water rights and the District Storage Right only at such times and to the degree as necessary to assure:

(1) That the maximum possible storage of Reservoir inflow is accrued.

(2) The stock water allowance is distributed in a manner determined equitable by the District.

(3) Winter water under the direct flow rights shall be accounted separately from the 20,000 acre-feet Model storage right, shall be stored in the Irrigation Capacity (initially about 59,000 acre-feet) and shall not be diminished by any water stored under the 1908 priority for the 20,000 acre-feet "Model storage right", nor shall the 1908 priority for 20,000 acre-feet be diminished by any amount of water stored as Winter water under the direct flow rights.

3. District Operation - Irrigation Season

(a) During the Irrigation Season, except at such times as provided for in D.3.(c) below, the District shall exercise the direct flow water rights and the District Storage Right only at such times and to the degree necessary to assure:

(1) That stream gains to the river below Trinidad Dam which are divertible to the District Irrigable Area and such Reservoir inflow which is available to the District for irrigation and M & I use will be equitably allocated to the District Irrigable Area as part of the District Water Supply.

(2) That the District Storage Right can be fully exercised to store Reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a)(1) above.

(b) During the Irrigation Season, water stored in the Irrigation Capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District Irrigable Area or, as designated by the City of Trinidad, made available for M & I purposes or the Permanent Fishery Pool as provided in paragraph B.3. above.

(c) Subject to the special provisions of the Model and Hoehne contracts, during the Irrigation Season, when the Irrigation Capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the Reservoir inflow and stream gains below Trinidad Dam which are divertible to the District Irrigable Area exceed the irrigation requirement and such excess is storable under the District Storage Right, the District will resume the exercise of the direct flow rights and exercise of the District Storage Right as in D.3.(a)(2) above.

4. Evaporation and Seepage Losses

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

Article V - FISHERY AND RECREATION

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

1. Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District Water Supply and without interference to usable Stateline flows, or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated to the permanent fishery pool pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:

(a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;

(b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;

(c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at the Las Animas gaging station;

(d) Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the Colorado State Engineer, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

The Colorado State Engineer will report and account contemporaneously and annually to the Arkansas River Compact Administration on the initial filling and replacement of evaporation and seepage in the Permanent Fishery Pool.

2. In the accounting for water in storage, evaporation and seepage losses due to the Permanent Fishery Pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the Operating Agency.

3. There shall never be any release or transfer of water from the Permanent Fishery Pool excepting by necessity of dam safety or flood emergency operations as determined by the

Corps of Engineers, District Engineer.

Article VI - REVIEW AND AMENDMENT

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

FIVE CONDITIONS

State of Kansas

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

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

APPROVED:

Larry E. Trujillo, Sr., Chairman
Arkansas River Compact
Administration

Date

State of Kansas

Date

US Bureau of Reclamation

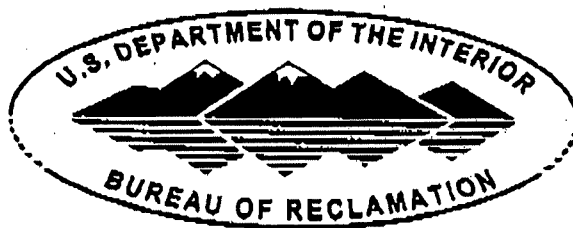
Date

Purgatoire River Water
Conservancy District

Date

US Army Corps of Engineers

Date



Bureau of Reclamation
Eastern Colorado Area Office
11056 West County Road 18E
Loveland, CO 80537-9711

FAX#: (970) 663-3212

COMM#: (970) 667-4410

TO	FROM
Name: <i>Julianne Woldridge</i>	Name: <i>D. Christenson</i>
Code: <i>9447</i>	Code:
Fax#: <i>(719) 520-9288</i>	Page 1 of <i>3</i>

Comments:



United States Department of the Interior



BUREAU OF RECLAMATION

Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-1330

DEC 04 1998

Ms. Julianne M. Woldridge
MacDougall Law Office
Western National Bank Building
102 North Cascade Avenue, Suite 400
Colorado Springs, Co 80903-1418

Subject: Trinidad Project Operating Principles (Your Ltr dated November 11, 1998)

Dear Ms. Woldridge:

In response to your November 11, 1998, letter, a copy of the "cleaned up version" of the amended operating principles was mailed out for review and comment on December 1, to all participants. However, as we indicated in our telephone call to you on Thursday, December 3, we inadvertently omitted a few of the changes that were incorporated in the amendment for the City of Trinidad. We will provide a new "cleaned up version", incorporating the City of Trinidad amendment language agreed to last year, and distribute it at the Arkansas River Compact Administration (ARCA) meeting on December 7.

You state in your letter that the District has requested the Colorado representatives to the Compact Administration move for the approval of all proposed amendments to the Operating Principles for the Trinidad Dam and Reservoir Project at the December ARCA meeting. You also requested Reclamation's support of all proposed amendments.

As stated in our February 10, 1998, letter to you, "we will support proposed amendments to the Operating Principles, which secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact." That position has not changed. Reclamation continues its support of amendments meeting these criteria.

At this time Reclamation is prepared to support approval of the proposed amendments to the Operating Principles, excluding the Winter Water Storage, and with additional language to address Kansas' concerns regarding stockwater. After recent discussions with both the States of Colorado and Kansas and the Purgatoire River Water Conservancy District (District) Reclamation has tentatively set up a meeting among these parties on Monday, December 7, beginning at 4:00 pm meeting in Lamar, CO, at the Cow Palace Hotel to work toward consensus and approval of the stockwater amendment proposed by Kansas.

With respect to storage of winter-direct flows outside the Model right, we are not prepared to support approval at this time. David Pope stated in a telephone conversation with my staff today, that Kansas hopes to be prepared to provide the criteria it believes Reclamation's study must meet in order to satisfy Kansas reasonable concerns with this proposed amendment by the 4:00 pm meeting on Monday, December 7. If they have not done so, will recommend a timeframe for Kansas to provide the criteria; for Colorado, the District, and Kansas to evaluate the information; and for negotiating among the parties, if feasible, to ensure that the criteria and proposed work are reasonable, cost effective to accomplish, and addresses Kansas' concerns.

The District, among all the parties with action items resulting from our February 18 meeting last year, was most timely in following up. The information you provided in your May 1, 1998, letter indicated the District has already begun to implement measures to address concerns. However, some concerns remain. At the same time that we ask Kansas to provide information and for the parties to seek agreement on study parameters, we will also encourage the District to provide additional information and commitment to address acreage reduction and classification (reference Steve Miller's March 2, 1998 Memo, on this subject).

The State of Colorado has recently distributed the criteria for temporary detention and subsequent release of flood flows stored in the Trinidad Reservoir conservation pool, and if time permits at our 4:00 pm meeting, this item might be discussed in more detail. If resolution is not reached prior to the ARCA meeting on December 8, we will recommend timeframes for the parties to review these criteria.

If you have any questions on the above, please contact Alice Johns at (970) 962-4338 or Julie Swanda at (970) 962-4369.

Sincerely,



Dennis Christenson
Deputy Area Manager

cc: Mr. Peter Evans
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver Co 80203-2239

Mr. David Pope, Chief Engineer
Division of Water Resources
Kansas Dept. Of Agriculture
901 S. Kansas Avenue
Topeka KS 66612

STATE OF COLORADO

WATER DIVISION 2 OFFICE OF THE STATE ENGINEER

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Phone (719) 542-3368
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Roy Romer
Governor

James S. Lochhead
Executive Director

Hal D. Simpson
State Engineer

Steven J. Witte, P.E.
Division Engineer

December 2, 1998

Mr. A. Jack Garner, Area Manager
United States Department of the Interior
Bureau of Reclamation
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, CO 80537-9711

Dear Mr. Garner,

Please find enclosed the Division Engineer's present operating criteria for temporary storage and release of flood flows not stored in the flood pool pertaining to Trinidad Reservoir.

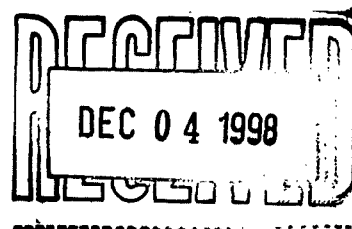
Sincerely,

Steven J. Witte
Division Engineer - Division 2
Colorado Division of Water Resources

Enclosure

cc: Mr. David Pope, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
901 S. Kansas Avenue
Topeka, KS 66612

Mr. Hal Simpson, State Engineer
Colorado Division of Water Resources
Room 818, Centennial Building
1313 Sherman Street
Denver, CO 80203



Mr. Garner, Dec. 2, 1998
page 2

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Mr. John Draper
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Mr. Garner, Dec. 2, 1998
page 4

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Mr. Thomas R. Pointon
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Las Animas, CO 81054

Mr. James G. Rogers
32259 County Road 13 (Route 2)
Lamar, CO 81052

Mr. Danny Marques
#16390 County Road 75.1
Trinidad, CO 81082

Mr. William Howland
1640 West 6th
Las Animas, CO 81054

Enclosure to Mr. A. Jack Garner letter, dated December 2, 1998

CRITERIA FOR TEMPORARY DETENTION AND SUBSEQUENT RELEASE OF
FLOOD FLOWS STORED IN THE TRINIDAD RESERVOIR CONSERVATION POOL

Criteria for temporary detention of flood flows

The Division Engineer temporarily detains flood flows to limit releases from Trinidad Dam so as to cause the flow measured at the Trinidad gage to not exceed 3,000 cfs. This is in accord with a letter from Gary L. Gamel of the Corps of Engineers dated April 16, 1993, which states:

The Water Control Plan for the flood control operation of Trinidad Lake calls for releases of 5000 cfs, as measured at the Trinidad gage... Until the Water Control Plan can officially be revised, any releases from Trinidad Dam in excess of 3000 cfs should not be made without consultation with this office.

Because this lower rate is based upon hydraulic analysis performed below Trinidad, Colorado this is interpreted to mean that releases from Trinidad Dam should be limited so as to cause the flow measured at the Trinidad gage not to exceed 3000 cfs without consultation with appropriate personnel of the Albuquerque District, Corps of Engineers.

Criteria for subsequent release

The Division Engineer begins releasing water temporarily detained after 8:00 a.m. of the following day as soon as channel capacity is available. Channel capacity is available when such releases will not cause the flow at the Trinidad gage to exceed 3,000 cfs.

Water temporarily detained is released at the maximum rate, taking into account bypasses of reservoir inflow to satisfy current district demands and downstream senior rights, that will not cause the flow at the Trinidad gage to exceed 3,000 cfs.

The Division Engineer distributes the released waters ensuring that the project ditches are not exceeding their entitlements and that downstream rights are not diverting out of priority or beyond their entitlements.

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JULIANNE M. WOLDRIDGE
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TELEPHONE
(719) 520-9288
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May 1, 1998

Mr. Jack Garner
Bureau of Reclamation
11056 West County Road 18E
Loveland, CO 80537-9711

Re: Trinidad Reservoir Operating Principles

Dear Jack:

Pursuant to our February 18, 1998 meeting in Kansas, the Purgatoire River Water Conservancy District provides the following information:

Irrigated Acres

The Project lands are identified in the original (1965-66) contracts with the Ditch companies that participate in the Project. The total is more than 19,717 acres; but not all of the acres are irrigated in any given year and some may never be irrigated. The original Operating Principles designated water rights and acres by participating ditches. Three of those ditches listed elected not to participate fully in the Project, but the corresponding water rights and acres were never deleted from the lists in the Operating Principles. The Bureau has proposed to delete them, which would change the total irrigated acres to 19,499. This proposed change is reflected in the amendments to the Operating Principles proposed by the Bureau in November, 1997.

The District does have procedures for verifying that the number of irrigated acres does not exceed 19,717. Prior to opening the irrigation season, the District asks the participating ditches to identify the number of acres they anticipate irrigating. Enclosed is a copy of the March 10, 1998 letter. All of the ditches did not respond and the District renewed its request in an April 14, 1998 letter, copy enclosed.

The District has the authority to ensure that participating ditches do not exceed acreage specified in the ditch contracts. In addition, the District has the authority to limit irrigated acreage within the Project to ensure the limit in the Operating Principles is not exceeded. There are certainly numerous ways to do this. The current procedures appear to be

Mr. Jack Garner
May 1, 1998
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adequate.

In 1994-95, the District commissioned a 100% field survey of irrigated acres in the Project. This survey verified that the 19,717 acre limit was not exceeded in 1994.

Finally, the District's consultant spot checks irrigated acres on occasion.

The District would like to focus on the maximum number of irrigated acres in the Operating Principles, and have some flexibility on the numbers under each ditch. The ability to move acres around within reason is beneficial. The currently proposed amendments specify that the acres per ditch will be as reflected in the list "as nearly as practicable." This provides the flexibility needed to best manage the water.

There is a current proposal being discussed to reduce the acres under the Model by 400 and under the Salas by 50, and to increase the acres under the Lewelling and McCormack by 100. Although this changes the acres under each ditch, the total limit is still not exceeded.

ALLOCATION

The Bureau's 1996 Review of Operating Principles expressed concern over how the District determines transportation losses and the irrigation requirement for Project ditches. Article IV, paragraph B.2. of the Operating Principles states:

All water deliveries to the 19,717 acres of the District irrigable area will be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.

Paragraph C.2. states:

The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation

Mr. Jack Garner
May 1, 1998
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requirements at the farm headgate.

Prior to opening the irrigation season each year, the District's consultant forecasts the water which may be available and makes an initial allocation to the ditches. If necessary, the District makes additional allocations or reallocates water that is left, before closing the irrigation season. Enclosed is a copy of Jeris Danielson's April 23, 1998 letter, with additional details on the procedures used by the District.

CURRENT STORAGE

The ruling in Purgatoire River Water Conservancy District v. Kuiper, 197 Colo. 200, 593 P.2d 333 (1979) confirmed the District's right to store winter direct flow. It states:

Highland has contended that the 1965 transfer decree merely changed the place of storage of the Model Storage Right to Trinidad Reservoir and did not change to storage the winter direct flow use of the Project ditches. This change of use was set forth as a part of the plan in House Document 325 and the Operating Principles, both of which were incorporated by reference in that decree. The clear effect of the transfer decree was to make the change as set forth in those documents. So far as the persons who are bound by that transfer decree are concerned, the effect was to change both the place of storage and the use of winter direct flow.

A copy of the published opinion is enclosed.

Details on storage of such water is provided in Mr. Danielson's enclosed letter.

CONCLUSION

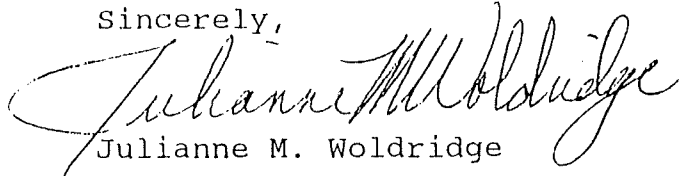
Several letters have now circulated concerning what happened at the meeting in Kansas City on February 18, 1998, and what information the various parties were supposed to supply. As is usual in a meeting with that many people, I am not sure everyone heard the same thing. In addition, because of the enormous amount of correspondence that has circulated over the years regarding the Operating Principles, and the passage of many years since this began, some may have temporarily forgotten some

Mr. Jack Garner
May 1, 1998
Page 4

information that was previously supplied. I hope that the February 18, 1998 meeting served to open a dialogue and communication between the parties to discuss the proposed amendments to the Operating Principles and the related details. If, therefore, any of the involved parties desire additional information from the District, whether requested February 18, 1998 or not, I urge them to contact me. The District will make every attempt to provide such additional information. It is important that we keep the lines of communication open for this process to succeed for everyone.

In addition, as soon as is practicable, I would like to set dates for the special ARCA meeting or to discuss things further. Please let me know how you would like to do this.

Sincerely,



Julianne M. Woldridge

JMW

Enclosures

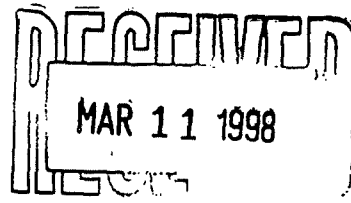
cc (w/ enc.):

PRWCD (mail)
Jeris Danielson (mail)
David Pope and Leland Rolfs (fax)
John Draper (mail)
Wendy Weiss (fax)
Steve Miller (fax)
Dennis Montgomery (fax)
Larry Trujillo (mail)

PURGATOIRE RIVER WATER CONSERVANCY DISTRICT

314 WEST MAIN STREET
TRINIDAD, COLORADO 81082

719-846-7285



March 10, 1998

Ditch Presidents
Purgatoire River Water
Conservancy District
Trinidad, Co. 81082

Re: Acreage to be Irrigated in 1998

Gentlemen:

The Board of Directors have asked me to obtain the number of acres your ditch intends to irrigate during the 1998 irrigation season.

Mr. Adams did an acreage survey in 1995 to help identify the acres the District irrigates. The acres each ditch irrigated in 1997 was as follows:

Adam's Survey:

Baca Ditch	311.5
Chilili Ditch	285.6
El Moro Ditch	154.6
Enl. SS. Ditch	5530.3
Hoehne	1200
John Flood	2123.5
Model	6804.9
Picketwire	2872.3
Burns & Duncan	88.4
Lewalling & McCormick	417.1
Salas Ditch	61.8

Amount listed in Amended OP - 1997

Baca Ditch	311.4
Chilili Ditch	285.6
El Moro Ditch	154.6
Enl. SS Ditch	5239.6
Hoehne	1200
John Flood	2085.8
Model	6804.9
Picketwire	2805.8
Burns & Duncan	88.4
Lewalling & McCormick	417.1
Salas Ditch	61.8

Handwritten: 5mm FYF
Thank file
Acreage
2954-9

Handwritten: Adams
2954

Please notify me in writing what your ditch intends to irrigate during the 1998 irrigation season before April 1, 1998.

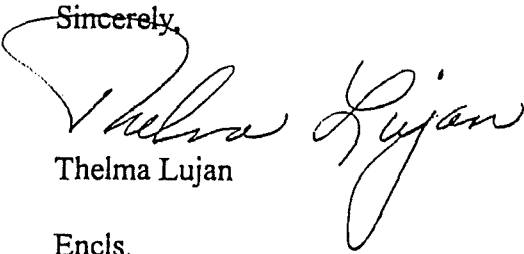
I will mail you the March Forecast as soon as I receive it from Dr. Danielson. They may help in making a decision as to your ditch acreage.

March 10, 1998
Ditch Presidents – Page two

I am also enclosing a copy of a Memo dated March 2, 1998 from Steve Miller regarding the proposed revisions to the Operating Principles, Summary of February 18, 1998 meeting. I am enclosing this copy so that you will be aware of what is happening as far as the District is concerned.

If you have any questions, please call me.

Sincerely,



Thelma Lujan

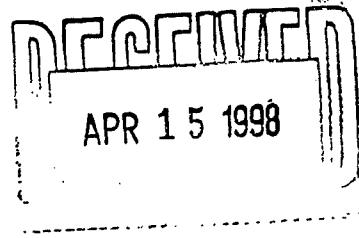
Encls.

cc: Board Members
M.E. MacDougall
Dr. Jeris A. Danielson

PURGATOIRE RIVER WATER CONSERVANCY DISTRICT

314 WEST MAIN STREET
TRINIDAD, COLORADO 81082

719-846-7285



April 14, 1998

Ditch Presidents
Chilili Ditch
El Moro Ditch
John Flood Ditch
Picketwire Ditch
River Canyon

Re: 1998 Acreage/Irrigation

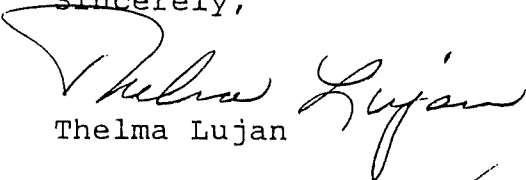
Gentleman:

On March 10, 1998 I wrote you a letter asking that you submit the number of acres you intend to irrigate during the 1998 irrigation season.

I have not had a reply from you regarding this matter. Irrigation season will be opening shortly and I will need your answer prior to the opening of irrigation season.

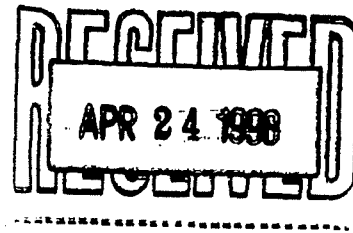
Thank you for your cooperation in this matter.

Sincerely,


Thelma Lujan

cc: M.E. MacDougall ✓
Dr. Jeris A. Danielson

DANIELSON & ASSOCIATES
CONSULTING ENGINEERS
6805 WEST FOURTH AVENUE
LAKEWOOD, COLORADO 80226
(303) 237-5146
(303) 232-0857 FAX



April 23, 1998

Ms. Julianne M. Woldridge, Esq.
MacDougall Law Office
102 North Cascade Avenue , Suite 400
Colorado Springs, CO 80903

Re: Trinidad Reservoir Operating Principles

Dear Ms. Woldridge:

The following information is submitted concerning certain procedures followed by the Purgatoire River Water Conservancy District (PRWCD) for inclusion in your response to the United States Bureau of Reclamation.

Issue 1. **Summarize the Procedures Utilized by the PRWCD in Establishing Allocation of Project Water.**

The PRWCD is required by Article IV, C, 2 of the Operating Principles for the Trinidad Dam and Reservoir Project and by Part B - Allocations of the Purgatoire River Water Conservancy District Operating Criteria to make an allocation of the available District Water Supply so as to provide an equitable share of water to each irrigable acre within the PRWCD. This allocation is not allowed to exceed the irrigation requirement at the farm headgates.

The allocation process begins with an initial allocation based upon the reasonable minimum supply expected to be available. This initial estimate is made utilizing forecasting techniques which predict reservoir inflow from observed snowpack values, estimated return flows and accretions to the river below Trinidad Dam, and, consideration of the amount of water in storage in Trinidad reservoir at the time of the determination. This initial allocation is made in advance of the irrigation season, usually around the first week in April. As additional snowpack and runoff data become available, adjustments to the initial allocation are made.

In no case is any ditch allowed to divert more than the current District

allocation. If a ditch reaches the allocation, no further diversions are allowed until all other ditches have diverted water in amounts to reach the current allocation.

Issue 2. **Describe the Process Utilized by the PRWCD in Determining the Irrigation Requirement**

The District irrigation requirement is determined by the PRWCD pursuant to Paragraph 4.02 of the Purgatoire River Water Conservancy District Rules and Regulations.

The PRWCD irrigable area is located in a fairly confined and compact area and does not experience substantial variations in climatic, hydrologic or soil characteristics across the service area. As a result of this compactness, the general uniformity of cropping patterns, and the overall condition of having a water supply generally substantially less than the ideal maximum full crop requirement, the PRWCD irrigable lands are considered to have the same general irrigation requirement. The irrigation requirement is established by consultation with the District's consulting engineer, consideration of information available from state and federal agencies and ditch companies, and information provided by individual water users. The District has determined the maximum irrigation requirement shall not exceed that determined for the Hoehne Ditch by the Division II Water Court in Case No. 86CW25 where the court found, after extensive expert testimony, that the maximum requirement was 4.4 acre-feet per acre.

Issue 3. **Describe how Ditch and Canal Losses are Used by the PRWCD**

Due to the compact nature of the District irrigable area and the similarity in ditch systems, the PRWCD has determined that by allocating equal amounts of water per acre at the river headgates of each ditch that an equitable allocation of project water is achieved for each irrigable acre. As resources permit, the District is committed to begin the expensive process of actually measuring canal losses to determine whether refinements can be made to the allocation process. Individual ditch companies are responsible for ensuring that distribution of water is done on an equitable basis to individuals under each ditch.

Issue 4. **Describe the Historic Utilization of Direct Flow and Storage Rights in the Project Area Prior to Project Development**

Prior to the development of the Trinidad Project, direct flow water

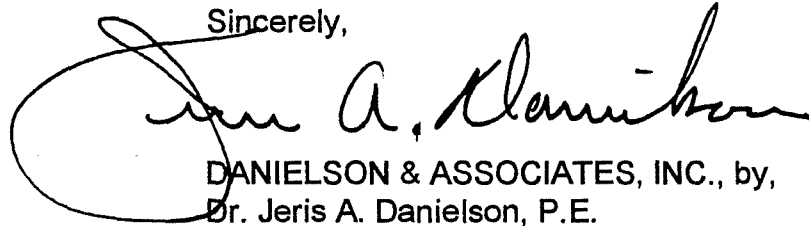
rights in the Project area diverted water on a year around basis for direct irrigation of more than 21,000 acres in what would become the Project irrigable area. The Model Reservoir storage right was exercised, in priority, for storage of up to 20,000 acre-feet in the Model Reservoir. This stored water was subsequently released for irrigation of lands under the Model ditch system. At no time was water stored in the Model Reservoir by exercise of the direct flow water rights listed in Article IV, paragraph A "Water Rights" in the Operating Principles - Trinidad Dam and Reservoir Project. The Colorado Supreme Court has determined that the storage of the direct flow water rights in Trinidad Reservoir during the non-irrigation season is proper and required by the Project enabling legislation and does not result in injury to downstream water users. Studies by the United States Bureau of Reclamation confirm the lack of injury caused by this practice, and, in fact, indicate that the practice results in enhanced flows to downstream water users when compared to the water available to downstream users during the pre-project practice of winter irrigation.

The position of Kansas that water stored during the non-irrigation season under the direct flow water rights must occur in the transferred Model storage account is totally contrary to historic practice and denies the full exercise of the transferred Model storage right. In 1998, the storage of water during the non-irrigation season under the direct flow rights is expected to exceed 12,000 acre-feet. If the PRWCD is required to store this water in the transferred Model storage account, the District will be denied the right to store in excess of 12,000 acre-feet under the Model storage right, which has a priority date of 1908 and is substantially senior to any right ascribed to John Martin reservoir, when John Martin reservoir is *spilling*! This requirement would result in an economic loss to the PRWCD in excess of \$120,000 and will reduce the water available to the District irrigated lands by an amount equal to 0.6 acre-feet per acre. This represents a reduction in allocation of 24 percent.

To require that direct flow water, which was never stored historically, now be stored in lieu of storage of 1908 priority water in the Model storage space is punitive and amounts to a taking of private property rights. This position of Kansas is especially egregious considering the finding by the USBR that the practice of storing non-irrigation season flows in the joint-use capacity, instead of practicing winter irrigation, results in increased flows to downstream water users when compared to the flows available under the historic method of operation.

I trust this provides you with the input needed to respond to the USBR.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeris A. Danielson". The signature is fluid and cursive, with a large loop at the beginning.

DANIELSON & ASSOCIATES, INC., by,
Dr. Jeris A. Danielson, P.E.
President

cc: PRWCD Board Members
Thelma Lujan

The judgment of the district court is affirmed.

MR. JUSTICE GROVES and MR. JUSTICE CARRIGAN do not participate.

No. 27962

Purgatoire River Water Conservancy District, John Flood Ditch Company, El Moro Ditch Company, Baca Irrigating Ditch Company, Chilili Ditch Company, Picketwire Ditch Co., Inc., The Enlarged South Side Ditch Co., The Hoehn Ditch Company, Lewelling and McCormick Ditch Co., Salas Ditch Co., and The Burns and Duncan Ditch Co. — City of Trinidad and Model Land and Irrigation Company v. C. J. Kuiper, State Engineer, Robert W. Jesse, Division Engineer, Henry E. Marques, Water Commissioner — Highland Irrigation Company and Nine Mile Canal Co. — Amity Mutual Irrigation Company and The Fort Lyon Canal Company

(593 P.2d 333)

Decided March 5, 1979.

Rehearing denied April 16, 1979.

Proceeding by river water conservancy district relating to the administration of certain water rights in the light of the construction and operation of the Trinidad Project. Companies counterclaimed and cross-claimed to enjoin closing of gates to reservoir. The Water Court granted injunctive relief to the companies and an appeal was taken.

Reversed

1. **WATER RIGHTS — Transfer Decree — Effect.** Transfer decree of district court — changing place of storage of Model Reservoir Right and providing that storage at new location would be "conducted in accordance with . . . conditions of operation . . . prescribed by House Document 325 . . . as implemented by . . . the Operating Principles-Trinidad Dam and Reservoir Project" — had the effect of changing both the place of storage and the use of winter direct flow.
2. **Transfer Proceeding — Decree — Highland — Notice of Proceeding — Bound by Decree — House Document — Protection.** Where company (Highland) had notice of transfer proceeding — that the Model Storage was to be transferred to the District and that the place of storage was to be changed to the Trinidad Reservoir, effective at the time of its completion and culminating in the 1965 decree — *held*, as such, it was bound by that decree; moreover, since

House Document No. 325 and the Operating Principles were designed to protect Highland's rights in this respect, by thus incorporating that document and the Operating Principles the decree did protect them.

Return Flow — Rights — Transfer Decree — Duty — Engineer — Determinations — Trinidad Project — Winter Water. With reference to the rights of company (Highland) to return flow or its equivalent, the 1965 transfer decree places upon the State Engineer and the Division Engineer the duty to make determinations and act so that in the winter the company will receive the same amount of water which it would have received without the Trinidad Project and with a continuation of historical use of winter water by the Project ditches.

4. *Trinidad Dam — Order — Opening Gates — State Engineer — Evaluation — Issuance — Premature.* The issuance of orders by the district court — ordering the State Engineer to open the gates of the Trinidad Dam before the State Engineer had reasonable opportunity to make an evaluation — was premature.
5. *Project Plan — Temporary Operation — Result — Water Reaching Highland Headgate — Water Authorities — Initial Determination — Statutes.* With reference to the testimony of the State Engineer and Division Engineer to the effect that they wished to see what result the temporary operation of the Project plan would have upon the water reaching the Highland headgate, *i.e.*, how long it would take the return flow from the Project lands to reach Highland, this, as such, is the type of matter in which the water authorities — and not the court — have the right to make the initial determination; moreover, that this is the legislative intent can be gleaned from a reading of section 37-92-301(1) and section 37-92-502(2), C.R.S. 1973.
6. *Evaluation — Division Engineer — Right to Make — Basis of Circumstances — Restraining Order — Injunction — Reversed.* Where statute gives division engineer the right to make an evaluation as to each diversion on the basis of the circumstances relating to it, and where, in instant case, the division engineer attempted to do this, but the court prevented it; moreover, after the division engineer has conducted a reasonable empirical study, the court has its role to play in judging whether his orders of release or impoundment have been correct; therefore, the temporary restraining order issued by the court, together with the injunction making the same permanent, are reversed.
7. *Abandonment — Disposition — Highland — Previous Opinion — Affect — Other Ditch Companies — Similar.* With reference to the abandonment issue in instant case which was raised by company (Highland) and which district court ruled in its favor, it is to be noted that reviewing court — in its January 30, 1978 opinion, *Purgatoire River Water Conservancy District v. Highland Irrigation Company*, 194 Colo. 510, 574 P.2d 83 — affirmed and held that Company was bound by the 1965 decree changing location of storage; accordingly, that opinion is dispositive of the same issue raised in instant case; moreover, it also affects the other ditch companies (Nine Mile Canal Co., Amity and Fort Lyon) in similar fashion.

*Appeal from the Water Court of Water Division No. 2,
Honorable John C. Statler, Water Judge.*

Davis, Graham & Stubbs, Clyde O. Martz, Howard L. Boigon, Stanley L. Grazis, for plaintiffs-appellants.

Moses, Wittemyer, Harrison & Woodruff, P.C., Raphael Moses, David L. Harrison, for intervenor-plaintiffs-appellants.

J. D. MacFarlane, Attorney General, David W. Robbins, Deputy, for defendants and cross claim defendants-appellees.

Vranesh, Raisch & Schroeder, P.C., Wayne B. Schroeder, for defendants and cross claimants-appellees.

Carl M. Shinn, for intervenor-defendant and cross claimant-appellee Amity Mutual Irrigation Company.

Lefferdink, Lefferdink & Stovall, John J. Lefferdink, for intervenor-defendants and cross claimant-appellee The Fort Lyon Canal Company.

James W. Moorman, Assistant Attorney General.

Peter R. Steenland, Jr., Maryann Walsh, Department of Justice, amicus curiae United States of America.

En Banc.

MR. JUSTICE GROVES delivered the opinion of the Court.

This proceeding relates to the administration of certain water rights by reason of the construction and operation of the Trinidad Project. We reverse.

The Trinidad Project consists of an on-stream dam and a 114,000 acre foot reservoir (TRINIDAD RESERVOIR) on the Purgatoire River approximately four miles upstream from the City of Trinidad. This is a multi-use flood control, reclamation and recreation project authorized by Congress in 1958¹ under the Flood Control Act of 1944.² The corps of

¹ House Document No. 325 P.L. 85-500, 85th Cong.

² P.L. 534, 78th Cong. (1944).

engi. and the Bureau of Reclamation had engaged in planning the project since 1937. The dam was completed and the reservoir ready for the impoundment of water on January 1, 1976.³

IDENTIFICATIONS

The MODEL RESERVOIR, which takes its water from the Purgatoire River (here called the "river"), is located downstream from Trinidad. It was owned by the Model Land and Irrigation Company. There was decreed to the Model Reservoir for annual storage 20,000 acre feet of water with priority date of January 22, 1908. This is called the "MODEL STORAGE RIGHT."

The "DISTRICT" is the Purgatoire River Water Conservancy District. In 1960 it was organized under the Colorado Water Conservancy Act⁴ upon petition of the "PROJECT DITCHES," which are ten ditch companies or the ditches owned by them. Among the reasons for its creation and existence were and are: (1) to contract with the United States in connection with the construction and operation of the Trinidad Project; (2) to own the Model Storage Right for the benefit of the users of the Project ditches; and (3) to direct the distribution among the Project ditches of all of their direct flow rights, as well as all storage rights of the District.

The Project ditches divert their water from the Purgatoire River below the Trinidad Dam. They are upstream from the ditches "Highland" mentioned below. These ditches, together with the District, are the plaintiffs-appellants here.

The defendants-appellees Highland Irrigation Company and Nine Mile Canal Co. are referred to collectively as "HIGHLAND." They have direct flow rights for water diverted from the Purgatoire River more than 75 miles downstream from the Trinidad Dam. The intervenor-defendants-appellees Amity Mutual Irrigation Company and the Fort Lyon Canal Company (here called "AMITY" and "FORT LYON" respectively) take water from the Arkansas River at points below its confluence with the Purgatoire River. Their water priorities are junior to those of Highland. Return flows from the irrigation of land under Highland supply water for the water rights of Amity and Fort Lyon. Therefore, anything that benefits Highland in this case also benefits Amity and Fort Lyon.

The following gages are on the river. The MADRID GAGE on the river is just above the Trinidad Reservoir. The R-BAR GAGE is on the

³ The cost was about \$44,000,000. For further details as to the project, see *Purgatoire River Water Conservancy District v. Highland Irrigation Company*, 194 Colo. 510, 574 P.2d 83 (1978).

⁴ Now section 37-45-101 *et seq.*, C.R.S. 1973.

river 25 or 30 miles below the dam. It is below the headgates of the District ditches. The THATCHER GAGE, also on the river, is about 30 miles downstream from the R-Bar Gage. This record discloses that all return flow to the river from irrigation under the Project ditches returns to the river upstream from the Thatcher Gage.

PRIORITIES

Of the decreed rights of the Project ditches, 83.44 c.f.s. (cubic feet per second of time) are senior to the rights of Highland. The Model Storage Right is junior to the Highland rights.

FURTHER FACTS

Historically, in addition to use during the irrigation season, the Project ditches and the Highland have been used for winter irrigation. This has been necessitated by the fact that there has not been a sufficient and steady flow of water during the irrigation season. Winter irrigation is a difficult, less efficient method of irrigation. If possible, a much preferable operation is to store the direct flow winter water and use it later in the year.

It was a part of the plan of the Trinidad Project that the Model Storage Right be transferred to the District and the place of storage be changed to the Trinidad Reservoir, effective at the time of its completion. Then, the *winter* direct flow rights of the Project ditches would be held in storage in the Trinidad Reservoir for use as needed in the spring and summer.⁵

KEY DOCUMENTS

Some of the principal documents in this case are:

1. House Document No. 325. Footnote 1, *supra*.
2. Contract between the United States and the District dated February 10, 1967 for the construction and payment for the Trinidad Dam and reservoir.⁶
3. Decree of the district court dated March 20, 1967 confirming that contract.
4. "Operating Principles-Trinidad Dam and Reservoir Project," here called the Operating Principles.
5. Decree of the District Court of Las Animas County, Colorado dated April 15, 1965, changing the place of storage of the Model Reservoir Right and providing that storage at the new location would be "conducted in accordance with . . . conditions of operation . . . prescribed by

⁵ The reservoir is also used to store flood waters for use by the Project ditches. John Martin Reservoir is on the Arkansas River below its confluence with the Purgatoire River. Under the plan, flood water is stored in that reservoir for use by the Project ditches at such time as John Martin Reservoir is not spilling.

⁶ Partially predicated upon an ordinance of the City of Trinidad and arrangements made by that City.

House Document 325 . . . as implemented by . . . the 'Operating Principles-Trinidad Dam and Reservoir Project'".

THE PLAN OF THE PROJECT

The lands irrigated by the Project ditches consist of 19,717 acres. Studies leading to the adoption of House Document No. 325 indicated that, by reason of the erratic flows of the Purgatoire River, only about 63% of optimum plant growth on these Project lands (*i.e.*, the 19,717 acres) had been obtained historically. The Project was intended to increase this optimum beneficial use of water to 84%. To accomplish this, as already mentioned, the plan contemplated change of the Model Storage Right to the Trinidad Reservoir and the storage there of the winter direct flow water of the Project ditches. Winter direct flow irrigation of the Project lands would be terminated. *All* water used under the District's rights to storage and under all of the Project ditches would be administered by *the District* without regard to the respective priorities of the individual Project ditches.

COURT PROCEEDINGS

On December 3, 1976 the court in the proceedings to change the Model Storage Right entered an order which recited "that the Trinidad Dam has been finally constructed and will be ready for operation on or about January 1, 1977." Accordingly, the District prepared to close the gates of the dam and to commence storage on January 1, 1977. Highland then made a "call" to the Division Engineer of Water Division No. 2, demanding that he enforce their water priority rights which are senior to the Model Storage Right. Acting thereon, and after consultation with the State Engineer, the Division Engineer on December 29, 1976 entered an order forbidding storage in the reservoir. This order stated.

"In the event the downstream calling senior water rights become satisfied or remove their call, the model decree comes in priority, let Trinidad store in accordance with the transferred decree."

On January 3, 1977 the District brought this action against the state water officials and Highland asking that the officials be enjoined from honoring the Highland call. On the same day the water judge denied the District's motion for temporary restraining order. The gates to the reservoir remained open.

Throughout the month of January, 1977 the flow of the river at the Trinidad Reservoir was approximately 10 c.f.s. Following the January 3d refusal of the court to enter a restraining order, the owners of the Project ditches commenced a concerted action of diverting any water flowing in the river into their ditches. Irrespective of whether they otherwise would be engaged in winter irrigation, this was to demonstrate that their upstream ditches could "dry up the river." During the third week in January the State Engineer saw that there was no water in the river at the R-Bar Gage and that the ditch owners had succeeded in drying up the river. By

letters of January 16th and 21st, counsel for the District advised the State Engineer and the Division Engineer that, if they would authorize closing the dam, all headgates of the Project ditches would be closed in accordance with the plan of the Project.

After consultation with the State Engineer, the Division Engineer issued another order on January 25, 1977 which in substance provided in Part:

"The Division Engineer has determined that the December 29th order preventing storage in the reservoir has failed to cause water to become available to Highland and he has rescinded the order effective at midnight on January 26th. Any water so stored in Trinidad Reservoir will be considered to be stored out of priority according to Section 37-80-120 for a period of approximately thirty (30) days during which time results will be observed.

"Until February 25, 1977 a determination will be made whether the stopping of the diversions by the Project ditches, accompanied by storage in the reservoir, would produce more water at the R-Bar Gage than where there are direct flow diversions to the Project ditches and no storage is permitted.

"If measured flow indicates that storage at Trinidad Reservoir and stopping of diversion of direct flow rights results in low water at the R-Bar Gaging Station then the inflow to Trinidad Reservoir as measured at the Madrid Gaging Station, the out of priority stage in Trinidad will accrue to the Trinidad Water Conservancy District; however, if it is determined that less water is available at the R-Bar Gaging Station, the out of priority stage will be released for delivery to the R-Bar Gaging Station less transportation losses. The quantity of deliveries at Madrid and R-Bar Gaging Stations will be computed on a daily average, allowing for a reasonable lag time for travel in the channel.

"From time to time results will be analyzed, and if more water is not produced at the R-Bar Gaging Station under these criteria, this order may be changed to reflect the then-existing factual situation."

On January 26th Highland filed a counter-claim and cross-claim to enjoin the closing of the gates by the water officials. On that same day, after a hearing, the judge issued a temporary restraining order. Following a second day of hearing he ordered that the temporary restraining order should remain in effect. Later the case was tried. After trial and upon agreement of counsel the court ordered counsel to submit proposed findings of fact, conclusions of law, judgment and decree. Counsel for the District, counsel for Highland and the Attorney General submitted their respective proposals. Thereafter, the court entered its findings, conclusions and decree, following substantially the proposal submitted by Highland.

DECREE FOR CHANGE OF USE AS WELL AS CHANGE OF PLACE OF STORAGE

[1] Highland has contended that the 1965 transfer decree merely changed the place of storage of the Model Storage Right to Trinidad Reservoir and did not change to storage the winter direct flow use of the Project ditches. This change of use was set forth as a part of the plan in House Document 325 and the Operating Principles, both of which were incorporated by reference in the decree. The clear effect of the transfer decree was to make the change as set forth in those documents. So far as the persons who are bound by that transfer decree are concerned, the effect was to change both the place of storage and the use of winter direct flow.

We recognize, as did the trial court, that the Project ditches assigned their management rights and did not convey to the District the ownership of the water rights themselves. The court, however, misapprehended the effect of the decree when it stated: "Except for the Model Storage Right, none of the water rights owned or controlled by the [Project ditches has] storage rights decreed to [it]."

RETURN FLOW

One of the central issues in this case is the rights of Highland to return flow or its equivalent.

[2] As stated later herein, Highland had notice of the transfer proceedings culminating in the 1965 decree, and is bound by that decree. If Highland had appeared in those proceedings the decree undoubtedly would have contained conditions which would protect Highland from injury by reason of operation of the Project plan.⁷ The result here, however, is substantially the same as if Highland had made a timely appearance and assertion of rights. House Document No. 325 and the Operating Principles were designed to protect Highland's rights in this respect; and, by incorporating that document and the Operating Principles, the decree did protect them.

In its "July 1964 (revised Sept. 1964) Irrigation Report on the Trinidad Project," the United States Department of the Interior, Bureau of Reclamation, Region 7, Denver, Colorado, stated:

"DOWNSTREAM EFFECTS

"The operation study recognizes the downstream water rights of the Nine Mile and Highland Systems and shows bypasses to satisfy these rights Storage (except under the Model decree) was limited to water which would otherwise spill from the John Martin Reservoir. As a result of these operating criteria, average stream flow below the project will be about the same in the future as it has been in the past."

⁷ *City of Grand Junction v. Kannah Creek Water Users Ass'n*, 192 Colo. 279, 557 P.2d 1169 (1976).

Section D1(a) of Article IV of the Operating Principles provides:

"Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the *Colorado State Engineer* to the extent that such demands are not met by stream gains or otherwise satisfied but are limited to the extent as determined by the *Colorado State Engineer* to actually benefit such rights without unnecessary waste through channel losses."

The transfer decree, following the thought of House Document 325 and the Operating Principles, provides:

"5. That the Petitioners' storage of water in the Trinidad Reservoir under the Model Reservoir Right shall be regulated in such manner that the quantity of water occurring in the Las Animas or Purgatoire River at a gauging station on said River below Von Bremmer Arroya shall remain and be the same, as determined by the State Engineer, during any period of ten consecutive years reckoned in continuing progressive series beginning with January 1, 1954 as it would have been had the Model Reservoir Right not been transferred to the Trinidad Reservoir."

The decree then provides that there shall be adequate measurement and recording of the flow of the water, and that there shall be established and maintained not less than three gaging stations. These three stations are designated, one of which is to be "located immediately below Von Bremmer Arroya." Von Bremmer Arroya enters the Purgatoire River immediately above the Thatcher Gage.

[3] Thus, the 1965 decree places upon the State Engineer and Division Engineer the duty to make determinations and act so that in the winter Highland will receive the same amount of water which it would have received without the Trinidad Project and with a continuation of historical use of winter water by the Project ditches.

With this basis now established, the next central issue for determination is: Would the operation of the Project with storage of all winter direct flow rights cause a diminution in the winter water reaching Highland by reason of a lessening of the return flow from the Project lands?

Whether or not there is storage of the winter direct flow rights of the District ditches, it appears to be undisputed that the historical winter irrigation through the Project ditches dries up the river at the location of the headgates of those ditches.

Highland maintains the proposition that, if the Project ditches continue with historical winter irrigation, the return flow from that irrigation will supply its historical uses in the winter. The Highland point of view was supported by the testimony of a hydrologist, Mr. John M. Dumeyer. He expressed the opinion that the return flow to the river resulting from winter irrigation through the Project ditches would occur within a month or two. He concluded that storage of the winter water would materially injure Highland.

The other or District point of view was expressed in the testimony of Ted M. Zorich, another hydrologist. He was of the opinion that it takes much longer for the return flow to reach the river. In effect, his opinion was that the return flow of water used upon the Project lands during the irrigation season would be extended enough that operation of the project plan would not materially lessen the amount of return flow from project lands reaching Highland in the winter time.

[4] the court elected to follow the opinion of Mr. Dumeyer. If the case had been in a posture in which the court properly could rule on the requests for the temporary restraining order, we would be bound by the court's acceptance of the opinion of Mr. Dumeyer. The issuance of the orders, however, was premature.

There have been no empirical studies from which it can be determined to a degree approaching categorical certainty whether the opinion of Mr. Dumeyer or the opinion of Dr. Zorich is correct. The order of January 25th was a result of the desire of the State Engineer and Division Engineer to observe the Project plan in operation for a month or so to see if the soundness of either of the conflicting points of view could be demonstrated. It appears from the testimony that, if they had been permitted to make the test and if it had appeared that Highland was injured thereby, Highland's loss could have been promptly compensated.

The court found that from December 29 through January 25 the river flow at Highland averaged 8.43 c.f.s., and that the flow through the Trinidad Reservoirs averaged 9.2 c.f.s. The January 25th order attempted to stop diversion by the Project ditches and to close the gates of the reservoir for a period of approximately 30 days. This order was expressly issued under the authority of section 37-80-120, C.R.S. 1973 and the order specifically stated that this would be out-of-priority storage. This section of the statutes states ". . . the state engineer may permit such upstream storage out of priority, but such storage water shall be promptly released on demand of a downstream senior whenever needed by such senior for actual use."

[5] The State Engineer and Division Engineer testified to the effect that they wished to see what result this temporary operation of the Project plan would have upon the water reaching the Highland headgate. This, according to them, might be demonstrated by observing the inflow reaching the Trinidad Reservoir as measured at the Madrid Gage, and by observing the water going to Highland as measured at the R-Bar Gage. They further testified in effect that, if it appeared that this test was lessening the water reaching Highland, they would terminate the test and order the gates of the reservoir opened that Highland might have replacement water for the lessened flow. With a minimum hazard to Highland, they were attempting to ascertain how long it would take the return flow from the Project lands to reach Highland.

This is the type of matter in which the water authorities — and not the court — have the right to make the initial determination. That this is the legislative intent is shown in the following statutory provisions:

"The state engineer shall be responsible for the administration and distribution of the waters of the state, and in each division such administration and distribution shall be accomplished through the offices of the division engineer as specified in this article." Section 37-92-301(1), C.R.S. 1973.

"Each division engineer shall order the total or partial discontinuance of any diversion in his division to the extent the water being diverted is not necessary for application to a beneficial use; and he shall also order the total or partial discontinuance of any diversion in his division to the extent the water being diverted is required by persons entitled to use water under water rights having senior priorities, but no such discontinuance shall be ordered unless the diversion is causing or will cause material injury to such water rights having senior priorities. In making his decision as to the discontinuance of a diversion to satisfy senior priorities the division engineer shall be governed by the following: The materiality of injury depends on all factors which will determine in each case the amount of water such discontinuance will make available to such senior priorities at the time and place of their need. Such factors include the current and prospective volumes of water in and tributary to the stream from which the diversion is being made; distance and type of stream bed between the diversion points; the various velocities of this water, both surface and underground; the probable duration of the available flow; and the predictable return flow to the affected stream. *Each diversion shall be evaluated and administered on the basis of the circumstances relating to it* and in accordance with provisions of this article and the court decrees adjudicating and confirming water rights. In the event a discontinuance has been ordered pursuant to the foregoing, and nevertheless such does not cause water to become available to such senior priorities at the time and place of their need, then such discontinuance order shall be rescinded. If a well has been approved as an alternate means of diversion for a water right for which a surface means of diversion is decreed, such well and such surface means must be utilized to the extent feasible and permissible under this article to satisfy said water right before diversions under junior water rights are ordered discontinued." (Emphasis added.) Section 37-92-502(2), C.R.S. 1973.

[6] The statute gives a division engineer the right to make an evaluation. Here, he attempted to do this, but the court prevented it. After the division engineer has conducted a reasonable empirical study, the court has its role to play in judging whether his orders of release or impoundment have been correct. Therefore, the temporary restraining order of

January 26th, together with the injunction making the same permanent, are reversed.⁸

ABANDONMENT

[7] The court's judgment was entered on June 23, 1977.⁹

It ruled that Highland Irrigation Company, not having been a party at the time of the entry of the transfer decree relating to the Model Storage Right on April 15, 1965, it could raise the issue of abandonment. It further ruled that of the 20,000 foot decree of the Model Storage Right, 13,800 acre feet had been abandoned and the storage right was reduced to 6200 acre feet.

Thereafter, on January 30, 1978 we announced our opinion in *Purgatoire River Water Conservancy District v. Highland Irrigation Company*, 194 Colo. 510, 574 P.2d 83. In 1976, prior to the supplementary decree of December 3, 1976, Highland Irrigation Company attempted to intervene in the transfer proceedings, alleging that for many years the storage capacity of the Model Reservoir had been 6,000 acre feet or less. It prayed that the April 15, 1965 decree be modified to allow the storage of a maximum of 6,000 acre feet. On November 12, 1976 the district court, finding that Highland Irrigation Company had been validly notified at the commencement of the transfer proceedings, dismissed its attempted intervention. This ruling was appealed to us. In our January 30, 1978 opinion we affirmed and held that Highland Irrigation Company was bound by the 1965 decree. Thus, we then in effect overruled the portion of the judgment in the instant case relating to abandonment. Our opinion is dispositive on the same issue so far as Nine Mile Canal Co., Amity and Fort Lyon are concerned.¹⁰

Highland, Amity and Fort Lyon argue that under *City of Westminster v. Church*, 167 Colo. 1, 445 P.2d 52 (1968), the district court here had jurisdiction to decree abandonment. We find the argument without merit. As distinct from the situation in *Westminster*, here Highland Irrigation Company was before the court in both cases, the issue was decided in the proceedings culminating with our January 30, 1978 opinion, and the matter is *res judicata*. The district court is reversed as to the

⁸ Our ruling creates difficulties. Tests by the water authorities cannot be made at any time. Unless they have discovered other methods of research, to approach the matter in the same manner as in January 1977 means that it again must be approached during the winter season.

From hindsight it must be apparent to the State Engineer that his methods of research can be improved. For example, it was more convenient for the water commissioner to read the R-Bar Gage than the Thatcher Gage and apparently the water authorities thought that the reading of the R-Bar Gage would suffice in making the test. Not only does the 1965 decree specify readings at the Thatcher Gage, but the testimony appears to be without dispute that some return flow from the irrigation of District lands enters the river between the R-Bar Gage and the Thatcher Gage.

⁹ There was some modification of the decree on August 18, 1977.

¹⁰ Nine Mile Canal Co. never appeared in the transfer case. Amity and Fort Lyon consented to the decree therein.

abandonment issue.

REMAND

There is no question that the court has jurisdiction to review the acts of the State Engineer and Division Engineer, after they have had an opportunity in a reasonable manner to make determinations, and that the court has jurisdiction to correct errors in administration of decrees. We, therefore, gave thought as to whether we should now direct the court to retain jurisdiction in this matter in order that it might review the actions of the State Engineer and those acting under him after tests and evaluations. We have concluded that, if there is to be further litigation in this case, it will be better if it begins anew.

We, therefore, reverse and remand the cause with directions that the water court dismiss it without prejudice.

MR. JUSTICE ERICKSON and MR. JUSTICE CARRIGAN concur in part and dissent in part.

MR. JUSTICE ROVIRA does not participate.

MR. JUSTICE ERICKSON dissenting in part and concurring as to the abandonment result reached by the majority:

I respectfully dissent. I would affirm the trial court as to the questions discussed below. A brief review of the facts put the issues before us in perspective:

The Trinidad Reservoir is located a few miles above the City of Trinidad. The ditches which make up the Purgatoire River Water Conservancy District (District) are below the City of Trinidad. The headgates of Highland and Nine-Mile are some 75 miles below the ditches administered by the District.

The District, and those representing a number of ditches within the District, have appealed from the water court's judgment and decree prohibiting state water officials from allowing water to be stored in the newly completed Trinidad Reservoir because of a call for water which was made by two downstream non-member ditches, the Highland and the Nine-Mile Ditch. The trial court's judgment was entered after extended hearings and with full recognition of the fact that the cost of construction of the Trinidad Reservoir exceeded 44.5 million dollars.

The Trinidad Reservoir was constructed to prevent destructive flooding by the Purgatoire River. It was constructed after a study by the corps of engineers which was commenced in 1938. The report suggested that a multi-purpose reservoir which would serve for flood control, irrigation, and recreation uses be established upstream from the City of Trinidad.

Eventually, the report was adopted by Congress in 1954 and published as House Document 325. By the Flood Control Act of 1958,

Co...ss authorized construction of the Trinidad Dam in accordance with the principles embodied in House Document 325.

The District was formed in 1960 to encompass the ditches within the project area. Those ditches had historically diverted water for winter irrigation, and the return flows from that irrigation had been used and reused by downstream appropriators. The District was designed to administer the direct flow rights of the ditches which comprise it, as well as the 1908 decreed storage right of 20,000 acre feet of water in the Model Reservoir.

The report recommended that the Trinidad Reservoir be operated in accordance with several conditions, two of which are relevant here: (1) the Model Reservoir Storage right would be transferred to the proposed Trinidad Reservoir, and (2) the stream flows historically diverted by the project ditches for winter irrigation would be stored in the proposed Trinidad Reservoir. Water which was stored during the winter irrigation season would be released during spring and summer irrigation seasons to members of the District.

After three years of negotiation, operating principles for the Trinidad project were developed. It was intended that the principles would effectuate the conditions set forth above, ensure that the project complied with federal and state law, and achieve maximum irrigation benefits. It was recognized that storage of water which had previously been diverted by the project ditches for winter irrigation could harm the downstream appropriators who had historically relied on the return flow from those diversions to fulfill their decreed rights. Protection was afforded to downstream senior water rights by Article IV D1 of the Operating Principles.

Non-interference With Downstream Water Rights.

"(a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the *Colorado State Engineer* to the extent that such demands are not met by stream gains or otherwise satisfied but are limited to the extent as determined by the *Colorado State Engineer* to actually benefit such rights without unnecessary waste through channel losses." (Emphasis in original.)

It is not disputed that Highland and Nine-Mile are among the intended beneficiaries of the requirement that the District comply with an order issued by the state engineer. The order was to bypass water to the river for the benefit of senior downstream users whenever the downstream demands are not met by stream gains or otherwise satisfied so long as unnecessary waste would not result through channel losses.

In 1965, the District Court for Las Animas County entered a decree transferring the 20,000 acre feet of storage of the Model Reservoir to the proposed Trinidad Reservoir. The decree required that storage in the reservoir be maintained in such a manner that the quantity of water in the river downstream not vary from the amount of flow measured over the ten-year period immediately prior to the operation of the reservoir.

On December 29, 1976, the division engineer ordered that no storage would be allowed in the Trinidad Reservoir until the calls of Highland and Nine-Mile were filled. The division engineer provided in his order that, if their rights were satisfied, the District could begin storing its junior Model Reservoir Storage rights in the Trinidad Reservoir. The trial court found that the division engineer's "order of December 29 [1976] had in fact caused water to become available to calling seniors at the time and place of their need." It also found that the Purgatoire River was a "live stream" from the Trinidad area to Highland's headgates, and that "during the period in question, water passing Trinidad Reservoir in the Purgatoire River provided a major portion of the water diverted by Highland, either as direct river flow or as a part of a continuous irrigation and return flow cycle." Thus, the trial court found that the December 18, 1976, call placed by Highland and Nine-Mile was not futile.

However, on January 25, 1977, the division engineer issued a second order, which permitted the District to commence storage on January 26, 1977. The order provided that the storage would be out of priority, pursuant to section 37-80-120, C.R.S. 1973. The order was premised on the division engineer's declaration that his order of December 29, 1976, had failed to make water available to Highland, and the division engineer "discontinued" his order of December 29. *See* section 37-92-502(2), C.R.S. 1973.

The determination that the calls placed by Highland and Nine-Mile were futile was premised upon the condition that if the storage of the winter irrigation flows in the Trinidad Reservoir should cause less water to be available to Highland and Nine-Mile, water would be released from storage for their benefit.

Following the division engineer's order of December 29, 1976, that storage in the Trinidad Reservoir be delayed until the calls of Highland and Nine-Mile were satisfied, the division engineer entered into negotiations with the District. As a result of these negotiations, the trial court found that:

"It appears from the testimony of defendant Kuiper that the State Engineer acting through the Division Engineer made an agreement under which the District and its member ditches would forgo direct flow diversions for winter irrigation in exchange for the obligation of the State Defendants to store the waters thus released in Trinidad Reservoir. The Court finds that the State Defendants by [the Division Engineer's] order of January 25 acted upon the promise made by the District to release the direct flow rights under its control to the river"

Thus, the division engineer's futile call determination of January 25, was based, not on the requisites of section 37-92-502(2), C.R.S. 1973, but on a condition that the futile call determination was subject to an agreement that, while storage in the Trinidad Reservoir could begin, it

was subject to a possible subsequent decision of the division engineer that storage was causing harm to Highland and Nine-Mile.

As noted above, the trial court found the December 18, 1976, call of Highland and Nine-Mile was *not* futile, and that the division engineer's order of December 29, had caused water to become available to Highland and Nine-Mile at the time and place of their need. The trial court made several findings regarding the division engineer's futile call determination of January 25, 1977.

"Under C.R.S. 1973, 37-92-502(2) the Division Engineer is authorized to issue orders for the discontinuance of any diversion to the extent the water is required by persons having senior priority, but no such discontinuance shall be ordered unless the diversion is causing or will cause 'material injury' to the senior rights. The determination of the materiality of the injury is made to depend upon the facts of each case and is governed by those factors specified in 502(2). The December 29 order has been characterized by some counsel as a discontinuance order, but the Court finds from the testimony of the Division Engineer that it discontinued nothing, since the gates on the reservoir had never been closed to store water. As the Division Engineer testified, the December 29 order was entered to ensure that the gates were not closed, not to discontinue a present diversion. On the theory, however, that the December 29 order is a discontinuance order, the plaintiffs and the State Defendants urge that the December 29 order failed to 'cause water to become available to such senior priorities at the time and place of their need,' and was therefore properly rescinded by the January 25 order. On this point, the Court concludes as follows: If the December 29 order is in fact a discontinuance order, the record reflects, and the Court so finds, that neither the written order of December 29 nor the testimony of the Division Engineer demonstrate that he considered the five factors which the statute requires him to consider before discontinuing 'a diversion to satisfy senior priorities.' The statute does not apply to the facts before the Court. Moreover, the statute provides no basis for a later order (January 25) which if not enjoined by order of this Court, would have impounded an average daily flow of 9 or 10 c.f.s. during the thirty (30) days it was to remain in effect. Impounding the headwaters of a river seems to be an inefficient way to increase the flow below the impoundment."

This conclusion is fully supported by the record. Thus, the order of January 25, 1977, was premised, not on the requirements of section 37-92-502(2), but on the division engineer's decision to determine at some later date whether or not Highland and Nine-Mile would be harmed by storage. The trial court recognized that the division engineer had full authority to determine that the December 18, 1976, call of Highland and Nine-Mile had been futile, but it also recognized that such a determination could only be made after the division engineer had complied with the terms of

section 37-92-502(2), C.R.S. 1973. Accordingly, the trial court's decree provided, in part, that:

"The State Engineer, Division Engineer and Water Commissioner be and hereby are enjoined and restrained from storing water out of priority under the Model Storage Right when Highland and Nine Mile are calling for water under rights senior to the Model Storage Right, *unless the Division Engineer should first determine in accordance with Colorado law that the Highland and Nine Mile calls are futile.*" (Emphasis supplied.)

From the above, it is clear that the trial court did not usurp the division engineer's authority to test the hypothesis that storage of waters previously diverted for winter irrigation would not harm Highland and Nine-Mile. Rather, the trial court held that, before the division engineer could order storage, he must make his futile call determination in accordance with the statutory directives, and that the division engineer was acting in excess of his authority by failing to do so. In this respect, the trial court was correct.

The trial court also found that the division engineer failed to comply with the operating principles for the Trinidad Reservoir when he issued his January 25, 1977, order to begin storage in the Trinidad Reservoir. The operating principles were incorporated into the 1967 Las Animas County District Court decree, and when the division engineer permitted out-of-priority storage of the waters governed by that decree, he was required to abide by its terms.

The trial court found that the division engineer had failed to comply with at least two provisions of the Las Animas County District Court's decrees when he issued his order of January 25, 1977:

"The Court finds that the District, in connection with its proposals for winter storage, made no attempt to estimate evaporation losses from water in storage as required by Article IV, paragraph D.4 of the Operating Principles incorporated by reference in the April 14, 1965 transfer decree.

"The State has not calculated the 10-year running average of river flows as required by the Operating Principles and therefore has no standard against which to measure the results of its order of January 25, 1977, had that order been allowed to become effective."

These findings served as the basis for two of the trial court's conclusions of law:

"The Division Engineer, acting for the State Engineer by statute, would have, but for the entry of a temporary restraining order by this Court on January 31, 1977, failed to make the bypass to the river to satisfy the rights of Highland and Nine Mile which are senior to the Model Storage Right. His order of January 25 would have shut the gates on the Trinidad Reservoir, thus precluding the bypass required by D.1.(a), of Article IV of

the Operating Principles, which are incorporated into the 1965 decree. According to the testimony of the Division Engineer, the downstream rights of Highland and Nine Mile senior to the Model Storage Right had not been 'met by stream gains or otherwise satisfied,' and neither the State Engineer nor the Division Engineer had determined whether a bypass would 'actually benefit such rights without unnecessary waste through channel losses.' To that extent, at least, the Court concludes as a matter of law that the Division Engineer has failed to comply with the Operating Principles incorporated into the 1965 decree for the protection of the Nine Mile and Highland rights.

"The Division Engineer acted in excess of his constitutional and statutory jurisdiction and authority when he ordered the out of priority storage in the Trinidad Reservoir under the terms of the 1965 decree which by its own terms provided that bypasses to the river shall be made at any time during the year to satisfy downstream senior rights to the extent that such demands are not met by stream gains or otherwise satisfied but are limited to the extent as determined by the State Engineer to actually benefit such rights without unnecessary waste through channel losses."

In order to ensure that the division engineer complied with the Operating Principles, the trial court decreed that:

"The State Engineer, Division Engineer and Water Commissioner be and hereby are ordered to bypass water to the Purgatoire River below the Trinidad Reservoir as required by D.1(a) of Article IV of the Operating Principles to satisfy the water rights of Highland and Nine Mile which are senior to the Model Storage Right to the extent that demands of Highland and Nine Mile are not met by stream gains or otherwise satisfied, but such bypasses are limited to the extent as determined by the Division Engineer to actually benefit such Highland and Nine Mile rights without unnecessary waste through channel losses in accordance with applicable Colorado law regarding futile calls."

Thus, the trial court endeavored to ensure that the division engineer acted within the scope of his authority. The "conditional futile call" order of January 25, 1977, which resulted from the agreement which the division engineer made with the District, is not the type of action which is contemplated by section 37-92-502(2), C.R.S. 1973. That statute, and the operating principles which were incorporated into the junior Model Reservoir Storage right which was benefitted by the division engineer's futile call order, provide detailed criteria which spell out the conditions under which out-of-priority storage is permitted. The division engineer failed to comply with these requirements. As such, the actions of the trial court were not, as the majority has determined, a usurpation of the powers possessed by the state engineer. The trial court, as reflected by the quoted portions of its decree, sought to require the state engineer to exercise his authority within the proper limits.

In all other respects, I concur in the result reached by the majority, but the decision of the trial court as to the issues discussed above should be affirmed.

MR. JUSTICE CARRIGAN has authorized me to say that he joins me in this dissent.

No. 28451

Nolan L. Brown, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado v. The District Court in and for the First Judicial District, County of Jefferson, State of Colorado, and the Honorable Michael Villano, one of the Judges thereof

(591 P.2d 99)

Decided March 5, 1979.

Original proceeding involving the district court which declared unconstitutional section 18-4-411, C.R.S. 1973, which creates a criminal statutory presumption. Rule to show cause issued.

Rule Discharged

1. **THEFT** — *Disposing of Stolen Goods — Presumption — Value — One Thousand — Felony — Statutes.* Section 18-4-411, C.R.S. 1973, creates the presumption that one is engaged in the business of buying, selling, or otherwise disposing of stolen goods for a profit if the total value of the things involved is one thousand dollars or more; and this presumption, without more and unless rebutted, allows a jury to find a defendant guilty of a class 3 felony as defined in section 18-4-410(6), C.R.S. 1973.
2. **STATES** — *Legislature — Power to Create — Criminal Statutory Presumptions — Limited by Due Process.* The power of the legislature to create criminal statutory presumptions is limited by the requirements of due process; thus, there must be some rational connection between the fact proved and the ultimate fact to be presumed.
3. **CRIMINAL LAW** — *Presumption — Tests — Failure to Satisfy — Statute — Unconstitutional.* There are two tests for determining the constitutionality of a statutorily created criminal presumption: (1) whether the evidence necessary to invoke the inference is sufficient for a rational juror to find the inferred fact beyond a reasonable doubt; and (2) whether the presumed fact is more likely than not to flow from the proved fact on which it is made to depend; accordingly, since the presumption created by section 18-4-411 cannot satisfy even the less stringent more-likely-than-not test, it is therefore unconstitutional, not being in accord with due process standards.



United States Department of the Interior

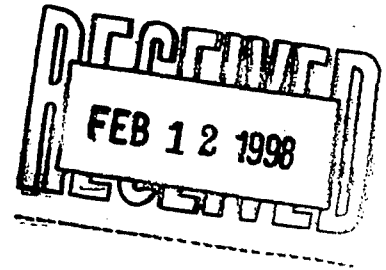


BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-1314 (JGierard)

FEB 10 1998



Ms. Julianne M. Woldridge
MacDougall Law Office
102 North Cascade Ave., Suite 400
Colorado Springs, CO 80537-9711

Subject: Amended Operating Principles - Trinidad Dam and Reservoir Project, Colorado

Dear Ms. Woldridge:

This is in response to your letter dated January 12, 1998, concerning proposed amendments to the Operating Principles of the Trinidad Dam and Reservoir Project which will be discussed at the upcoming special meeting of the Arkansas River Compact Administration. The U.S. Bureau of Reclamation will support proposed amendments to the Operating Principles, which secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact.

Consistent with this overall concept, I support implementing and approving the Operating Principles that were provided to Mr. Eugene Aiello and Mr. M.E. MacDougall with my letter dated November 5, 1997. If you have any questions, please do not hesitate to contact me at (970) 962-4300.

Sincerely,

A. Jack Garner
Area Manager

cc: Mr. Eugene Aiello, President
Purgatoire River Water
Conservancy District
314 West Main Street
Trinidad, CO 81082

STATE OF KANSAS

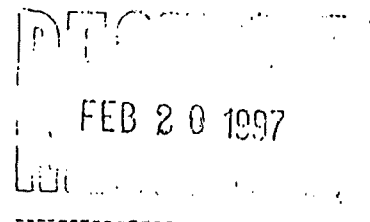
PAUL GRAVES, GOVERNOR
Le A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Dir
901 South Kansas Avenue, 2nd
Topeka, Kansas 66612-
(913) 296-3717 FAX (913) 296-

KANSAS DEPARTMENT OF AGRICULTURE

FAX and MAIL
February 14, 1997



A. Jack Garner, Area Manager
Bureau of Reclamation
Eastern Colorado Area Office
11056 W. County RD 18E
Loveland, CO 80537-9711

RE: Draft Amended Operating Principles
Trinidad Dam and Reservoir Project

Dear Mr. Garner:

Thank you for providing me with a copy of the draft amended Operating Principles Trinidad Dam and Reservoir Project, by your letter of December 24, 1996. We appreciate the opportunity to review and comment.

The proposed amendments appear to provide for storage of winter water outside the Model decree. I would note that the Bureau concluded in its 1988 Trinidad Report that, "The storage of winter water under the direct flow rights is also a departure from the intent of the Operating Principles". This conclusion was based on an analysis of the language of the Operating Principles themselves and on the operation studies which were "used to establish that the project would not cause damage to downstream users," as discussed on page 11 of the 1988 Report. Therefore, the proposed amendment is a departure from the original intent of the Operating Principles. The Operating Principles should not be amended to depart from their original intent until such time as it is reliably demonstrated that such an amendment would not cause depletions to downstream Colorado users and Kansas. No such demonstration has been provided. Therefore, the proposed amendment in this regard is premature.

A. Jack Garner
February 14, 1997
Page 2

The proposed amendment includes loosening the restrictions on stock water releases. Before such an amendment to the Operating Principles can be considered, however, an adequate analysis of its effect on downstream users must be provided. No such analysis has been provided. It is also of concern that the Operating Principles have been violated during the current study period with regard to stock water releases, as discussed on page 31 of the December 1996 Final Report. Given such violations, extra caution should be exercised in considering amendments that would loosen restrictions on the operation of the project.

Kansas agrees that the Operating Principles should be amended to accommodate the City of Trinidad's request to change the use of its Project Water Rights from irrigation to municipal and industrial purposes, but this part of the proposed amendment should be separated from the other parts of the proposed amendments. If the City's proposal is presented to Kansas separately, Kansas is ready to consider it and resolve any remaining differences on the appropriate conditions.

The proposed amendment to the Operating Principles to allow implementation of conditions (d) and (e) of House Document No. 325 is premature. In order to be considered, specific proposals must be made and adequately demonstrated not to cause injury to downstream Kansas and Colorado water users.

In addition, we are disappointed that you have not proposed other amendments to the Operating Principles to address additional problems identified in the Final Report. For example, Conclusion E indicates that the Project irrigated acreage and its composition by individual ditches should be identified and included in the operating principles. Also, the Final Report (see page 26) confirms that the District has not developed a method for determining a current real time irrigation requirement. Article IV(b)(2) of the current operation principals limits deliveries during the irrigation season to the irrigation requirements as determined by the District. Conclusion G indicates that the District has delivered more than the irrigation requirement in seven of the ten years of the review period. This is a consistent problem that should be addressed before other amendments dealing with the operation of the irrigation functions are considered.

A. Jack Garner
February 14, 1997
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Thank you once again for providing Kansas the opportunity to review and comment on the draft amended Operating Principles.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. L. Pope", written in a cursive style.

David L. Pope, P.E.
Chief Engineer

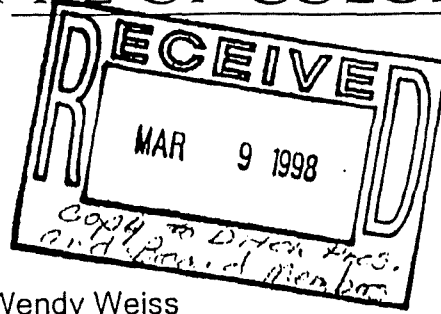
DLP:dlo

pc: Mr. Hal Simpson
Mr. James Fernandez
Mr. M.E. MacDougall
Mr. Steven J. Witte
Mr. Chuck Lile
Mr. Eugene Aiello
Mr. Mark Rude
Mr. Larry Trujillo
Lt. Col. Lloyd Wagner

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

721 Centennial Building
1313 Sherman Street
Denver, Colorado 80203
Phone: (303) 866-3441
FAX: (303) 866-4474



MEMO

Roy Romer
Governor
James S. Lochhead
Executive Director, DNR
Daries C. Lile, P.E.
Director, CWCB

TO: Peter Evans Randy Seaholm Wendy Weiss
Steve Witte Jim Rogers Tom Pointon
RE: Trinidad Project, Proposed Revisions to Operating Principles, Summary of Feb.
18, 1998 Meeting
FROM: Steve Miller *SM*
DATE: March 2, 1998

Wendy Weiss from the AG's office and I attended a half day meeting in Kansas City on Feb. 18 to identify and discuss in detail Kansas' continuing objections to amendments to the Trinidad Project Operating Principles proposed by the US Bureau of Reclamation ("USBR"). The proposed amendments were most recently set out in a version circulated by Reclamation on November 4, 1997. The meeting was chaired by USBR in response to discussions at the 1997 Annual Meeting of the Arkansas River Compact Administration ("ARCA") in Lamar, however it was specifically stated that the meeting was not a Special Meeting of ARCA.

Representatives from Kansas, USBR, the Purgatoire River Water Conservancy District ("PRWCD"), the State of Colorado, and the Model Land Co. were present. Attendance was as follows:

USBR: Jack Garner, John Gierard, Julie Swanda, Solicitor from Billings Regional Office.

Kansas: David Pope, Lee Rolfs, Don Pitts, Mark Rude, Bob Buerkle, Dale Book, John Draper

PRWCD: Gene Aiello, Julianne Woldridge, Jeris Danielson

Colorado: Wendy Weiss, Steve Miller

Model: Julie McKenna

The meeting began with USBR stating its goal of moving the proposed amendments ahead unless reasonable objections were raised by Kansas. USBR further stated that it believed all of the proposed amendments were sufficiently supported by its studies and ready for implementation. Ultimately USBR may be forced to make a determination of the reasonableness of particular objections, but at the moment would prefer to work through any objections and reach a consensus resolution. Kansas pointed out that it had already agreed to two amendments to the Operating Principles:

1. Conversion of the City of Trinidad's project irrigation water rights to municipal and industrial use, and
2. Enlargement of the permanent pool at Trinidad Lake to 15,967 acre-feet.

It was agreed to proceed by looking at USBR's recommendations in both the 1988 and 1996 Review Reports, as well as the proposed Operating Principles issued by USBR in Nov. 1997. From these sources the following issues were identified and assignments made for potential resolution:

A. Rollover:

The practice of carrying over water stored under the Model right in the joint use space at the end of the irrigation season has been discontinued and there is no proposal to revive it.

B. Stock water allowance:

The proposal to bypass reservoir inflows at rates larger than 5 cfs up to an annual volume limit of 1,200 acre-feet appears to be conceptually OK to all parties, but how daily stream gains below Trinidad Dam are factored into the annual volumetric stock water allowance must be resolved. Kansas will draft proposed language to address their concerns within the next 60 days.

C. Acreage reduction and classification:

Kansas requested clarification on how the acreage reduction was calculated since there were minor discrepancies in some of the numbers in the proposed amendments. However it was agreed that the maximum total acreage authorized for irrigation in any one season should be 19,499 acres based on PRWCD and USBR explanations. It was further agreed that the prohibition on irrigation of class 6W lands should be removed. The PRWCD will provide the following within 60 days:

- 1) Final reconciliation of irrigated acreages by ditch, including if possible the further adjustment that might be necessitated by ongoing discussions with the River Canyon Ranch.
- 2) A proposed procedure for identifying and verifying the actual acres to be irrigated each season. The procedure will probably require maps, ditch-by-ditch summaries and reconciliation with crop census data.

D. Limit diversions to "ideal headgate requirement":

The current Operating Principles require the PRWCD to allocate project water deliveries by an "ideal headgate requirement" based on calculated crop consumptive needs and individual delivery system efficiencies. Instead PRWCD delivers water pro rata to ditches based on irrigated acres. Kansas contended that the failure to use the "ideal headgate requirement" results in over diversion and increased depletions below the project area. However, USBR's studies show no increase in depletions compared to pre-project conditions under the current operations of the project. USBR still believes the PRWCD should allocate water between ditches using the theoretical diversion requirement, but the PRWCD questioned the value of this. Colorado stated that the PRWCD must either comply with this provision or propose changes that it can and will implement. USBR offered to help fund the analysis needed to move toward more efficient operation and allocation procedures. The PRWCD will explain within 60

days how they currently allocate project water and propose modifications that may satisfy USBR and Kansas.

E. Temporary regulation of flood flows:

The conservation pool (irrigation and joint use space) at Trinidad Reservoir is available to temporarily detain high inflows (even below the rates specified by the Corps of Engineers' reservoir control manual) with the potential to cause downstream damage. The 1988 Review Report recommended that criteria for the temporary detention and subsequent release of these inflows be developed. These criteria are needed to assure downstream water users that detained inflows are released in a time and manner that does not increase depletions above pre-project conditions. It was agreed that management of these short term flood inflows, which does not utilize the officially designated flood control pool at the reservoir, does not involve either the Corps or the PRWCD, but rather is assigned by the Operating Principles and Colorado law to the Colorado State Engineer. Colorado stated that it believed that the Division 2 Engineer had developed such criteria, but that the hydrologic events requiring application of the criteria had in fact been rather infrequent. Colorado also stated it did not think the specific criteria used by the Division Engineer needed to be a part of the Operating Principles, but that it should be made available to and reviewed by downstream water users, including Kansas. Within the next 60 days Colorado will write a letter describing its criteria to USBR, Kansas, the PRWCD, and water users below the project.

F. Winter storage under direct flow priorities:

The issue is whether the storage of direct flow priority water should count as part of and be limited by the 20,000 acre-foot transferred Model storage right, or whether this water can be separately stored in the 39,000 acre-foot joint use pool. The current Operating Principles have been interpreted to prohibit winter storage in the joint use space unless John Martin Reservoir is spilling. In the 1966 Review Report, USBR stated that the Operating Principles should not be so interpreted, and has proposed clarifying language in the proposed amendments to expressly allow winter storage under the direct flow priorities in the joint use space separate and distinct from storage under the Model right. In its 1988 Review Report, USBR modified its 1964 planning studies to evaluate the impacts of storage in the joint use space of water historically used in the practice of winter irrigation and concluded that there were no additional depletions compared to pre-project levels. Kansas stated that it had concerns with using the methodology of the 1964 study as was done in the 1988 modified study, and could not approve new operations or amendments that relied solely on those studies.

Kansas said it needed 6 months to define the type of study it believed would be appropriate to evaluate the potential downstream impacts of winter storage beyond the 20,000 acre-foot Model right, and also the procedures that would be necessary for continued monitoring and verification of no increased depletions should the Operating Principles be so amended. The PRWCD indicated that the six month time frame suggested by Kansas would only be acceptable if Kansas and the USBR gave

temporary approval to move water stored this winter under direct flow rights into the joint use space while the shape of any necessary additional study is being developed. The PRWCD stated that it needed temporary approval by April 15 of this year to be able to fully utilize water that may become available to it under its other storage rights. It was not made clear why this departure would be necessary since John Martin Reservoir is currently spilling and much of the storage at Trinidad Reservoir this winter probably occurred since the spill began. Kansas indicated it was unable to approve the request at this time, but might give it further consideration in the future.

USBR appeared to be willing to do further study of the winter water proposal if the parameters developed by Kansas seem reasonable and feasible, and the PRWCD also expressed some interest in participating in an additional study if necessary. The time frame for resolution of this issue was apparently not fixed due to the District's insistence on temporary approval by April 15, 1998 and Kansas' unwillingness to do so. It would appear that the following tasks are required to move ahead:

- 1) PRWCD should submit its request for temporary modification of the Operating Principles and a detailed explanation and rationale in writing for consideration by Kansas and USBR.
- 2) USBR will have to decide on the appropriate period of time (6 months or less) for Kansas to develop its study parameters if approval of the PRWCD's request for temporary modification is not given by April 15.

cc: Julianne Woldridge
Jeris Danielson
Gene Aiello
Dennis Montgomery



United States Department of the Interior



BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-1330 (Jswanda)

October 15, 1998

Mr. David Pope, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka KS 66612

Subject: Summary and Status of February 18, 1998 Meeting to Discuss the Bureau of Reclamation's (Reclamation) Proposed Amendments to the Trinidad Project Operating Principles

Dear Mr. Pope:

Enclosed is a copy of Reclamation's summary of the February 18, 1998, meeting at the Marriott Hotel, Kansas City International Airport, to discuss proposed amendments to the Trinidad Project Operating Principles. Outlined below is our understanding of the status on each of the summary items.

- (a) Rollover: No action required.
- (b) Stock Water: Proposed language has been provided by your office to address the concerns about the stock water issue.
- (c) Acreage Reduction and Classification: Information has been provided by the Purgatoire River Water Conservancy District (District) explaining their procedure for verifying that no more than 19,499 irrigated acres are actually irrigated in any year.
- (d) Ideal Headgate Requirement: The District has provided information to address transportation losses and the irrigation requirement for Project ditches. Reclamation has provided a copy of its cooperative agreement with the Natural Resources Conservation Service (NRCS) and the Spanish Peaks/Purgatoire River Soil Conservation District, Trinidad Lake Project (our letter of August 20, 1998). Reclamation plans to attend the Purgatoire River Water Conservancy District's (District) November 5, 1998 board meeting and provide an overview of Reclamation's Field Services Program (FSP), describe work Reclamation has sponsored in the Trinidad area as part of this program, and to offer assistance, should the District choose to participate in the Program. NRCS's work in the area of the District, its relation to Reclamation's FSP, and possible

ways of combining efforts to benefit the District will also be discussed.

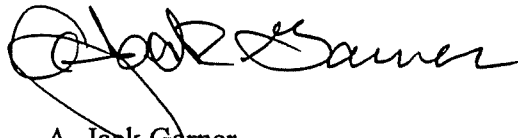
(e) Temporary Regulation of Flood Flows: Colorado agreed to provide a letter describing the Division Engineer's present operating criteria for storage and release of flood flows not stored in the flood pool. To date this information has not been provided to Reclamation.

(f) Storage of Winter Flows in the Joint Use Pool: Kansas agreed to furnish general criteria for Reclamation to conduct additional modeling studies to evaluate the impacts to allow storage of winter direct flows in the Joint Use Pool. To date this information has not been provided to Reclamation.

General Comments: Reclamation is currently working on cleaning up the latest revision to the Operating Principles and will provide a redraft to the group by October 23, 1998.

I propose a follow-up meeting sometime mid-November, prior to the Arkansas River Compact Meeting scheduled for December 7 & 8, 1998, to review the information provided from the action items outlined above. By then I would hope that all action items above have been completed. If you have any questions on the above, please contact Julie Swanda at (970) 962-4369.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Jack Garner", with a large, stylized initial "A" and "J".

A. Jack Garner
Area Manager

Enclosure

cc: Mr. Steve Miller
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver CO 80203-2239

Mr. Donald Pitts
Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka KS 66612

Mr. Bob Buerkle
Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka KS 66612

Mr. John Draper
Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka KS 66612

Mr. Eugene Aiello, President
Purgatoire River Water Conservancy District
314 West Main Street
Trinidad CO 81082

Mr. Larry Trujillo
Colorado Department of Corrections
2862 South Circle Drive, Suite 400
Colorado Springs CO 80906

Mr. Gary Moore
Field Solicitor's Office
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Billings MT 59107-6900

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Western National Bank Bldg.
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Colorado Springs CO 80903-1418

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U.S. Army Corps of Engineers
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Mr. Mark Rude
State Board of Agriculture
Division of Water Resources
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Dr. Jeris Danielson
Danielson & Associates
6805 West Fourth Ave.
Lakewood CO 80226

Ms. Wendy Weiss, Esq.
Assistant Attorney General
State Services Building
1525 Sherman Street, 5th Floor
Denver CO 80203

Mr. Dale Book
Spronk Water Engineers, Inc.
1000 Logan Street
Denver CO 80203-3011

Meeting to Discuss Proposed Amendments to the Trinidad Project Operating Principles

February 18, 1998

On February 18, 1998, representatives of the States of Kansas and Colorado, the Purgatoire River Water Conservancy District (District), the Model Land and Irrigation Company (Model), and the Bureau of Reclamation (Reclamation) met at the Marriott Hotel at the Kansas City Airport to discuss Reclamation's proposed amendments to the Trinidad Operating Principles. Attendance was as follows:

Kansas:	David Pope, Lee Rolfs, Donald Pitts, Mark Rude, Bob Buerkle, Dale Book, John Draper
Colorado:	Wendy Weiss, Steve Miller
District::	Gene Aiello, Julianne Woldridge, Jeris Danielson
Model:	Julie McKenna
Reclamation:	Jack Garner, John Gierard, Julie Swanda, Gary Moore

The proposed amendments to the Trinidad Operating Principles were circulated by Reclamation on November 4, 1997. The meeting was chaired by Reclamation in response to discussions at the 1997 Annual Meeting of the Arkansas River Compact Administration (ARCA) in Lamar, Colorado, however; it was specifically stated that the meeting was not a Special Meeting of ARCA.

The meeting began with Reclamation stating its goal of moving the proposed amendments ahead unless reasonable objections were raised by Kansas. Reclamation further stated it believed all of the proposed amendments were supported by its studies and ready for implementation. Reclamation pointed out that it may be forced to determine the reasonableness of particular objections by Kansas, but would prefer to work through any objections and reach a consensus resolution. Kansas pointed out that it had already agreed to two amendments to the Operating Principles within the last year:

1. Enlargement of the permanent pool at Trinidad Lake from 4,500 acre-feet to 15,967 acre-feet; and
2. Conversion of the City of Trinidad's project irrigation water rights to municipal and industrial use.

It was agreed by all in attendance that we should proceed with the meeting by looking at Reclamation's recommendations in both the December 1988 Review of the Operating Principles Final Report (1988) and the December 1996 Review of Operating Principles and Project Operations Final Report (1996), as well as the proposed Operating Principles issued by Reclamation in November 1997. From these sources the following issues were identified, discussed, and assignments made for potential resolution:

A. Rollover:

The practice of carrying over water stored under the Model right in the joint use space at the end of the irrigation season has been discontinued and there is no proposal to authorize this practice in the future.

B. Stock Water Allowance:

The proposal to bypass reservoir inflows greater than 5 cubic feet per second, up to an annual volume limit of 1,200 acre-feet, appears to be conceptually acceptable to all parties. The method for factoring daily stream gains below Trinidad Dam into the annual volumetric stock water allowance was of concern to Kansas. Kansas agreed to draft proposed language to address their concerns about the stock watering issue within the next 60 days.

C. Acreage Reduction and Classification:

Minor discrepancies in some of the irrigated acreage amounts were noted between the acreage listings in the current operating principles and the proposed amendment to the operating principles. Kansas requested clarification on the method for calculating the acreage reductions associated with these minor discrepancies. It was agreed that the maximum total acreage authorized for irrigation in any one season should be 19,499 acres, and the District agreed to make this change. It was further agreed that the land classification requirements excluding class 6W lands from being irrigated could be deleted.

Reclamation also recommended that the District develop a procedure to verify that no more than the 19,499 acres are actually being irrigated in any one year. Kansas requested the procedure include a provision that by April 1 each year the District report to Kansas which tracts will be irrigated that year. Kansas also requested that no changes in irrigated land be allowed during the remainder of that calendar year. The District agreed to provide the following within 60 days:

(1) Final reconciliation of irrigated acreages by ditch, including, if possible, the further adjustment of irrigated acreages that might be necessitated by ongoing discussions with the River Canyon Ranch.

(2) A proposed procedure for identifying and verifying the actual acres to be irrigated each season. The procedure will probably require maps, ditch-by-ditch summaries and reconciliation with crop census data.

D. Limit diversions to "Ideal Headgate Requirement"

The current Operating Principles require the District to allocate project water deliveries by an "ideal headgate requirement" based on calculated crop consumptive needs and individual delivery system efficiencies. The District currently delivers water prorata to ditches based on the proposed water supply for the year and on irrigated acres. Kansas stated that failure to use the "ideal headgate requirement" results in over diversion and increased depletions below the project area. However, Reclamation's studies show no increase in depletions compared to pre-project conditions under the current operations of the project. Reclamation still believes the District should allocate water between ditches using the theoretical diversion requirement, but the District questioned the value of this. Colorado stated that the District must either comply with this provision or propose changes it can and will implement. Reclamation agreed to define what was meant by "current real time irrigation requirements" as referenced in the Operating Principles. The District agreed, with Reclamation's help, to develop a methodology for determining "current real time irrigation requirements." Kansas requested that this requirement of the Operating Principles be implemented and enforced. Reclamation offered to assist in the analysis needed to move toward more efficient operation and allocation procedures through their Water Conservation/Management Program. The District agreed to provide information within 60 days on how they currently allocate project water and also propose modifications that may satisfy Reclamation and Kansas.

E. Temporary Regulation of Flood Flows:

The Trinidad Reservoir conservation pool (irrigation and joint use space) is available to temporarily detain high inflows (even below the rates specified by the Corps of Engineers' reservoir control manual) with the potential to cause downstream damage. Reclamation's 1988 Review Report recommended that criteria for the temporary detention and subsequent release of these inflows be developed. These criteria are needed to assure downstream water users that detained inflows are released in a time and manner that does not increase depletions above pre-project conditions. It was agreed that management of these short term flood inflows, which does not utilize the officially designated flood control pool at the reservoir, does not involve either the Corps or the District, but rather is assigned by the Operating Principles and Colorado law to the Colorado State Engineer. Colorado stated that it believed that the Division 2 Engineer had developed criteria for managing flood flows, but that the hydrologic events requiring application of the criteria had been rather infrequent. Colorado also stated it did not think the specific criteria used by the Division Engineer needed to be a part of the Operating Principles, but should be made available for review to downstream water users, including Kansas. Within the next 60 days Colorado agreed to write a letter describing its criteria to Reclamation, Kansas, the District, and water users below the project.

F. Storage of Winter Flows in the Joint Use Pool

The issue was whether the storage of direct flow priority water should count as part of and be limited by the 20,000 acre-foot transferred Model storage right, or whether this water can be separately stored in the 39,000 acre-foot joint use pool. The current Operating Principles have been interpreted to prohibit winter storage in the joint use space unless John Martin Reservoir is spilling. In the 1996 Review Report, Reclamation stated that the Operating Principles should not be so interpreted, and has proposed clarifying language in the proposed amendments to expressly allow winter storage under the direct flow priorities in the joint use space separate and distinct from storage under the Model right. In Reclamation's 1988 report, the 1964 planning studies were modified to evaluate the storage impacts in the joint use space of water historically used in the practice of winter irrigation. The report concluded there were no additional depletions compared to pre-project levels. Kansas stated that the storage of winter water under the direct flow right in the joint use pool is a violation of the Operating Principles and must not be allowed unless the Operating Principles are amended. Kansas also voiced concerns with using the methodology of the 1964 study as was done in the 1988 modified study, and stated it could not approve new operations or amendments that relied solely on those studies. Kansas requested that Reclamation conduct additional modeling studies to evaluate the potential downstream impacts of winter storage beyond the 20,000 acre-foot Model right, and also the procedures that would be necessary for continued monitoring and verification of no increased depletions should the Operating Principles be so amended. Kansas agreed to provide Reclamation with criteria for the additional study to satisfy Kansas's reasonable concerns. Kansas agreed to provide the criteria by the end of June 1998, but will provide them earlier if possible. During this discussion the District asked to be allowed to store winter water diverted under direct flow rights (over and above the Model Storage right) in the Joint Use Pool this winter without amendment to the Trinidad Reservoir Operating Principles. The District indicated that the six month time frame that Kansas proposed to develop and provide criteria to Reclamation for their additional study request would only be acceptable if Kansas and Reclamation gave the District temporary approval to move water stored this winter under direct flow rights into the joint use pool while discussions continue on the need for additional studies. The District stated that it needed temporary approval by April 15 of this year to be able to fully utilize water that may become available to the District under its other storage rights. Kansas indicated it was unable to approve the District's request at this time, but might give further consideration in the future.

Reclamation stated that it would need to review the criteria provided by Kansas to determine if their request for additional studies was reasonable and feasible. The District also expressed interest in participating in an additional study, if necessary.

Each party agreed to provide their specific information back to the group within a 60-day time frame.

General Comments:

All agreed that the current revision of the Operating Principles be revised to make the format consistent with the original Operating Principles, to remove underlining of defined terms, and to correct grammar.

STATE OF KANSAS

BILL GRAVES, GOVERNOR
A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
901 South Kansas Avenue, 2nd Floor
Topeka, Kansas 66612-1283
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

March 18, 1998

A. Jack Garner
Bureau of Reclamation
11056 West County Road 18 E
Loveland, Colorado 80537-9711

Dear Jack:

On February 18, 1998, representatives of the Bureau of Reclamation, Kansas, Colorado, the Purgatoire River Water Conservancy District, and the Model Land and Irrigation Company met at the Marriott Hotel at the Kansas City International Airport to discuss the Bureau's proposed amendments to the Trinidad Operating Principles.

I am writing to summarize the results of the meeting, as I understood them, and the agreed follow-up and to provide some of that follow-up. At the meeting we discussed the recommendations the Bureau found in its Trinidad Lake Project, Colorado, Review of Operating Principles and Project Operations, Final Report dated December 1996 (pages 33-35). I have organized the following accordingly.

Recommendation A. Rollover.

The District confirmed that the practice of rollover has been discontinued. The Bureau of Reclamation is not recommending an amendment to authorize this practice. The State of Kansas agrees that the practice of rollover is not permitted by the Operating Principles. Kansas further believes the practice should not be permitted in the future.

Recommendation B. Storage of Winter Flows in the Joint Use Pool.

Reclamation's assumption at our meeting appeared to be that an amendment to the Operating Principles was necessary to allow direct winter flows to be stored in the Joint Use Pool. This is consistent with Reclamation's December 1988 review of the Operating Principles of Trinidad Project, Colorado, when it concluded in Recommendation B that the District should, "Discontinue the storage of winter water under any right other than the model storage right, until such time as the Operating Principles are amended to recognize this practice." (Page 57)

Special Master Arthur L. Littleworth reached a similar conclusion in his First Report, dated July 1994, in Kansas v. Colorado, No. 105 original, when he stated, "Clearly Kansas relied on the 1961-64 studies and the Operating Principles to provide that necessary downstream protection. . .

A. Jack Garner
March 18, 1998
Page 2

While there may be some dispute about the interpretation of the Operating Principles, there is no doubt that the 1961-64 studies did not include the practice of rollover or the storage of winter water outside of the Model Right." See Special Master's Report, Volume III at page 431. (Emphasis supplied)

Kansas concurs that the storage of winter water under the direct flow right (over and above the Model Storage Right) in the Joint Use Pool is a violation of the Operating Principles for Trinidad Reservoir and must not be allowed unless, and until, the Operating Principles are amended to allow such practice.

Kansas has requested the Bureau of Reclamation to conduct additional modeling studies to evaluate the impact of the amendments proposed by the Bureau to allow storage of winter direct flows in the Joint Use Pool. Kansas will provide the Bureau with the criteria it believes that the Bureau's study must meet in order to satisfy Kansas reasonable concerns. Kansas agreed to furnish those general criteria to the Bureau by the end of June 1998, but will provide them earlier if possible.

Recommendation C. Permanent Recreation Pool

The Permanent Recreation pool has already been enlarged pursuant to amendments to the Operating Principles approved in 1996 by Kansas and other necessary parties.

Recommendation D. Stock Watering.

Kansas agreed to draft additional language to address concerns about the proposed amendments to the Operating Principles concerning stock watering within 60 days of the date of the meeting. In less than one half that time, we have been able to develop the following recommendation.

Kansas recommends that Article IV, D.2(a) of the Operating Principles be amended by adding the following language:

- "(1) Diversions for stockwater shall be limited to 1,200 acre-feet per season. At times when stockwater is not being diverted, all river headgates in the District from Trinidad Dam downstream to, and including, the Salas Ditch will remain closed and streamflow will be passed downstream to the Thatcher gaging station.

(2) Provision for reporting requirements:

An annual report of reservoir releases and diversions for stockwater operations will be provided in April each year to the Kansas Division of Water Resources in Garden City, Kansas by the Bureau of Reclamation."

Recommendation E. Irrigable Acres.

The District agreed to change the list of irrigable acres by ditch so that it adds up to a total of 19,499 acres, as determined by Reclamation. Kansas agreed that the land classification requirements excluding 6W lands from being irrigated could be deleted.

Reclamation also recommended that the District develop a procedure to verify that no more than the 19,499 acres are receiving an allocation of water and/or are actually irrigated in any year. Kansas requested that the procedure include a provision that by April 1 each year the District will report to Kansas which tracts will be irrigated that year. Kansas also requests that no changes in irrigated land be allowed during the remainder of that calendar year. Julianne Woldridge agreed to write up the District's procedure. An appropriate amendment to the Operating Principles should then be adopted. I would ask that Ms. Woldridge submit the District's proposed procedure within 60 days of the meeting.

Recommendation F. Current Real time irrigation requirements.

You agreed that the Bureau of Reclamation would define what was meant by "current real time irrigation requirements." Ms. Woldridge agreed the District, with Reclamation's help, will develop a methodology for determining "current real time irrigation requirements." Kansas requests that this requirement of the Operating Principles be implemented and enforced.

Recommendation G. Determination of water transportation losses.

It was agreed that water transportation losses would be determined as part of determining the "current real time irrigation requirements" under Recommendation F.

Recommendation H. Allowing the City of Trinidad to change the type of use.

Amendments to the Operating Principles to allow the City of Trinidad to change the type of use were approved by ARCA at the December 9, 1997 annual meeting in Lamar, Colorado and have since been approved by the State of Kansas.

Recommendation I. Implementation of House Document No. 325 conditions (d) and (e).

This recommendation was not discussed at the meeting because Reclamation has not recommended changes in the Operating Principles to allow the District to implement conditions (d) and (e) of House Document No. 325. Kansas agrees that no such changes should occur.

Recommendation I. (1988 Report) Storage of Flood flows outside the Flood Pool.

On page 57 of the Trinidad Project Review of Operating Principles, dated December 1988, in Recommendation I, the Bureau proposed that criteria be developed for the storage and release of flood flows which were not stored in the flood pool. No such recommendation was included in the Bureau's 1996 Report. When Kansas raised this issue, you indicated that this recommendation should have been included in the 1996 report and had been inadvertently omitted. Wendy Weiss and Steve Miller indicated that they would provide a letter describing the Division Engineer's present operating criteria for storage and release of flood flows not stored in the flood pool. An appropriate amendment to the Operating Principles should then be developed. I would ask that Ms. Weiss and Mr. Miller provide their letter within 60 days of the date of the meeting.

General Recommendations.

- I. Remove the underlining of the defined terms.
- II. Make the format consistent.

District Request.

During the meeting, the District asked to be allowed to store winter water diverted under direct flow rights (over and above the Model Storage right) in the Joint Use Pool this winter without amendment to the Trinidad Reservoir Operating Principles. While Kansas is not the only entity required to approve such action, Kansas has considered the District's request and wants to make it clear that it is Kansas' position that no direct flow winter water can be stored in the Joint Use Pool over and above the Model Storage right without formal amendment of the Operating Principles. This is consistent with the position Kansas has held for many years.

A. Jack Garner
March 18, 1998
Page 5

Kansas really appreciated you and your staff taking the time to come to Kansas City. We felt the meeting was very productive. I am also copying the counsel of the Ft. Lyon and District 67 Ditches who have indicated their interest in the foregoing issues by their letter to you of February 27, 1978, on which we were copied.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'D. L. Pope', with a stylized, flowing script.

David L. Pope, P.E.
Chief Engineer-Director

DLP:dr

cc: Steve Miller
Wendy Weiss
Julianne Woldridge
John Draper
Don Pitts
Dale Book
Mark Rude
John Lefferdink
Donald Steerman

Exhibit 22

Annual Meeting

December 8, 1998

**Amendment to the Operating Principles -
Trinidad Dam & Reservoir Project
Amended 1997**

Delete: Article IV, D, 2, (a)

Substitute the Following:

Article IV D, 2, (a)

During the non-irrigation season, the District will provide an allowance for stock watering purposes of not more than 1,200 acre-feet measured at the ditch headgates. If the stream gains below the Trinidad Dam are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow may be released to satisfy stock water demands within the allowance; provided the stockwater allowance shall not be used for irrigation purposes. The maximum daily rate of release may be up to but may not exceed the corresponding daily rate of reservoir inflow and will not count as stored water. No other diversions by Project ditches will be allowed prior to April 1 of any year.

An annual report of reservoir releases and diversions for stockwater operations will be provided in April each year to the Kansas Division of Water Resources in Garden City, Kansas by the State of Colorado.

Exhibit 23

Annual Meeting

December 8, 1998

Account Balances Report

As of 11/30/98

Page 1

Acct	11/30/98 Balance
<hr/>	
ASSETS	
Cash and Bank Accounts	
Checking	119.75
Money Market	71,679.52
Petty Cash	0.00
	<hr/>
TOTAL Cash and Bank Accounts	71,799.27
	<hr/>
TOTAL ASSETS	71,799.27
	<hr/>
LIABILITIES	0.00
	<hr/>
OVERALL TOTAL	71,799.27
	<hr/> <hr/>

Exhibit 24

Annual Meeting

December 8, 1998

ARKANSAS RIVER COMPACT ADMINISTRATION

Audited Financial Statements

June 30, 1998

ARKANSAS RIVER COMPACT ADMINISTRATION
TABLE OF CONTENTS
June 30, 1998

Independent Auditor's Report	1
Statement of Assets and Liabilities - Cash Basis	2
Statement of Revenues and Expenses with Budget Comparison	3
Changes in Cash Balance - Statement of Receipts and Disbursements	4
Notes to Financial Statements	5



Members
NSPA
PASC

Certified Public Accountants

Ronald D. Anderson, P.A.
Gary L. Anderson, C.P.A.
Cynthia S. Anderson, A.B.A.

INDEPENDENT AUDITOR'S REPORT

October 28, 1998

To the Representatives of
Arkansas River Compact Administration
Lamar, Colorado 81052

We have audited the accompanying statements of assets, liabilities and equity - cash basis - of the Arkansas River Compact Administration as of June 30, 1998, and the related statements of revenue collected and expenses paid for the year then ended. These financial statements are the responsibility of the Administration's management. Our responsibility is to express an opinion on these financial statements based on our audit.

Our examination was made in accordance with generally accepted auditing standards and accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

As described in Note 1a, these financial statements were prepared on the basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets and liabilities - cash basis - of the Arkansas River Compact Administration as of June 30, 1997 and its revenue collected and expenses paid during the year then ended, on the basis of accounting described in Note 1a.

A handwritten signature in cursive script that reads "Gary L. Anderson".

Anderson & Company, P.C.

ARKANSAS RIVER COMPACT ADMINISTRATION
STATEMENT OF ASSETS AND LIABILITIES - CASH BASIS

	<u>June 30, 1998</u>	<u>June 30, 1997</u>
<u>ASSETS</u>		
Cash	\$ <u>55,363</u>	\$ <u>44,725</u>
<u>TOTAL ASSETS</u>	<u>\$ 55,363</u> =====	<u>\$ 44,725</u> =====
 <u>CASH BASIS EQUITY</u>		
Unexpended	<u>55,353</u>	<u>44,725</u>
<u>TOTAL CASH BASIS EQUITY</u>	<u>\$ 55,363</u> =====	<u>\$ 44,725</u> =====

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION
STATEMENT OF REVENUES and EXPENSES
with BUDGET COMPARISON
For the Budget Year July 1, 1997 to June 30, 1998

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>OVER(UNDER)</u>
<u>REVENUES</u>			
Revenues from Assessments			
Colorado - 60%	\$ 37,200	\$ 37,200	\$ 0
Kansas - 40%	24,800	24,800	0
Interest	<u>1,848</u>	<u>1,000</u>	<u>848</u>
 <u>TOTAL REVENUES</u>	 <u>63,848</u>	 <u>63,000</u>	 <u>848</u>
 <u>EXPENSES</u>			
U. S. Geological Survey-Colorado District	\$ 23,535	\$ 23,535	\$ 0
U. S. Geological Survey - Kansas District	6,725	6,725	0
Satellite Access Fee-State of Colorado	8,400	8,400	0
Operation Secretary	6,100	6,100	0
Treasurer Bond (Note 2)	0	100	(100)
Telephone	905	1,200	(295)
Court Reporter, Annual Meeting (2 Years)	1,751	1,000	751
Recording Secretary	2,000	2,000	0
Treasurer	2,000	2,000	0
Meeting Expense	444	500	(56)
Auditor Fee	350	400	(50)
Incidental Office Expense	400	400	0
Other Miscellaneous Office Expense	0	300	(300)
Printing Annual Reports	0	4,000	(4,000)
Office Rent	600	600	0
Legal Fees	0	0	0
Contingency	<u>0</u>	<u>2,000</u>	<u>(2,000)</u>
 <u>TOTAL EXPENSES</u>	 <u>53,210</u>	 <u>59,260</u>	 <u>(6,050)</u>
 <u>BUDGET SURPLUS (DEFICIT)</u>	 <u>\$ 10,638</u>	 <u>3,740</u>	 <u>\$ 6,898</u>
	=====	=====	=====

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION
CHANGES IN CASH BALANCE
STATEMENT OF RECEIPTS AND DISBURSEMENTS
For the Year Ended June 30, 1998

CASH BALANCE - July 1, 1997 \$ 44,725

RECEIPTS

Revenues from Assessments		
Colorado	\$ 37,200	
Kansas	24,800	
Interest	<u>1,848</u>	
 <u>TOTAL RECEIPTS</u>		 63,848

DISBURSEMENTS

Geological Survey - Gaging Stations	\$ 30,260	
Satellite Access Fee - Gaging Stations	8,400	
Operations Secretary	6,100	
Office Rent	600	
Auditor Fee	350	
Legal Fees	909	
Court Reporter Fee	842	
Office Expense	400	
Meeting Expense	444	
Telephone	905	
Recording Secretary	2,000	
Treasurer	<u>2,000</u>	
 <u>TOTAL DISBURSEMENTS</u>		 <u>(53,210)</u>

RECEIPTS IN EXCESS OF DISBURSEMENTS 10,638

CASH BALANCE - June 30, 1998 \$ 55,363

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION
NOTES TO FINANCIAL STATEMENTS
June 30, 1998

NOTE 1 - Summary of significant accounting policies:

a. The Administration maintains financial records using the cash basis of accounting. By using the cash basis of accounting, certain revenues are recognized when received rather than when earned, and certain expenses and purchases of assets are recognized when cash is disbursed rather than when the obligation is incurred.

b. The *Statement of Receipts and Disbursements* is shown only to reconcile the beginning and ending cash balances. It is not intended to reflect *income* and *expense* recognition. Income and expenses are reflected in the *Statement of Revenues and Expenses with Budget Comparison*.

NOTE 2 - The treasurer bond that was in effect for the prior years, was purportedly canceled as of September 12, 1996. The Administration is investigating and will dispute the validity of any action by the bonding agency resulting in cancellation. An amount of \$100 has been and continues to be budgeted for this item.

Exhibit 25

Annual Meeting

December 8, 1998

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

721 Centennial Building
1313 Sherman Street
Denver, Colorado 80203
Phone: (303) 866-3441
FAX: (303) 866-4474



Roy Romer
Governor
James S. Lochhead
Executive Director, DNR
Daries C. Lile, P.E.
Director, CWCB
Peter H. Evans
Acting Director, CWCB

MEMORANDUM

TO: Jim Rogers

FROM: Steve Miller *Steve Miller*

DATE: December 14, 1998

SUBJECT: ARCA Budgets: FY 2000-2001

Enclosed please find an original copy of the final budget for FY 2000-2001 which was adopted by the Administration on Tuesday, December 8, 1998. **Also enclosed for your use is a proposed memorandum for transmittal of the budget by you to the members of the Administration.** Please sign and date both the budget document and the transmittal memo, and then make copies to send to the Chairman and each member of the Administration, and also to Steve Witte and Mary Louise Clay. I would also like to receive a sign copy back for my files.

Please call if you have any questions. Thanks for all your help with the Annual Meeting. Have a Merry Christmas and a Happy New Year.

Enclosures: as stated
cc: Mary Louise Clay, ARCA Recording Secretary
Beverly Lohrey, Court Reporter

C:\SRMILLER\ARKANSAS\ARCA\FISCAL\98BUDG_2.MEM
December 14, 1998

ARKANSAS RIVER COMPACT ADMINISTRATION

307 SOUTH FIFTH STREET, LAMAR, COLORADO 81052

719-336-9696

FOR COLORADO

PETER H. EVANS (ACTING), DENVER
JAMES G. ROGERS, LAMAR
THOMAS R. POINTON, LAS ANIMAS

CHAIRMAN AND FEDERAL REPRESENTATIVE

LARRY E. TRUJILLO, SR.
PUEBLO, COLORADO

FOR KANSAS

DAVID L. POPE, TOPEKA
DAVID A. BRENN, GARDEN CITY
RANDY HAYZLETT, LAKIN

MEMORANDUM

TO: Chairman and Members, Arkansas River Compact
Administration

FROM: James G. Rogers, Treasurer

DATE: December 23, 1998

SUBJECT: ARCA Budget: FY 2000 - 2001

Enclosed for your records, please find a signed copy of the FY 2000 - 2001 budget which was reviewed and newly adopted by the Administration at its December 8, 1998 Annual Meeting. As a reminder, recall that ARCA also considered, but decided to leave unchanged its FY 98-99 and FY 99-00 budgets.

Please feel free to contact me or Mary Louise Clay should you have any questions.

Enclosures: as stated

cc: Beverly Lohrey, Court Reporter (w/encs.)
Steve Witte, Operations Secretary (w/encs.)
Mary Louise Clay, Recording Secretary (w/encs.)
Steve Miller, CWCB (w/encs.)

ARKANSAS RIVER COMPACT ADMINISTRATION

307 SOUTH FIFTH STREET, LAMAR, COLORADO 81052

719-336-9696

FOR COLORADO

PETER H. EVANS (ACTING), DENVER
JAMES G. ROGERS, LAMAR
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CHAIRMAN AND FEDERAL REPRESENTATIVE

LARRY E. TRUJILLO, SR.
PUEBLO, COLORADO

FOR KANSAS

DAVID L. POPE, TOPEKA
DAVID A. BRENN, GARDEN CITY
RANDY HAYZLETT, LAKIN

FY 2000 - 2001 BUDGET

(July 1, 2000 - June 30, 2001)

I. EXPENDITURES

A. PROFESSIONAL SERVICE CONTRACTS

1. Treasurer	\$2,000
2. Recording Secretary	\$2,000
3. Operations Secretary	\$6,100
4. Auditor Fee	\$400
5. Court Reporter Fee	\$1,000
subtotal services	\$11,500

B. GAGING STATIONS & STUDIES

1. U.S.G.S. Colorado District Joint Funding fed. FY99-00	\$26,800
2. U.S.G.S. Kansas District Joint Funding fed. FY99-00	\$7,550
3. State of Colorado Satellite System	\$10,500
subtotal gaging	\$44,850

C. OPERATING EXPENSES

1. Treasurer Bond	\$100
2. Annual Report Printing	\$1,000
3. Telephone	\$1,200
4. Miscellaneous Office Expense	\$300
5. Postage/Copying/Supplies	\$400
6. Meetings	\$500
7. Travel	\$0
8. Rent	\$600
subtotal operating	\$4,100

D. OTHER

1. Equipment	\$0
2. Contingency	\$2,000
3. Litigation	\$0
subtotal other	\$2,000

TOTAL ALL EXPENDITURES \$62,450

II. INCOME

A. ASSESSMENTS

1. Colorado (60%)	\$40,800
2. Kansas (40%)	\$27,200
subtotal assessments	\$68,000

B. OTHER

1. Interest Earnings	\$1,000
2. Miscellaneous	\$0
subtotal other	\$1,000

TOTAL ALL INCOME \$69,000

III. CASH SURPLUS ACCOUNT

A. EXPENDITURES FROM SURPLUS

\$0

B. ADDITION TO SURPLUS

\$6,550

Adopted by the Arkansas River Compact Administration at its December 8, 1998 Annual Meeting.

James Rogers, Treasurer

Date

98action	A	B	C	D	E	F	G	H	I
1	ARKANSAS RIVER COMPACT ADMINISTRATION								
2	BUDGET AND ASSESSMENT SUMMARY 1989 - 1998								
3	BUDGET ITEM				CURRENT BUDGETS		PROPOSED BUDGETS		
4					FY98-99	FY99-00	FY98-99	FY99-00	FY00-01
5							2nd adjust	1st adjust	to be adopt
6	I. EXPENDITURES								
7	A. PROFESSIONAL SERVICE CONTRACTS								
8	1	Treasurer			\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
9	2	Recording Secretary			\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
10	3	Operations Secretary			\$6,100	\$6,100	\$6,100	\$6,100	\$6,100
11	4	Auditor's Fees			\$400	\$400	\$400	\$400	\$400
12	5	Court Reporter's Fees			\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
13	subtotal services				\$11,500	\$11,500	\$11,500	\$11,500	\$11,500
14	B. GAGING STATIONS & STUDIES								
15	1	U.S.G.S. Colorado Dist. Joint Funding fed. FY			\$24,700	\$25,700	\$24,475	\$25,550	\$26,800
16	2	U.S.G.S. Kansas Dist. Joint Funding fed. FY			\$7,060	\$7,200	\$6,915	\$7,180	\$7,550
17	3	State of Colorado Satellite System			\$8,400	\$10,500	\$8,400	\$10,500	\$10,500
18	subtotal gaging				\$40,160	\$43,400	\$39,790	\$43,230	\$44,850
19	C. OPERATING EXPENSES								
20	1	Treasurer's Bond			\$100	\$100	\$100	\$100	\$100
21	2	Annual Reports Printing			\$2,000	\$2,000	\$3,000	\$3,000	\$1,000
22	3	Telephone			\$1,200	\$1,200	\$1,200	\$1,200	\$1,200
23	4	Miscellaneous Office Expense			\$300	\$300	\$300	\$300	\$300
24	5	Postage/Copying/Supplies			\$400	\$400	\$400	\$400	\$400
25	6	Meetings			\$500	\$500	\$500	\$500	\$500
26	7	Travel			\$0	\$0	\$0	\$0	\$0
27	8	Rent			\$600	\$600	\$600	\$600	\$600
28	subtotal operating				\$5,100	\$5,100	\$6,100	\$6,100	\$4,100
29	D. EQUIPMENT				\$0	\$0	\$0	\$0	\$0
30	E. CONTINGENCY				\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
31	F. LITIGATION				\$0	\$0	\$0	\$0	\$0
32	TOTAL ALL EXPENDITURES				\$58,760	\$62,000	\$59,390	\$62,830	\$62,450
33	II. INCOME								
34	A. ASSESSMENTS								
35	1	Colorado (60%)			\$37,200	\$40,800	\$37,200	\$40,800	\$40,800
36	2	Kansas (40%)			\$24,800	\$27,200	\$24,800	\$27,200	\$27,200
37	subtotal				\$62,000	\$68,000	\$62,000	\$68,000	\$68,000
38	C. INTEREST EARNINGS				\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
39	D. MISCELLANEOUS				\$0	\$0	\$0	\$0	\$0
40	TOTAL ALL INCOME				\$63,000	\$69,000	\$63,000	\$69,000	\$69,000
41	III. CASH SURPLUS ACCOUNT								
42	A. EXPENDITURES FROM SURPLUS								
43	B. ADDITION TO SURPLUS				\$4,240	\$7,000	\$3,610	\$6,170	\$6,550

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

721 Centennial Building
1313 Sherman Street
Denver, Colorado 80203
Phone: (303) 866-3441
FAX: (303) 866-4474



Roy Romer
Governor

James S. Lochhead
Executive Director, DNR

Daries C. Lile, P.E.
Director, CWCB

Peter H. Evans
Acting Director, CWCB

MEMORANDUM

TO: Chairman and Members, Arkansas River Compact Administration
FROM: Steve Miller *Steve Miller*
DATE: November 27, 1998
RE: ARCA Budget Matters, 1998 Annual Meeting

The following spreadsheet tables are submitted for your review regarding budget actions that need to be taken at the December 8, 1998 Annual Meeting:

1. ARCA AUDIT SUMMARY AND BUDGET RECONCILIATION which gives the history of previous audits and checks cash surplus position at the end of the most recent fiscal year, FY 97-98.
2. BUDGET AND ASSESSMENT SUMMARY 1989 - 1998 which compares budgets with actual expenses and revenue through June 30, 1998 and suggests where departures may occur between estimated and budgeted expenses in ARCA's existing budgets. I do not believe the small differences shown for FY98-99 and FY99-00 require any budget revisions. This sheet also shows a proposed draft Budget for FY00-01.
3. ANALYSIS OF ARCA SURPLUS ACCOUNT which shows the projected cash balances through the end of the current budget cycle in June 30, 2001.

I will be out of the office from November 30 through December 2, 1998, but available to discuss this information on Thursday December 3. Based on comments received next week I will prepare budget documents for distribution and review at the Administrative and Legal Committee Meeting on Monday evening and adoption at the Annual Meeting on Tuesday December 8, 1998.

In addition to budget adoption, ARCA also needs to affirm the USGS cooperative agreements for federal FY 99, with the Kansas [\$7,180] and Colorado [\$25,550] Districts. This is the third year that ARCA has been asked to and agreed to enter into the cooperative agreements before the Annual Meeting. These amounts are payable from the Administration's FY 99-00 budget (i.e., USGS bills us in September 1999 and ARCA pays in November 1999), and sufficient funds are already budgeted.

cc: Operations Secretary Witte (w/enc.)
Recording Secretary Clay (w/enc.)

ARCA\$DAT.WB2:AUDITS

Nov. 28, 1998

ARCA AUDIT SUMMARY AND BUDGET RECONCILIATION

ARCA FY	DATES COVERED	ARCA APPROVAL	JULY 1 BALANCE	EXPENSES EST.	ACTUAL	OVER/ UNDER [1]	INCOME ASSESS	INTEREST	MISC.	TOTAL	CALCULATE SURPLUS [2]	REPORTED SURPLUS	6/30 CASH BALANCE CALC [3]	REPORTED	BALANCE DIFFER
87-88	7/1/87-6/30/88	12/13/88	\$57,824	\$35,490	\$29,896	\$5,594	\$20,000	\$3,197	\$169	\$23,366	(\$6,530)	(\$6,530)	\$51,294	\$51,294	\$0
88-89	7/1/88-6/30/89	12/12/89	\$51,294	\$38,395	\$28,793	\$9,602	\$20,000	\$4,184	\$0	\$24,184	(\$4,609)	(\$4,609)	\$46,685	\$46,685	\$0
89-90	7/1/89-6/30/90	12/11/90	\$46,685	\$38,525	\$34,870	\$3,655	\$20,000	\$3,075	\$0	\$23,075	(\$11,795)	(\$11,795)	\$34,890	\$34,890	\$0
90-91	7/1/90-6/30/91	12/10/91	\$34,890	\$40,780	\$32,758	\$8,022	\$25,000	\$2,302	\$515	\$27,817	(\$4,941)	(\$4,941)	\$29,949	\$29,949	\$0
91-92	7/1/91-6/30/92	12/8/92	\$29,949	\$40,550	\$35,533	\$5,017	\$26,250	\$1,716	\$0	\$27,966	(\$7,567)	(\$7,567)	\$22,382	\$22,382	\$0
92-93	7/1/92-6/30/93	12/14/93	\$22,382	\$47,625	\$32,997	\$14,628	\$44,200	\$1,398	\$0	\$45,598	\$12,601	\$12,601	\$34,983	\$34,983	\$0
93-94	7/1/93-6/30/94	12/13/94	\$34,983	\$57,200	\$44,573	\$12,627	\$47,800	\$1,128	\$0	\$48,928	\$4,355	\$4,355	\$39,338	\$39,338	\$0
94-95	7/1/94-6/30/95	12/12/95	\$39,338	\$52,050	\$38,316	\$13,734	\$50,000	\$1,698	\$0	\$51,698	\$13,382	\$13,482	\$52,720	\$52,820	(\$100)
95-96	7/1/95-6/30/96	12/10/96	\$52,820	\$78,180	\$68,861	\$9,319	\$50,000	\$977	\$0	\$50,977	(\$17,884)	(\$17,884)	\$34,936	\$34,936	\$0
96-97	7/1/96-6/30/97	12/09/97	\$34,936	\$59,425	\$53,305	\$6,120	\$62,000	\$1,094	\$0	\$63,094	\$9,789	\$9,789	\$44,725	\$44,725	\$0
97-98	7/1/97-6/30/98	pending	\$44,725	\$59,260	\$53,210	\$6,050	\$62,000	\$1,848	\$0	\$63,848	\$10,638	\$10,638	\$55,363	\$55,363	\$0

- NOTES [1] CALCULATED = ESTIMATED EXPENSES - ACTUAL EXPENSES
 [2] CALCULATED = TOTAL INCOME - ACTUAL EXPENSES
 [3] CALCULATED = JULY 1 BALANCE + CALCULATED SURPLUS
 [4] \$100 DIFFERENCE IN FY 94-95 SURPLUS IS FROM PREPAYMENT OF 1995 TREASURER BOND FEE IN FY93-94

ARKANSAS RIVER COMPACT ADMINISTRATION

BUDGET AND ASSESSMENT SUMMARY 1989 - 1998

BUDGET ITEM	ACTUAL EXPENDITURES FROM AUDITS									CURRENT BUDGETS		PROPOSED BUDGETS		
	FY89-90	FY90-91	FY91-92	FY92-93	FY93-94	FY94-95	FY95-96	FY96-97	FY97-98	FY98-99	FY99-00	FY98-99 2nd adjust	FY99-00 1st adjust	FY00-01 to be adopte
I. EXPENDITURES														
A. PROFESSIONAL SERVICE CONTRACTS														
1 Treasurer	\$1,000	\$1,750	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
2 Recording Secretary	\$1,000	\$1,750	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
3 Operations Secretary	\$6,501	\$3,602	\$7,509	\$4,350	\$5,437	\$6,060	\$6,087	\$6,100	\$6,100	\$6,100	\$6,100	\$6,100	\$6,100	\$6,100
4 Auditor's Fees	\$700	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$400	\$400	\$400	\$400	\$400
5 Court Reporter's Fees	\$453	\$643	\$468	\$0	\$1,553	\$1,058	\$847	\$0	\$1,751	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
subtotal services	\$9,654	\$8,095	\$12,327	\$8,700	\$11,340	\$11,468	\$11,284	\$10,450	\$12,201	\$11,500	\$11,500	\$11,500	\$11,500	\$11,500
B. GAGING STATIONS & STUDIES														
1 U.S.G.S. Colorado Dist. Joint Funding fed. FY	\$11,370	\$11,830	\$12,425	\$13,225	\$14,300	\$9,665	\$30,530	\$23,350	\$23,535	\$24,700	\$25,700	\$24,475	\$25,550	\$26,800
2 U.S.G.S. Kansas Dist. Joint Funding fed. FY	W/COLO	W/COLO	W/COLO	W/COLO	W/COLO	\$5,375	\$5,650	\$6,175	\$6,725	\$7,060	\$7,200	\$6,915	\$7,180	\$7,550
3 State of Colorado Satellite System	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,400	\$8,400	\$8,400	\$8,400	\$10,500	\$8,400	\$10,500	\$10,500
subtotal gaging	\$19,370	\$19,830	\$20,425	\$21,225	\$22,300	\$23,040	\$44,580	\$37,925	\$38,660	\$40,160	\$43,400	\$39,790	\$43,230	\$44,850
C. OPERATING EXPENSES														
1 Treasurer's Bond	\$100	\$100	\$100	\$100	\$200	\$0	\$200	\$0	\$0	\$100	\$100	\$100	\$100	\$100
2 Annual Reports Printing	\$3,678	\$2,557	\$0	\$0	\$2,465	\$1,000	\$9,620	\$0	\$0	\$2,000	\$2,000	\$3,000	\$3,000	\$1,000
3 Telephone	\$749	\$1,071	\$1,087	\$1,597	\$1,013	\$934	\$1,057	\$822	\$905	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200
4 Miscellaneous Office Expense	\$159	\$174	\$155	\$195	\$478	\$418	\$9	\$103	\$0	\$300	\$300	\$300	\$300	\$300
5 Postage/Copying/Supplies	\$321	\$132	\$252	\$243	\$0	\$0	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400
6 Meetings	\$239	\$199	\$330	\$387	\$3,079	\$144	\$589	\$1,623	\$444	\$500	\$500	\$500	\$500	\$500
7 Travel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
8 Rent	\$600	\$600	\$600	\$550	\$600	\$600	\$600	\$600	\$600	\$600	\$600	\$600	\$600	\$600
subtotal operating	\$5,846	\$4,833	\$2,524	\$3,072	\$7,835	\$3,096	\$12,475	\$3,548	\$2,349	\$5,100	\$5,100	\$6,100	\$6,100	\$4,100
D. EQUIPMENT	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
E. CONTINGENCY	\$0	\$0	\$257	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
F. LITIGATION	N/A	N/A	N/A	N/A	\$3,126	\$612	\$522	\$1,382	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL ALL EXPENDITURES	\$34,870	\$32,758	\$35,533	\$32,997	\$44,601	\$38,216	\$68,861	\$53,305	\$53,210	\$58,760	\$62,000	\$59,390	\$62,830	\$62,450
II. INCOME														
A. ASSESSMENTS														
1 Colorado (60%)	\$12,000	\$15,000	\$15,750	\$23,400	\$31,800	\$30,000	\$30,000	\$37,200	\$37,200	\$37,200	\$40,800	\$37,200	\$40,800	\$40,800
2 Kansas (40%)	\$8,000	\$10,000	\$10,500	\$20,800	\$16,000	\$20,000	\$20,000	\$24,800	\$24,800	\$24,800	\$27,200	\$24,800	\$27,200	\$27,200
subtotal	\$20,000	\$25,000	\$26,250	\$44,200	\$47,800	\$50,000	\$50,000	\$62,000	\$62,000	\$62,000	\$68,000	\$62,000	\$68,000	\$68,000
C. INTEREST EARNINGS	\$3,075	\$2,302	\$1,716	\$1,398	\$1,128	\$1,698	\$977	\$1,094	\$1,848	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
D. MISCELLANEOUS	\$0	\$515	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL ALL INCOME	\$23,075	\$27,817	\$27,966	\$45,598	\$48,928	\$51,698	\$50,977	\$63,094	\$63,848	\$63,000	\$69,000	\$63,000	\$69,000	\$69,000
III. CASH SURPLUS ACCOUNT														
A. EXPENDITURES FROM SURPLUS	(\$11,795)	(\$4,941)	(\$7,567)				(\$17,884)							
B. ADDITION TO SURPLUS				\$12,601	\$4,327	\$13,482		\$9,789	\$10,638	\$4,240	\$7,000	\$3,610	\$6,170	\$6,550

NOTES

[A] \$818 COURT REPORTER FEE ACTUALLY PAID IN FY 93-94

[B] SPECIAL ASSESSMENTS FOR LITIGATION LEVIED IN FY93-94 & FY94-95, KANSAS PREPAID \$5,200 FOR FY93-94 IN FY92-93

[C] PREPAID \$100 FOR FY94-95 TREASURER'S BOND IN FY93-94

[D] CONTINGENCY INCREASED FROM \$1000 TO \$2000 FOR OVERAGES AND UNFORESEEN EXPENDITURES BEGINNING WITH 2nd REVISION OF FY 94-95 BUDGET

[E] REVISED ANN. REPORT PRINT SCHEDULE: 7/98-6/99: CY 1994, 1995, 1996 7/99-6/00: CY 1997, 1998, 1999 7/00-6/01: CY 2000

[F] FY95-96 USGS COLORADO DISTRICT includes @ \$2000. for participation in Purgatoire River Transit Loss Study

[G] FY96-97 USGS COLORADO DISTRICT includes @ \$500. for participation in Purgatoire River Transit Loss Study

[H] Current ARCA budgets are those approved 12/10/96, signed 12/23/96; and 12/9/97, signed 12/30/97.

[I] Expense categories I.C. 4 & 5 revised as shown beginning with FY95-96 2nd revision; previously C.4 was supplies/postage and C.5 was printing/copying

[J] FY97-98 Actual expenses are preliminary as of Nov. 25, 1998; pending approval of Auditors Report at 12/8/98 Annual Meeting.

ARKANSAS RIVER COMPACT ADMINISTRATION ANALYSIS OF ARCA SURPLUS ACCOUNT

	ACTUAL FY87-88	ACTUAL FY88-89	ACTUAL FY89-90	ACTUAL FY90-91	ACTUAL FY91-92	ACTUAL FY92-93	ACTUAL FY93-94	ACTUAL FY94-95	ACTUAL FY95-96	ACTUAL FY96-97	ACTUAL FY97-98	EST. FY98-99	EST. FY99-00	EST. FY00-01
OPEN CASH BALANCE	\$57,800	\$51,300	\$46,700	\$34,890	\$29,949	\$22,382	\$34,983	\$39,338	\$52,820	\$34,936	\$44,725	\$55,363	\$58,973	\$65,143
INCOME														
REG. ASSESS COLORADO	\$12,000	\$12,000	\$12,000	\$15,000	\$15,750	\$23,400	\$24,000	\$24,000	\$30,000	\$37,200	\$37,200	\$37,200	\$40,800	\$40,800
REG. ASSESS KANSAS	\$8,000	\$8,000	\$8,000	\$10,000	\$10,500	\$15,600	\$16,000	\$16,000	\$20,000	\$24,800	\$24,800	\$24,800	\$27,200	\$27,200
SPEC. ASSESS COLORAD	\$0	\$0	\$0	\$0	\$0	\$0	\$7,800	\$6,000	\$0	\$0	\$0	\$0	\$0	\$0
SPEC. ASSESS KANSAS	\$0	\$0	\$0	\$0	\$0	\$5,200	\$0	\$4,000	\$0	\$0	\$0	\$0	\$0	\$0
INTEREST	\$3,400	\$4,200	\$3,100	\$2,817	\$1,716	\$1,398	\$1,128	\$1,698	\$977	\$1,094	\$1,848	\$1,000	\$1,000	\$1,000
MISC.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL INCOME	\$23,400	\$24,200	\$23,100	\$27,817	\$27,966	\$45,598	\$48,928	\$51,698	\$50,977	\$63,094	\$63,848	\$63,000	\$69,000	\$69,000
EXPENSES	\$29,900	\$28,800	\$34,900	\$32,758	\$35,533	\$32,997	\$44,573	\$38,216	\$68,861	\$53,305	\$53,210	\$59,390	\$62,830	\$62,450
OVER/(UNDER)	(\$6,500)	(\$4,600)	(\$11,800)	(\$4,941)	(\$7,567)	\$12,601	\$4,355	\$13,482	(\$17,884)	\$9,789	\$10,638	\$3,610	\$6,170	\$6,550
CLOSE CASH BALANCE	\$51,300	\$46,700	\$34,900	\$29,949	\$22,382	\$34,983	\$39,338	\$52,820	\$34,936	\$44,725	\$55,363	\$58,973	\$65,143	\$71,693

FY1996-97 Actual figures are based on FY 96-7 Audit approved by ARCA at 12/9/97 Annual Meeting.

FY1997-98 Actual figures are based on FY 97-8 Audit pending approved by ARCA at 12/8/98 Annual Meeting.

Estimated surplus for FY98-99 and FY99-20 based on estimated adjustments to expenses that don't require formal budget revisions at 12/8/98 Annual Meeting.

Estimated surplus for FY00-01 based on proposed budget to be adopted at 12/8/98 Annual Meeting.