

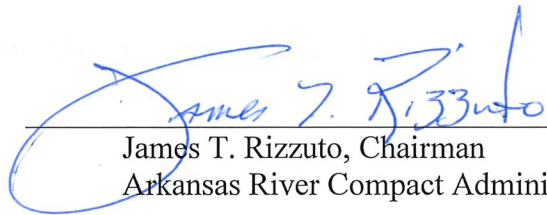
ARKANSAS RIVER COMPACT ADMINISTRATION

SPECIAL MEETING

July 1, 2022

VIA
VIRTUAL CONFERENCE CALL
Friday, July 1, 2022
08:00 A.M. MDT (09:00 A.M. CDT)
[Summary of Meeting]

The following meeting summary is the official minutes of the Arkansas River Compact Administration's July 1, 2022, Special Meeting, as signed by the Chairman of the Administration, pursuant to Administration approval given on December 08, 2022 at its Annual Meeting in Lamar, Colorado.



James T. Rizzuto, Chairman
Arkansas River Compact Administration

List of Summary Attachments

- A. Notice and Agenda
- B. Operating Plan for A Multi-Purpose Account Pilot Project in John Martin Reservoir
- C. Draft Resolution 2022-01

Notes

Pursuant to its by-laws, the Administration instructed staff to prepare a written summary in lieu of a verbatim transcript.

The following meeting summary was prepared by staff of the Kansas Division of Water Resources from notes and audio recording, which was reviewed by staff of the Colorado Water Conservation Board and finalized after consultation between both agencies.

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1. Call to order & roll call

Chairman Rizzuto called the Special Meeting of the Arkansas River Compact Administration (ARCA) to order at 08:03 A.M. (MDT) pursuant to the Notice attached hereto as Attachment A. A roll call was taken, and a quorum was present.

The following ARCA representatives participated in the conference call:

Jim Rizzuto, Chairman, Federal Representative;

For Colorado:

Rebecca Mitchell, CWCB Director and CO Representative;

Lane Malone, CO Representative; and

Scott Brazil, CO Representative.

For Kansas:

Earl Lewis, Kansas Chief Engineer and KS Representative;

Randy Hayzlett, KS Representative and Vice-Chairman; and

Troy Dumler, KS Representative.

Others in attendance included:

Andrew Rickert, Colorado Water Conservation Board;

Bill Tyner, Operations Secretary, Colorado Division of Water Resources, Division 2;

Bo Sexson, U.S. Army Corps of Engineers;

Carlos Aragon, U.S. Army Corps of Engineers;

Chris Beightel, Kansas Division of Water Resources;

Chris Woodka, Southeastern Colorado Water Conservancy District

Dan Steuer, Colorado Attorney General Office;

Dan Tucker, Arkansas Groundwater and Reservoir Association

Eric Jones, National Weather Service;

Kalsoum Abbasi, Colorado Springs Utilities;

Keadron Pearson, Kansas Water Office;

Kelley Roesch, U.S. Army Corps of Engineers;

Kevin Rein, Colorado State Engineer;

Kevin Salter, Assistant Operations Secretary, Kansas Division of Water Resources;

Lee Miller, Southeastern Colorado Water Conservancy District;

Patrick Farrell, St. Charles Mesa Water District;

Rena Griggs, Colorado Parks and Wildlife;

Stephanie Kramer, Kansas Department of Agriculture;

Steve Kastner, Purgatoire River Water Conservancy District;

Tom Stiles, Kansas Department of Health and Environment;

Tyler Benton, Colorado Springs Utilities;

Wes McCary, Kansas Water Office;

2. Approval of agenda

Chairman Rizzuto asked if there were any changes to the agenda. No changes.

Rebecca Mitchell, Colorado, moved approval of the agenda.

Earl Lewis, Kansas, seconded the motion.

Chairman Rizzuto called the question: Kansas voted aye; and Colorado voted aye.
Motion was approved.

3. Meeting protocol and preparation of minutes/summary

Chairman Rizzuto suggested that a written summary of the meeting be done. Chairman Rizzuto asked for any opposition; no opposition was voiced.

4. Introduction, Discussion, and Consideration of Resolution 2022-01

Chairman Rizzuto called on Bill Tyner to introduce Resolution 2022-01.

Bill Tyner provided some background for the efforts undergone by both States that lead to the proposed resolution. The resolution establishes a 20,000 Acre Foot maximum account that would terminate on March 31, 2028, unless extended by ARCA. The account would be operated in accordance with an operating plan agreed to annually by the States. See Attachment B. This is for a pilot project to determine how a multi-purpose account could operate, document benefits, and determine if there are any adverse impacts. The resolution includes a commitment to resolve long standing issues between the States.

Rebecca Mitchell, Colorado, moved adoption of Resolution 2022-01.

Earl Lewis, Kansas, seconded the motion.

Chairman Rizzuto asked for any discussion or questions; no discussion or questions were voiced.

Chairman Rizzuto called the question: Kansas voted aye; and Colorado voted aye.
Motion was approved, and the Resolution was adopted. See Attachment C.

5. Adjournment

Jim Rizzuto asked if there was a motion to adjourn:

Earl Lewis, Kansas, moved adjournment of the Special Meeting.

Rebecca Mitchell, Colorado, seconded the motion.

Chairman Rizzuto called the question: Kansas voted aye; and Colorado voted aye.

Meeting was adjourned at 8:12 A.M., MDT.

Attachment A

Special Meeting

July 1, 2022

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ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chair and Federal Representative

For Kansas

Rebecca Mitchell, Denver
Lane Malone, Holly
Scott Brazil, Vineland

James T. Rizzuto, Swink

Earl Lewis, Manhattan
Randy Hayzlett, Lakin
Troy Dumler, Garden City

NOTICE & AGENDA SPECIAL MEETING ARKANSAS RIVER COMPACT ADMINISTRATION FRIDAY, JULY 1, 2021 8:00 A.M. (MST) / 9:00 A.M. (CST)

The Arkansas River Compact Administration ("ARCA") will meet at the time noted above via virtual and phone conference call to consider Resolution No. 2022-01, *Resolution Concerning a Multi-Purpose Account Pilot Project in John Martin Reservoir*. This resolution would authorize the establishment of a pilot project Multi-Purpose Account in John Martin Reservoir with a maximum content of 20,000-acre feet at any one time with a termination date of March 31, 2028, unless extended by a future resolution of ARCA. Attached is the draft resolution. Also attached is the *Operating Plan for A Multi-Purpose Account Pilot Project in John Martin Reservoir* for your reference.

Meetings of the Administration are open to the public and operated in compliance with the Federal Americans with Disabilities Act. If you wish to participate in the Special Meeting you may do by using the link and/or one of the phone numbers listed below:

1. Use Zoom information, online via this link (meeting will be recorded):

<https://kansasag.zoom.us/j/89286622450?pwd=ZHNZOXJxeFR5aEpoS3Q0K2s5ZjV6QT09>

Or if using phone, dialing one of the numbers below and using Meeting ID: **892 8662 2450 #**
Passcode: **398426**

+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)

* Note these numbers are not toll free.

If you need a special accommodation as a result of a disability please contact Stephanie Gonzales by email at arca.co.ks@gmail.com or phone at 719-336-3850 at least three days before the meeting.

SPECIAL MEETING AGENDA July 1, 2022

1. Call to order & roll callJim Rizzuto
2. Approval of agendaJim Rizzuto
3. Meeting protocol and preparation of minutes/summary Kevin Salter
4. Introduction of Resolution 2022-01 Bill Tyner
5. DiscussionJim Rizzuto
6. Consideration of Resolution 2022-01Jim Rizzuto
7. AdjournmentJim Rizzuto

Attachment B

Special Meeting

July 1, 2022

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OPERATING PLAN FOR A MULTI-PURPOSE ACCOUNT PILOT PROJECT IN JOHN MARTIN RESERVOIR

This OPERATING PLAN FOR A MULTI-PURPOSE ACCOUNT PILOT PROJECT IN JOHN MARTIN RESERVOIR ("Multi-Purpose Account") is entered into this 23rd day of June, 2022 ("Effective Date") by and between the State of Colorado and the State of Kansas (collectively the "States").

1. This is an Operating Plan for a Multi-Purpose Account in John Martin Reservoir as authorized by an Arkansas River Compact Administration (ARCA) resolution.
2. The Multi-Purpose Account will be separate from and in addition to the accounts established by the ARCA's Resolution Concerning an Operating Plan for John Martin Reservoir as amended on February 10, 2010 ("1980 Operating Plan"); the John Martin Reservoir Permanent Pool authorized by the ARCA Resolution of August 14, 1976 ("Permanent Pool"); and the Offset Account authorized by the ARCA Resolution of March 30, 1998 ("Offset Account").
3. This Operating Plan will be an annual agreement that begins on the Effective Date and continues through March 31, 2023. If neither State suspends, or terminates this agreement, then this Operating Plan shall renew for another one-year term beginning on April 1, 2023 and ending on March 31, 2024, and renew annually thereafter subject to any mutually agreed amendments. Suspension or termination will be in accordance with the provisions below.
4. No deliveries or storage of transmountain water to the Multi-Purpose Account will be allowed.
5. The sources approved for delivery to the Multi-Purpose Account will be limited to fully consumable water plus identified delayed return flows at the identified augmentation (Aug) stations from the following projects for the initial year of operation:
 - a. Catlin lease-fallow for Security & Fountain ("Catlin Lease Fallowing Project" (WDID 1707700)) as measured at:
 - i. Catlin Aug Station at Timpas Creek (WDID 1700800), and
 - ii. Catlin Aug Station at Crooked Arroyo (WDID 1700801)
 - b. Catlin lease-fallow for Colorado Springs Utilities ("CS-U Pilot Project" (WDID 1707701)) as measured at:
 - i. Catlin Aug Station at Timpas Creek (WDID 1700800), and
 - ii. Catlin Aug Station at Crooked Arroyo (WDID 1700801)
 - c. Catlin Augmentation Association (Catlin share dryup; WDID 1707030) as measured at:
 - i. Catlin Aug Station at Timpas Creek (WDID 1700800), and
 - ii. Catlin Aug Station at Crooked Arroyo (WDID 1700801)

Multi-Purpose Account Operational Plan

- d. Fort Lyon Augmentation Stations operated for Colorado Springs Utilities lease-fallow agreement ("FLCC LAWMA Project" (WDID 1707704)) as measured at:
 - i. Horse Creek Augmentation Station (WDID 1701000) - delivering to Horse Creek,
 - ii. Upper Gageby Creek Augmentation Stations (WDID 6701006)- delivering to Gageby Creek
 - iii. Lower Gageby Creek Augmentation Stations (WDID 6701002) - delivering to Gageby Creek, and
 - iv. Hasty Augmentation Station (WDID 6701005) - delivering to John Martin Reservoir directly
6. In subsequent years, sources approved for delivery to the Multi-Purpose Account shall be approved by agreement of the Kansas Chief Engineer and the Colorado State Engineer annually before any additional water is placed in the Multi-Purpose Account.
7. Water stored in the Multi-Purpose Account will be accounted for as part of the John Martin Accounting System (JMAS) and will be separate from other John Martin Reservoir Accounts. Each specific project will have its own account and subaccounts as necessary to separate fully consumable and delayed return flow water.
8. Periodic checks will be conducted to ensure that the water delivered to the augmentation station is making its way back to the river or John Martin Reservoir as intended.
9. All sources approved for delivery to the Multi-Purpose Account under the pilot project will be approved for the entirety of the plan year in which they were included.
10. Transit losses will be assessed from each project's augmentation station(s) to the Multi-Purpose Account in JMR using *Transit Losses and Travel Times of Reservoir Releases along the Arkansas River from Pueblo Reservoir to John Martin Reservoir*, Livingston, January 2011, or other transit loss determination as agreed to by Kansas and Colorado.
11. All requests for deliveries to, releases from and exchanges from the Multi-Purpose Account shall be made via the "Arkansas Basin Water Operations Dashboard" (<http://div2waterops.com/AnonymousHome>). Kansas will be notified by email each time a request and approval is made for an operation related to the Multi-Purpose Account. Such notices shall provide specific information as documented below.
 - a. For deliveries to Multi-Purpose Account:
 - i. source of the water delivered;
 - ii. amount of water;
 - iii. purpose for which the water is delivered;
 - iv. time of delivery;
 - v. rate of delivery;
 - vi. calculated transit loss and how it was calculated;
 - vii. extent to which water is fully consumable;
 - viii. quantity, timing, and location of any associated return flows;
 - ix. and quantity of winter return flows being stored (if appropriate).

Multi-Purpose Account Operational Plan

- b. For releases or transfers from Multi-Purpose Account:
 - i. original source and purpose of the water released or transferred;
 - ii. date(s) of release or transfer;
 - iii. release rate and amount of water released or transferred;
 - iv. purpose for which the water is being released or transferred;
 - c. For exchanges [to/from] Multi-Purpose Account:
 - i. original source and purpose of the water exchanged;
 - ii. date(s) of exchange;
 - iii. exchange rate and amount of water to be exchanged;
 - iv. location water is being exchanged to;
 - v. purpose for which the water is exchanged;
12. Deliveries to the Multi-Purpose Account:
- a. Colorado water users shall transfer a storage charge of 12.5% for the benefit of Kansas for all deliveries made to the account. The storage charge will be placed in a separate subaccount of the Multi-Purpose Account at the time the delivery was made. Transfers from the storage charge subaccount to the Kansas Section II account are to occur on the last day of the month in which deliveries were made or upon the request of Kansas during a Kansas Section II release. The agreement to allow the transfer of storage charge water to the Kansas Section II account is subject to annual review pursuant to Paragraph 3.
 - b. Water delivered to the Multi-Purpose Account will retain its designated use that was specified at the time of delivery.
13. Transfers, releases, or exchanges out of the Multi-Purpose Account:
- a. May be made simultaneously with deliveries into the Multi-Purpose Account. However, such simultaneous releases and deliveries cannot create a deficit in the Multi-Purpose Account.
 - b. Except for water placed in the Kansas storage charge subaccount, the designated beneficial use of the water placed in the Multi-Purpose Account shall not be changed as the result of any transfer, release, or exchange.
14. Evaporation charges shall be made against water stored in the Multi-Purpose Account in the manner as set forth in Subsection II F of the 1980 Operating Plan.
15. In the event that runoff conditions occur in the Arkansas River basin upstream from the John Martin Reservoir that cause water to spill from the Reservoir, then water stored in this Multi-Purpose Account will spill before water stored in the Permanent Pool in excess of 10,000 acre-feet which shall spill before water stored in the accounts granted in Subsections III A, B, and C of the 1980 Operating Plan, which shall spill before the water stored in the Offset Account, which shall spill before the accounts granted in Section II of the 1980 Operating Plan, which shall spill before the Kansas Transit Loss Account, all of which shall spill before conservation storage. Should any discrepancies between this

Multi-Purpose Account Operational Plan

spill order and any ARCA resolutions arise, the spill order in the ARCA resolutions shall control.

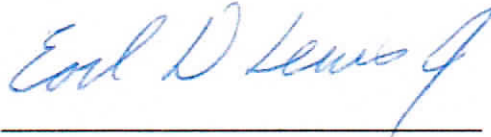
16. As part of the ARCA Operations Secretary report, operations of this Pilot Project during the previous Compact Year will be documented. This will include, but not be limited to, the following:
 - a. A summary of each type of water delivered through each augmentation station.
 - b. Deliveries, transfers, releases, exchanges, evaporation, storage charge summarized on a monthly basis.
17. The States agree to annually review the terms of this Operational Plan to ensure they are being implemented as intended and with the desired effect by June 30th of the following year (e.g., by June 30, 2023 for an operational plan beginning in calendar year 2022). The annual review may be waived if agreed to by both States.
18. This operational plan may be suspended by either State by providing notice to the other State by the December 1st immediately preceding the calendar year in which the upcoming operational plan shall be suspended (e.g., by December 1, 2023 for the operational plan that would normally begin on April 1, 2024). Such notice shall be in writing and contain both a preliminary statement about why the Operational Plan has been suspended and any specific issues for discussion between the States. If the Operational Plan remains suspended for three consecutive years, then the Operational Plan shall terminate unless otherwise agreed to by the States.
19. In addition to termination under the terms of this agreement, the Multi-Purpose Account may be terminated by ARCA resolution or upon expiration of an ARCA resolution authorizing this account.
20. If this Operational Plan is suspended or terminated, water stored in the Multi-Purpose Account at that time may remain in storage and be used as if the Operational Plan was in place for one year following the suspension or termination date. However, no additional water may be stored in the Multi-Purpose Account. Any water remaining at the end of the additional one-year period shall be released to the river for the benefit of Colorado and Kansas water users below John Martin Reservoir or transferred to Compact Conservation Storage if the reservoir is in Conservation Storage at 11:59 p.m. Mountain Time one-year following the suspension or termination date.
21. All notices, reports, and other documents required by this Operational Plan may be delivered by email or any other electronic means acceptable to the States.
22. Nothing in this Operational Plan shall be construed to alter in any way the State of Colorado's obligation to maintain compliance with the Arkansas River Compact.

Multi-Purpose Account Operational Plan

23. Nothing in this Operational Plan shall constitute a waiver of either State's rights under the Compact or prejudice the ability of either State to represent its interests in present or future cases or controversies before the Administration or any court of competent jurisdiction.



Kevin G. Rein, P.E.
Colorado State Engineer



Earl Lewis, P.E.
Kansas Chief Engineer

Attachment C

Special Meeting

July 1, 2022

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ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chair and Federal Representative

For Kansas

Rebecca Mitchell, Denver
Lane Malone, Holly
Scott Brazil, Vineland

James T. Rizzuto, Swink

Earl Lewis, Manhattan
Randy Hayzlett, Lakin
Troy Dumler, Garden City

RESOLUTION 2022 - 01

RESOLUTION CONCERNING A MULTI-PURPOSE ACCOUNT PILOT PROJECT IN JOHN MARTIN RESERVOIR

WHEREAS, Article IV.D. of the Arkansas River Compact (“Compact”) provides as follows:

This Compact is not intended to impede or prevent future beneficial development of the Arkansas River basin in Colorado and Kansas by Federal or State agencies, by private enterprise, or by combinations thereof, which may involve construction of dams, reservoir, and other works for the purposes of water utilization and control, as well as the improved or prolonged functioning of existing works: Provided, that the waters of the Arkansas River, as defined in Article III, 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;

WHEREAS, Section 2 of the Act of Congress approving the Compact provides in relevant part as follows:

That the Chief of Engineers is hereby authorized to operate the conservation features of the John Martin Reservoir project in a manner conforming to such compact with such exceptions as he and the Administration created pursuant to the compact may jointly approve;

WHEREAS, the State of Colorado (“Colorado”) recognizes the need for a multi-purpose storage account in John Martin Reservoir for storage of water for various entities, including for municipalities, well augmentation and surface irrigation improvement replacement groups, water conservancy districts, and other water users within the Arkansas River Basin in Colorado;

WHEREAS, Colorado desires to continue to allow efficiency improvements to surface water irrigation systems, improve efficiency and reduce waste of limited municipal water supplies, and enhance transparency and improve operations related to replacement of well depletions in Colorado;

WHEREAS, this multi-purpose storage account may increase monitoring and accounting obligations for both Colorado and the State of Kansas (“Kansas”) but at the same time provide accounting transparency;

WHEREAS, the Arkansas River Compact Administration (“Administration”) recognizes that it has the authority to create the multi-purpose storage account as provided for herein, but that neither the Administration nor either of its member States has any obligation to create the account provided for in this Resolution;

WHEREAS, a pilot project utilizing a multi-purpose storage account would provide an opportunity for both States to gain an understanding of such an account and determine whether the account poses any risk to downstream water users; and

WHEREAS, the States have identified several long-standing disputed issues related to the spill of John Martin Reservoir, the Pueblo Winter Water Storage Program, and the maintenance of winter return flows to and below John Martin Reservoir.

NOW THEREFORE, BE IT RESOLVED that, pursuant to Section 2 of the Act of Congress approving the Compact, the Administration has prescribed procedures for the administration of the Compact and the establishment of a pilot project multi-purpose account in John Martin Reservoir with a maximum content of 20,000 acre feet at any one time in accordance with an operating plan established by the agreement of the States that does not modify, conflict, or interfere with any duty or obligation of the Chief of Engineers of the U.S. Army Corps of Engineers.

BE IT FURTHER RESOLVED that the States are committed to resolving the long-standing disputed issues related to the spill of John Martin Reservoir, the Pueblo Winter Water Storage Program, and the maintenance of winter return flows to and below John Martin Reservoir as a component of this pilot project.

BE IT FURTHER RESOLVED that this Resolution shall not be affected by the termination of the 1980 Operating Plan, except those operations associated with the multi-purpose storage account pilot project which rely on the existence of the 1980 Operating Plan shall no longer occur if the 1980 Operating Plan is terminated.

BE IT FURTHER RESOLVED that this authorization of the multi-purpose account will terminate on March 31, 2028, unless extended by a future resolution of the Administration.

ADOPTED by the Arkansas River Compact Administration at the Special Meeting held virtually on this 1st day of July, 2022.

The effective date of this Resolution shall be the date on which the Chief of Engineers of the U.S. Army Corps of Engineers, or his duly authorized representative, gives his concurrence by signing and dating below in the space provided.

James T. Rizzuto, Chair
Arkansas River Compact Administration

Date

Stephanie Gonzales, Recording Secretary
Arkansas River Compact Administration

Date

Concurrence

Patrick M. Stevens V, P.E., PMP
Lieutenant Colonel, U.S. Army
Commander and District Engineer, Albuquerque District
Duly Authorized Representative of the Chief of Engineers
U.S. Army Corps of Engineers

Date