



1 **LIST OF APPEARANCES**

2 **FOR KANSAS :**

3 RANDY HAYZLETT

4 DAVID BARFIELD

5 DAVID BRENN

6 JOHN DRAPER

7 KEVIN SALTER

8  
9 **FOR COLORADO :**

10 JENNIFER GIMBEL

11 MATT HEIMERICH

12 COLIN THOMPSON

13 DENNIS MONTGOMERY

14 STEVE MILLER

15  
16 **FOR FEDERAL AGENCIES**

17 PAT EDELMANN, US GEOLOGICAL SURVEY

18 MAJOR ANDRE BALYOZ, US ARMY CORPS OF ENGINEERS

19 GREG GOODENOW, US BUREAU OF RECLAMATION

20 ANDREW GILMORE, US BUREAU OF RECLAMATION

21 ROY VAUGHAN, US BUREAU OF RECLAMATION

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MORNING SESSION, December 9, 2008

VICE-CHAIRMAN: We are going to call the meeting to order. I think we are ready to get started. We welcome you all to the annual meeting of the Arkansas -- or depending on how far east you are -- ar-Kansas River Compact Administration meeting. Those of you who weren't here for yesterday's committee meeting and haven't been here before, I'm not Chairman Jennison. I'm Vice-Chair Hayzlett. Chairman Jennison couldn't be here. He had some family issues that prevented him from making this in his schedule, and he sends his regrets and apologies for not being able to make this meeting.

As vice-chair, they handed me the wheel, and I'm going to try to steer us through this meeting as best I can. But for those that are presenters and address the committee, if you would come to the podium, state your name and who you represent. That will help the reporter out as well as the rest of us. We're on a tight time frame today. The reporter has a specified time to be out of here.

So we are going to adjourn by 12:00. So you might bear that in mind as you make your presentations. We need to be out of here timely, if we can. The side conversations, if you can kind of hold those down a little bit, that will help the reporter as well. And

1 your cell phones, you might silence those if you haven't  
2 already.

3 If you have a presentation and there are to be  
4 attachments to the meeting, please see that we get those  
5 up here so we can make attachments. We'll do  
6 introductions -- self-introductions --

7 PANEL MEMBERS

8 VICE-CHAIRMAN: I'm Randy Hayzlett from Lakin,  
9 Kansas, a Kansas rep. I have been on the committee for  
10 quite some time. I farm and ranch in the Lakin area.  
11 And I think we'll just start with the Colorado  
12 delegation; have them introduce themselves and work to  
13 Kansas and then maybe start over on this end of the room.  
14 There's also sign-up sheets. We'll start these down the  
15 table for attendance and circulate them through the  
16 audience.

17 MR. HEIMERICH: Matt Heimerich, Olney Springs,  
18 Colorado. Our family farms and ranches in Crowley and  
19 Otero Counties, and I also serve as one of Crowley  
20 County's county commissioners.

21 MR. THOMPSON: Colin Thompson. I farm under  
22 the Amity.

23 MS. GIMBEL: Jennifer Gimbel. I'm the  
24 Director of Colorado Water Conservation Board.

25 MR. MONTGOMERY: Dennis Montgomery. Special  
26 Assistant Attorney General for the State of Colorado.

1 MR. BARFIELD: I'm David Barfield, Chief  
2 Engineer with the Kansas Division of Water Resources.

3 MR. BRENN: I'm David Brenn, ARCA commissioner  
4 from Kansas. I live in Garden City, Kansas.

5 MR. DRAPER: I'm John Draper. I'm special  
6 counsel for the State of Kansas. And I live in Santa Fe.

7 AUDIENCE MEMBERS

8 MS. COLE: Brandy Cole, Kansas Division of  
9 Water Resources.

10 MS. JURICEK: Chelsea Juricek, Kansas Division  
11 of Water Resources out of Garden City.

12 MS. VANPELT: I'm Jean VanPelt with  
13 Southeastern Water Conservancy District.

14 MR. SALTER: Kevin Salter, Kansas Division of  
15 Water Resources; also Assistant Operations Secretary for  
16 ARCA.

17 MR. BOOK: Dale Book of Spronk Water Engineers  
18 and consultant for the State of Kansas.

19 MR. MEYERS: Mike Meyers, Water Commissioner,  
20 Kansas Division of Water Resources, Garden City.

21 MR. HINES: Steven Hines, Coolidge, Kansas,  
22 Frontier Ditch.

23 MR. RUDE: Mark Rude, Southwest Kansas  
24 Groundwater Management District No. 3.

25 MR. SPEED: Samuel Speed, Kansas Attorney  
26 General's office.

1 MR. GRIGGS: Burke, Burke like jerk with a  
2 "B", Griggs, counsel, Division of Water Resources,  
3 Kansas.

4 MR. DARE: I'm Craig Dare with the U.S.  
5 Geological Survey, Hays, Kansas.

6 MS. SCHENK: Angela Schenk, Spronk Water  
7 Engineers.

8 MS. WOLDRIDGE: Julianne Woldridge, attorney  
9 for the Purgatoire River District.

10 MR. HECKMAN: Fred Heckman, I farm in Fort  
11 Lyons.

12 MR. WOODKA: I'm Chris Woodka with the Pueblo  
13 Chieftain.

14 MS. GONZALES: Stephanie Gonzales, Arkansas  
15 River Compact Administration.

16 MR. WITTE: I'm Steve Witte, Colorado Division  
17 of Water Resources. I'm also the Operations Secretary.

18 MR. GOODENOW: Greg Goodenow, I'm the Chief of  
19 Division Resources for Eastern Colorado Area Office,  
20 Bureau of Reclamation.

21 COURT REPORTER: What was your name again?

22 MR. GOODENOW: Greg Goodenow. No good.

23 MR. GILMORE: But good now. My name is Andrew  
24 Gilmore. I'm with Reclamation in Eastern Colorado Area  
25 Office. I'm with the regional water area group.

1 MR. WOLFE: Good morning. Dick Wolfe, State  
2 Engineer, Colorado.

3 MR. SULLIVAN: Mike Sullivan, Colorado  
4 Division of Water Resources.

5 MR. MARTIN: Karl Martin, Chief Lake  
6 Operations Branch, Albuquerque Corps of Engineers.

7 MR. ROBERSHOTTE: Good morning. Paul  
8 Robershotte (phonetic), Corps of Engineers, South  
9 Pacific, the division in San Francisco.

10 MR. OYABE: Pat Oyabe, South Pacific Division,  
11 U.S. Army Corps of Engineers out of San  
12 Francisco.

13 MS. RAYL: Sandy Rayl, U.S. Army Corps of  
14 Engineers, Colorado Programs Manager in Denver.

15 MR. TRUAN: Van Truan, the Corps in Pueblo in  
16 regulatory.

17 MS. SANDERS: April Sanders with the Corps of  
18 Engineers in Albuquerque.

19 MR. GARCIA: Dennis Garcia, I'm with the Corps  
20 of Engineers, the Albuquerque district.

21 MAJOR BALYOZ: Major Andre Balyoz, I'm the  
22 Deputy Commander for the Albuquerque District Corps of  
23 Engineers.

24 MR. BEIGHTEL: Chris Beightel, Kansas Division  
25 of Water Resources.

1 MR. VAUGHAN: Roy Vaughn, I'm the facility  
2 manager for Pueblo Dam with Reclamation.

3 MR. TYNER: I'm Bill Tyner with Colorado  
4 Division of Water Resources.

5 MS. LOPKOFF: I'm Ann Lopkoff. I'm the  
6 General Manager for Colorado Water Protective and  
7 Development Association.

8 MR. MILLER: Steve Miller, Colorado Water  
9 Conservation Board in Denver.

10 MS. MCDONALD: Eve McDonald, Colorado Attorney  
11 General's Office.

12 MR. STEERMAN: Don Steerman, Attorney for  
13 District 67, Amity, Buffalo.

14 MR. MCELROY: Brady McElroy, with the U.S.D.A.  
15 Natural Resources Conservation Service.

16 MR. HOWLAND: Terry Howland, Amity Mutual  
17 Irrigation Company, Buffalo Canal.

18 MR. NEUHOLD: Dan Neuhold with the Colorado  
19 Division of Water Resources.

20 VICE-CHAIRMAN: And, Susan, you made it here  
21 in time to be the last -- well, no, there's more.

22 MS. METZGER: Hi. I'm Susan Metzger from  
23 Kansas Water Office.

24 VICE-CHAIRMAN: And Thom?

25 MR. MAKENS: Thom Makens from the Division of  
26 Water Resources with Kansas out of Garden City.

1 MS. VAUGHAN: I'm Sandra Vaughan, from the  
2 Garden City Field Office.

3 VICE-CHAIRMAN: Welcome. We have done self-  
4 introductions. Jeris?

5 MR. DANIELSON: Jeris Danielson, Purgatoire  
6 District.

7 VICE-CHAIRMAN: Good to have you here. Ready  
8 for revisions of the agenda. Are there some additions to  
9 the agenda?

10 MS. GIMBEL: I think we had a couple of  
11 additions under 5, the Kansas v. Colorado status update.  
12 I would like to have Eve McDonald give an update on the  
13 Tri-State litigation. I thought the appropriate place to  
14 do that would be between 5 and 6.

15 VICE-CHAIRMAN: Okay. The only other addition  
16 from last night was 14.B.3. And I think that's some  
17 recommendations on ten-year accounting. Any other  
18 additions or revisions? If not, do I hear a motion to  
19 accept the agenda?

20 MR. HEIMERICH: So moved.

21 MR. BARFIELD: Second.

22 VICE-CHAIRMAN: Move to accept the agenda.

23 All in favor say aye.

24 (All said aye).

25 VICE-CHAIRMAN: All opposed, say same. We'll  
26 work off this agenda.

1           For reports of the Chairman; obviously Robin isn't  
2 here. The only thing he asked me to convey was that he  
3 appreciates the work done on the Annual Reports. He said  
4 there's been some progress made and that's been a goal of  
5 his to get the Annual Reports going again. So he did  
6 appreciate everybody's hard work on that and hopes it  
7 keeps moving forward.

8           Vice-Chair report. I don't -- Vice-Chairman doesn't  
9 do a lot; only signs the checks that Stephanie sends to  
10 me. There's not a lot to report there. But there is a  
11 resolution that we have -- I think Kansas has for Lee  
12 Rolfs who has retired from the Division of Water  
13 Resources. Do you have that, David?

14           MR. BARFIELD: Give me a moment.

15           MR. MILLER: If we can track exhibits and  
16 resolutions as they are introduced. So like the agenda  
17 and the attendance list.

18           VICE-CHAIRMAN: That's a good point.

19           MR. MILLER: So it's a part of the record.

20           MR. BARFIELD: I'm not finding my version.  
21 Okay. Yes. I have a resolution I would like to offer  
22 here. Let me go ahead and read it for the purpose of  
23 those that haven't been a part of crafting this. Kansas  
24 initiated it, and we offered it to Colorado. They  
25 offered some helpful suggestions. Let me just read it:

1           "Whereas, Leland E. Rolfs, Esq., has provided  
2 valuable guidance and advice to the Arkansas River  
3 Compact Administration (ARCA) as a trusted and respected  
4 counselor at law for three decades; and

5           "Whereas, Lee has diligently represented the rights  
6 of the State of Kansas and its water users in a fair and  
7 honest manner; and

8           "Whereas, Lee has contributed much to Western water  
9 law as a lawyer involved in innumerable water issues, as  
10 well as the landmark case of Kansas v. Colorado in the  
11 United States Supreme Court; and

12           "Whereas, Lee's vast knowledge of water law,  
13 positive attitude, friendly personality, and congenial  
14 temperament have been an asset to ARCA; and

15           "Whereas, ARCA similarly finds that Lee was a  
16 skillful, thorough, fair, and strong advocate for the  
17 State of Kansas, but always with civility, and honored  
18 the legal profession throughout his long representation  
19 of the State of Kansas at ARCA meetings.

20           "Now, therefore be it resolved that the Arkansas  
21 River Compact Administration hereby expresses its  
22 gratitude and appreciation to Leland E. Rolfs, Esq. for  
23 his devoted service to ARCA and to the joint interests of  
24 the States of Colorado and Kansas, represented by ARCA;  
25 and

1           "Be it further resolved that ARCA hereby extends its  
2 best wishes to Lee in all of his future endeavors and its  
3 fond wishes to him and his family for a long and happy  
4 retirement; and

5           "Be it further resolved that the Administration  
6 honor Lee by including this Resolution and his picture in  
7 the Administration's Annual Report for Compact Year 2008,  
8 and that the Recording Secretary send a copy of this  
9 Resolution to Lee and his family."

10           Adopted by this Administration on today's date.

11           Anyway, I would offer this resolution for approval  
12 by the Administration.

13           MS. GIMBEL: Second.

14           MR. HEIMERICH: Colorado second.

15           VICE-CHAIRMAN: Moved and seconded, we adopt  
16 this resolution. All in favor say aye

17           (All said aye).

18           VICE-CHAIRMAN: Opposed? Same, sign.  
19 Resolution adopted. The resolution probably doesn't need  
20 an attachment, as it becomes a part of the minutes, I  
21 assume.

22           MR. BARFIELD: I suppose that would be  
23 Resolution 2008-1.

24           MR. DRAPER: Can I just add one thing?

25           VICE-CHAIRMAN: Yes.

1                   MR. DRAPER: My name is John Draper. I also  
2 worked with Lee over a long period, and I just wanted to  
3 mention that in the discussions between the States in  
4 developing the motion, one of the suggestions from  
5 Colorado was that Lee exemplified the very kind language  
6 that the Special Master of the United States Supreme  
7 Court directed towards the counsel in the case last year.  
8 And, as you may recall, I think that was read into the  
9 record last year, but Lee, probably, among those that are  
10 involved, was probably one of the preeminent deserving of  
11 that accolade from the Special Master.

12                   VICE-CHAIRMAN: Very good. I think the  
13 resolution says it well, the resolution of Lee. It  
14 describes him to a "T" there. So we appreciate the work  
15 he had done for us in the past. I think we are ready for  
16 item 5, status of litigation. And, John, is that you?

17                   MR. DRAPER: Sure. I didn't realize I was so  
18 early on the agenda, but I would be glad to do that.

19                   VICE-CHAIRMAN: We are moving right along.

20                   MR. DRAPER: Very good. Dennis Montgomery is  
21 also up here, he and I have been involved intimately in  
22 the litigation. We just wanted to give you a quick  
23 update on where that stands. The Special Master, Arthur  
24 Littleworth, completed his Fifth and Final report last  
25 January. It was in draft form when we had the ARCA  
26 meeting last year, and it was mentioned at that time, but

1 since then the actual printed report has come out. Here  
2 I brought a copy, at great personal effort, to the  
3 meeting today. There's three heavy volumes here that  
4 contain the report of the Special Master in the first  
5 volume and then the proposed decree is contained in  
6 volumes two and three that has a lot of work that people  
7 like Dennis Montgomery and others have contributed to. I  
8 think many people in this room and elsewhere working for  
9 the States have made it possible to achieve many things  
10 in this decree by agreement once the guidance was received and  
11 critical issues from the Special Master and the Court.

12 And the last volume is one of the Appendices. This  
13 is the H-I Model documentation, and I wanted to bring  
14 these today so that anybody who is interested in actually  
15 seeing these could do so. I might mention that the model  
16 itself is on a DVD in the back of the third volume for  
17 anybody who is interested in electronic detail. The  
18 States this year have dealt with the report in this way.  
19 Kansas filed an exception to the taxation of costs in the  
20 case. And these are what these briefs look like.  
21 Colorado responded. Here's a copy of Colorado's brief  
22 that I brought for people to look at if they were  
23 interested in it.

24 The Supreme Court held oral argument on that case  
25 last Monday, just a week ago yesterday, in which the  
26 Attorneys General of the two States argued the case --

1 Attorney General Suthers for Colorado; and Attorney  
2 General Six for the State of Kansas -- and I was there  
3 and so was Dennis. And I would say it was quite lively  
4 questioning from all of the Justices. And so that's a  
5 step in bringing this case to final resolution.

6 At this point there are two issues that we're still  
7 dealing with that grow out of the case: One is the  
8 evaluation of the sufficiency of the Use Rules and their  
9 administration. There's a provision in the decree for  
10 jurisdiction to be retained with respect to that. And  
11 the States have been conferring through their experts on  
12 those issues. And I would say we have been making very  
13 good progress. And we have a deadline of December 31st to  
14 notify the Special Master if we haven't completed our  
15 negotiations or to otherwise resolve it by that time in  
16 the retained jurisdiction.

17 And then the other pending issue that grows out of  
18 the case is that we, that is Kansas, has notified  
19 Colorado that we do have problems with the LAWMA decree.  
20 And that we are planning to challenge that as authorized  
21 by the U.S. Supreme Court. There, again, though, we have  
22 had some discussions. And while we haven't made a whole  
23 lot of progress at this point, we hope that we can make  
24 at least some progress in minimizing the issues that  
25 separate the States on that decree.

1 I think that covers all of the current stuff, Mr.  
2 Chairman.

3 VICE-CHAIRMAN: Okay. Thank you. Dennis, do  
4 you have anything to add?

5 MR. MONTGOMERY: The only thing I would add is  
6 that the Special Master in his Fifth and Final Report  
7 recommended that the U.S. Supreme Court enter the  
8 proposed decree and neither State took objection to that  
9 recommendation. So the only issue for the Court to  
10 resolve at this point is the question of costs. And I  
11 would expect that, based on the time table it took the  
12 Court to resolve other issues, we will see a decision in  
13 probably a month to six weeks.

14 VICE-CHAIRMAN: Okay. Very good. Any  
15 questions? If not, we'll move on to item B, Colorado  
16 compliance. That's the next on my agenda. And who is  
17 going to do that, the Colorado compliance efforts? Is  
18 that you, Steve? You sat in the front row for a reason.

19 MR. WITTE: Not this reason. Good morning.  
20 My name is Steve Witte. I guess I would report that over  
21 the course of the last year, Colorado has continued to  
22 implement the amended ground water measurement rules and  
23 ground water use rules that were put into effect in the  
24 early to mid-90's to good effect, we believe.

25 The proof is in the pudding, if you will, in that  
26 during the period 1998 through 2007, the States of

1 Colorado and Kansas have agreed to a ten-year accounting  
2 of depletions of accretions to Useable Stateline Flow.  
3 And over that ten-year period Colorado has -- or there  
4 are accretions of 18,218 acre feet largely due to the  
5 implementation of our ground water use rules to ensure  
6 replacement of depletions to useable Stateline flow.  
7 There was some discussion regarding this table. It's a  
8 table that's been agreed upon or will be required through  
9 Exhibit E, I believe, in the final decree. And there was  
10 discussion last evening that perhaps this table ought to  
11 be incorporated in future reports of ARCA. And I would  
12 suggest to you that that would perhaps be an appropriate  
13 thing for you to adopt.

14 There has been discussions regarding the sufficiency  
15 of the presumptive depletion factors that are utilized in  
16 the ground water use rules. And those discussions are  
17 continuing. Finally then, I would point out that the  
18 State of Colorado has been involved in a process that is  
19 intended to lead to the promulgation of rules. We call  
20 this additional set of rules that we refer to as the  
21 short title as being the Irrigation Consumption Rules  
22 that would regulate use of improved irrigation  
23 distribution methods that would have the potential of  
24 causing additional depletions to useable Stateline flow.

25 Where we're at in that process right now is that an  
26 advisory committee has been created by State Engineer

1 Dick Wolfe and comments have been received and continue  
2 to be received that have led to a number of modifications  
3 to the draft of the rules that was presented at last  
4 year's meeting. And there was a briefing to the  
5 Engineering Committee yesterday on those rules. So -- I  
6 believe that would conclude my report at this point.

7 VICE-CHAIRMAN: Okay. Anybody have questions  
8 for Steve?

9 MR. BARFIELD: I don't have any questions, but  
10 I guess maybe this might be the appropriate time to  
11 comment, particularly on the last item that you  
12 mentioned. And that's the rules you're considering  
13 working toward adopting related to improved efficiency.  
14 This is a real concern. I remember attending a meeting a  
15 couple of years ago at Rocky Ford where Hal Simpson and  
16 David Pope sort of exchanged views on this issue. You  
17 know, this is a concern for Kansas, and I think others in  
18 Colorado. We would like to not get in the way of these  
19 efficiency improvements. We think that in these cases  
20 they are a very valuable thing for improving water use  
21 and water quality concerns but needs to be done in an  
22 appropriate way.

23 Then I guess we would commend Colorado for their  
24 proactive work here. Obviously, we just got the  
25 materials. We appreciated Dick's presentation yesterday  
26 and our opportunity to discuss it last night, and we'll

1 give these some serious review and seek to provide you  
2 some substantive feedback as soon as we can. Thank you.

3 VICE-CHAIRMAN: Thanks, Steve. Our next item  
4 I think under 5.C. is Tri-State. And, Eve McDonald, I  
5 believe, you're on now.

6 MS. MCDONALD: Thank you, Mr. Vice-Chairman,  
7 for the opportunity to update ARCA on this case. Last  
8 year right after Tri-State had filed this large change  
9 application, they made a presentation to ARCA. And this  
10 year I just want to give a brief update and let you know  
11 that we have had quite a pleasant experience working  
12 together, the two States, this year on resolving the  
13 Compact issues that were raised by that case. And I got  
14 to work with Bill Tyner, who is the lead engineer on the  
15 Colorado State Engineer's team, and we worked with Kansas  
16 to find out what issues Kansas saw raised by the decree  
17 that was proposed by Tri-State to identify all of them.  
18 And, as John Draper said a moment ago, tried to minimize  
19 the areas where the two States differ. And I think we  
20 did a great job of that. We had help from Mr. Draper and  
21 from Mr. Book and from Brandy Cole and kept the  
22 communication lines open, and I think it might be a nice  
23 way we can proceed when other significant change  
24 applications are filed in the Arkansas basin. Thank you.

1                   VICE-CHAIRMAN: Any questions for Eve? We  
2 appreciate the report and glad to hear that you can work  
3 together.

4                   MR. BARFIELD: Let me again note no  
5 questions, but I also would concur. I appreciate the  
6 efforts by all here to seriously consider the comments  
7 and concerns of the State of Kansas on this; and, again,  
8 we look forward to continuing to work with you to sort of  
9 complete that process. So -- John, would you have  
10 anything to add to that?

11                  MR. DRAPER: Nothing significant. Just that I  
12 would second in the note of appreciation. I think it  
13 bodes well for cooperation between the States, especially  
14 in matters that have the high potential to effect Compact  
15 issues for Colorado to proceed the way it has on this  
16 issue. We appreciate it. We have tried to provide  
17 useful substantive comments. You can't expect complete  
18 agreement but we have agreement on very many of the  
19 issues. And I think that bodes well for interstate  
20 cooperation on this river. Thank you.

21                  VICE-CHAIRMAN: Any other comments? Okay.  
22 Hearing none, I guess we're ready to move on to the  
23 reports from the federal agencies. I have USGS as the  
24 first, Pat Edelmann?

25                  MR. EDELMANN: Good morning. I'm Pat  
26 Edelmann. In 2008, ten stream locations were upgraded

1 under the USGS/ARCA cooperative program -- eight in  
2 Colorado and two in Kansas -- on June 9th and 10th as a  
3 follow-up action item from the December 2007 ARCA  
4 meeting, Bill Tyner with Colorado Division of Water  
5 Resources, Kevin Salter and Brandy Cole, Kansas Division  
6 of Water Resources, Craig Dare, Bill Bemis, Bill Payne  
7 and myself with USGS, visited all ten gages. Subsequent  
8 to the site visit, Bill Tyner drafted a document  
9 providing a review of the stream gages and made the  
10 recommendations for continued operation or improvement of  
11 those gages. The document was subsequently reviewed by  
12 all the attendees that were up from the site visits.  
13 Revisions were made and the report was subsequently  
14 submitted to the Engineering Committee.

15 No significant problems were encountered in the  
16 network with the exception of recurring beaver dam  
17 problems at Big Sandy near Lamar gage. The Colorado  
18 Department of Transportation is now involved in removal  
19 of beaver dams at Highway 196 just below the gage, has  
20 recently involved a trapper to remove beavers from that  
21 area. Colorado and Kansas staff recommended that all  
22 gages, including Big Sandy gage, continue to be operated.

23 In 2009, the USGS proposes to continue operation of  
24 the ten gage locations and monitor the situation of Big  
25 Sandy gage. If we cannot resolve the beaver problem, we

1 will make a subsequent recommendation that we either drop  
2 or move that gage to a seasonal operation.

3 A summary of the flows for water year 2007. So  
4 October 2007 through September 2008 is as follows. That  
5 Arkansas River in Las Animas, there was 204,500 acre  
6 feet; at Purgatoire River near Las Animas, there's 29,460  
7 acre feet; at Arkansas River below John Martin Reservoir  
8 there's 222,600 acre feet, which was 5 percent less than  
9 2007 but about 9 percent greater than the long-term  
10 average; at Arkansas River at Lamar there is 51,100 acre  
11 feet; Big Sandy Creek near Lamar, it is estimated there's  
12 9,650 acre feet; Arkansas River near Granada was 69,710  
13 acre feet; Wildhorse Creek near Holly there's 3,540 acre  
14 feet, which was comprised during October-November and  
15 April-September. That gage is not operated for a full  
16 year. Arkansas River near Coolidge, there's 97,260 acre  
17 feet, which was 24 percent less than 2007, about 17  
18 percent or 18 percent less than average; Frontier Ditch  
19 near Coolidge had 8,660 acre feet, which is 18 percent  
20 more than what was diverted in 2007.

21 And that concludes my report. If there are any  
22 questions, I would be happy to try to address those.

23 VICE-CHAIRMAN: Questions or comments?

24 MS. COLE: What did you say the Stateline was?

1                   MR. EDELMANN:  Arkansas River near Coolidge  
2                   was 97,260 and Frontier Ditch was 8,660.  And I have that  
3                   information here to pass out.

4                   VICE-CHAIRMAN:  Do you have the report to  
5                   attach?

6                   MR. EDELMANN:  I do.

7                   VICE-CHAIRMAN:  That was a good report.  I  
8                   read through it, and I thought that was real helpful to  
9                   identify the gages.  I thought that was a good report.  
10                  Yeah, Steve?

11                  MR. MILLER:  I have a question.  Without  
12                  putting you on the spot, would you mind saying a few  
13                  words about some of the cooperative studies that you are  
14                  doing with us with regards to water quality in the State.

15                  MR. Edelman:  There's several activities that  
16                  USGS is doing elsewhere in the basin.  Some of those  
17                  activities with the Colorado Water Conservation Board  
18                  include a continuing of effort to begin a comprehensive  
19                  water quality evaluation throughout the basin.  And so  
20                  the Colorado Water Conservation Board provided us some  
21                  funds to do a couple of things.  One was to help compile  
22                  all of the water quality data in electronic format and  
23                  the other entities that were willing to provide to us.  
24                  We have that data compiled.  We have got it in a variety  
25                  of different sets that are merging into a central  
26                  database, and we hope that in -- by January 15, we'll

1       have a pilot version of a website that people can go to  
2       and download water quality data that's throughout the  
3       basin from like a whole host of entities. I can't say  
4       it's everybody, but it's everybody that would provide  
5       their data in electronic format. Subsequent to that, we  
6       are also working on a variety of scopes of work to deal  
7       with various water quality issues, various parts of the  
8       basin. We'll have that out and be running that by a  
9       group that we refer to as the Regional Resource Planning  
10      Group, which are some of the major entities in the basin  
11      that fund water quality work. They -- I hope I don't  
12      miss anybody - they include the Upper Arkansas Water  
13      Conservancy District, City of Aurora, Colorado Springs  
14      Utilities, Pueblo Board of Water Works, Southeast  
15      Colorado Water Conservancy District, Lower Arkansas  
16      Valley Water Conservancy District. We'll expect -- we'll  
17      also give partnerships from Pueblo West, City of Pueblo,  
18      City of Fountain, and a variety of other entities with  
19      that.

20             Couple of other things that will be happening  
21      specifically at Fountain Creek, so further up in the  
22      watershed. This year we will be finishing a report on  
23      the microbial source tracking for the Upper Fountain  
24      Creek and looking at where the sources of E. coli are  
25      that have impaired that stream segment. And we're also  
26      looking at finishing up a pilot test of a

1 multidimensional sediment transport model that can look  
2 at sediment transport, and they have material, the  
3 erosion capabilities and so forth along Fountain Creek.

4 So, Steve, is there anything else that I have left  
5 off that you --

6 MR. MILLER: Nothing comes to my mind. I'm  
7 sure you are doing a lot more than you just said. I  
8 appreciate it.

9 VICE-CHAIRMAN: Any other questions for Pat?

10 MR. BARFIELD: I just appreciate this report.  
11 I guess, obviously water quality is of significant  
12 concerns on both sides of the Stateline. I know there's  
13 other dialogues occurring between the water quality  
14 agencies, and we just need to keep working together on  
15 these issues.

16 MR. EDELMANN: David, I've missed when you  
17 mentioned that we are also in the process of preparing a  
18 basinwide report based on this available data that will  
19 look at loading of the salinity, if there's adequate  
20 enough data and characterization of uranium occurrence  
21 and distribution throughout the basin as well.

22 VICE-CHAIRMAN: Thank you. I believe we are  
23 ready for the Army, Major.

24 MAJOR BALYOZ: Good morning, Mr. Vice-Chairman  
25 and members of the Arkansas River Compact. I am Major  
26 Andre Balyoz, Deputy Commander for the Albuquerque

1 District, U.S. Army Corps of Engineers. Lieutenant  
2 Colonel Kim Colloton is the newly appointed Albuquerque  
3 District Commander. Both Colonel Colloton and I began  
4 working in the Albuquerque District this past July. She  
5 was planning on giving this presentation and was truly  
6 disappointed when her schedule changed and she wasn't  
7 able to do so. But she does send her regards. She has  
8 reviewed the information that I'm presenting to you  
9 today.

10 I thank you for the opportunity to present key  
11 topics from our report of the last year and items of  
12 current interest. As you have already heard, joining me  
13 from the Albuquerque district office are April Sanders,  
14 our Reservoir Control Branch Chief; Karl Arton, down  
15 there on the end, the Lake Operations Branch Chief;  
16 Dennis Garcia from the Reservoir Control Branch; and we  
17 also got Van Truan, the Pueblo Regulatory Office Chief;  
18 and Sandy Rayl, our Colorado Programs Manager. And  
19 joining us from the South Pacific Division Headquarters  
20 Office, we got Mr. Paul Robershotte, the newly appointed  
21 special advisor for integrated water source planning; and  
22 Mr. Patrick Oyabe, the executive assistant to the  
23 commanding general, Brigadier General John McMann.

24 The upper Arkansas River basin, in terms of  
25 snowpack, reached a well above normal high of 147 percent  
26 of average this year. The southern sub-basins were also

1 well above normal at 173 percent of average. There were  
2 no Corps flood control operations up at Trinidad, John  
3 Martin, or Pueblo reservoirs this year.

4 Work on studies and projects with basin sponsors  
5 under the Corps mission of flood damage reduction,  
6 ecosystem restoration, and Clean Water Acts compliance  
7 continued in 2008. And I will highlight a few of these  
8 projects. First, within our General Investigations  
9 program the Fountain Creek Water Study is ongoing and  
10 will be complete in 2009. A draft report of the study  
11 was released in November of this year. The study  
12 analyzes the entire watershed to identify a suite of  
13 projects to address flood damage reduction, ecosystem  
14 restoration, and channel stability. This study will not  
15 directly lead to construction of specific projects but  
16 will culminate with a watershed feasibility document  
17 defining implementation strategies and project delivery  
18 mechanisms for the suite of available projects. Baseline  
19 environmental, hydrology, and hydraulics conditions are  
20 complete and the Corps and project sponsors are currently  
21 prioritizing 46 potential projects and delineating 13 for  
22 more detailed studies.

23 The Arkansas River Fisheries Habitat Restoration. A  
24 section 206 aquatic restoration project is nearing  
25 completion in the ten mile mainstream reach downstream of  
26 Pueblo Dam. This project sponsored by the City of Pueblo

1 and initiated in 2002 will improve fish and riparian  
2 habitat. Stream habitat channels structures, and some  
3 riparian and bank plantings were completed in 2006 and  
4 exotic vegetation removal, mainly of tamarisk and Russian  
5 Olive, and replanting are scheduled to the end of 2008.

6 The Albuquerque District issued six individual  
7 Section 404 CWA permits in the basin in 2008 with an  
8 additional 274 activities reviewed and covered by  
9 nationwide permits.

10 I would also like to address a couple of current  
11 items of interest. At John Martin, an accumulation of  
12 sediment on the dam's upstream face, is hindering  
13 scheduled maintenance and the inspection of emergency  
14 gates. In order to alleviate this problem, the Corps has  
15 issued a \$3.1 million project to hydraulically remove  
16 approximately 90,000 cubic yards of sediment material of  
17 which over 20,000 cubic yards have already been removed.  
18 The dredging material is being deposited in the retention  
19 pond that's about a mile and-a-half from the dredging  
20 site where it will be used in the future construction of  
21 endangered species habitat islands. The operation is  
22 ongoing and is on schedule to be completed by February of  
23 2009. Hydraulic dredging is the best method for removing  
24 these sediments. We are confident that the operation  
25 will have the least impact on turbidity and not result in  
26 action level increased concentrations of organics or

1 metals. The Corps is following best management practices  
2 during construction in accordance with our construction  
3 stormwater permit.

4 At Trinidad, the Corps, along with the United States  
5 Bureau of Reclamation and other State and local agencies  
6 pursued efforts to combine resources in FY08 to conduct a  
7 study to definitively determine the existing hydraulic  
8 capacity of the Purgatoire River below Trinidad Lake. To  
9 date, mapping data has been collected and the hydrologic  
10 modeling effort is underway. Model results will also be  
11 available in February 2009.

12 And, finally, as you are all aware, we have some  
13 important activities going on around the country and the  
14 world. I want to conclude with a few words about two  
15 priority missions for the Corps of Engineers. Support  
16 for the global war on terror and Gulf Coast recovery.  
17 While, I get frequently reminded that Corps employees are  
18 not soldiers, I am proud to say that 16 civilian  
19 district members voluntarily deployed to Iraq,  
20 Afghanistan or the Gulf Coast region this year. And we  
21 currently have nine employees in harms' way, including  
22 our newly selected OPM for John Martin, Ms. Karen  
23 Downing.

24 Also this year over 6 percent of our district served  
25 on the Corps National Ice Planning and Response Team  
26 which was responsible for the purchasing, transporting,

1 and delivering emergency supplies of ice as part of FEMA  
2 National Disaster Response Operations in response to  
3 hurricanes Gustoff, Ike and Hannah this fall.

4 Also this year the district brought on four  
5 noncommissioned officers who recently returned from  
6 deployments overseas and that are in the Wounded Warriors  
7 Program.

8 This concludes my report to the Compact. At this  
9 time I would be happy to answer any questions you might  
10 have.

11 VICE-CHAIRMAN: Thanks for the report. We do  
12 appreciate all of your service in whatever capacity that  
13 might be. Are there any questions or comments?  
14 Jennifer?

15 MS. GIMBEL: To the Bureau of Reclamation,  
16 this is heads up. Tell me about what the Corps is doing  
17 to help the State with the aquatic species that we're  
18 dealing with, mussels.

19 MS. RAYL: Sandy Rayl, U.S. Army Corps of  
20 Engineers. We are working with the Division of Wildlife  
21 and the State Parks office trying to identify where there  
22 might be potential for veliger which is the larva form of  
23 the mussel. Also trying to track to see where there have  
24 been reported cases. Clearly, It's a concern in the  
25 reservoirs, and so I think they are looking at measures  
26 that might include cleaning boats and dumping bialage

1 water and whatnot to try to make sure that materials are  
2 not introduced into the lakes and monitoring.

3 But, essentially, at this point that's what the plan  
4 is - monitoring. But we're very much aware of this. I  
5 have been disseminating any information that I receive  
6 from the 100th Meridian Program to try to -- I know that  
7 it is a concern to try to minimize or make certain that  
8 these mussel do not occupy the lakes in Colorado to a  
9 large extent. So anyway --

10 MS. GIMBEL: And the 100th Meridian Program,  
11 is that a federal program? Is it a combination of an --

12 MS. RAYL: It's a combination program. It's a  
13 nationwide program. Essentially, I think it was  
14 initially started as a federal program, but it's keeping  
15 track and making recommendations for how some of these --  
16 various treatment methods. So they are looking at  
17 potential for fish, other types of treatment measure.  
18 But right now I think the focus is just on trying to  
19 clean boats, dump ballage water in defined locations  
20 where that water can be safely removed.

21 MS. GIMBEL: Just to add also, isn't there a  
22 conference in January of this Hundredth Meridian out of  
23 Denver? Are you aware of that?

24 MS. RAYL: I do not --

25 MS. GIMBEL: I thought I saw an email like  
26 that.

1 MS. RAYL: We can follow up on that.

2 MS. GIMBEL: Thank you.

3 VICE-CHAIRMAN: Matt?

4 MR. HEIMERICH: Major, I was just curious. I  
5 think the two gentlemen from San Francisco might win the  
6 award for traveling furthest to get to an ARCA meeting  
7 here in Lamar, and I was wondering if in fact they are  
8 here for a specific reason or -- and I know we are under  
9 a time restriction, but I wondered if since coming so far  
10 from the West Coast if they have anything to share with  
11 ARCA, and it would be with the Chair's indulgence, I  
12 would invite them to say something if, in fact, they care  
13 to. Gentlemen?

14 MR. ROBERSHOTTE: Good morning. My name is  
15 Paul Robershotte. I'll try not to take long here. The  
16 reason we are here is to observe the activity, one, its  
17 watershed based which we support and endorse; and also to  
18 introduce me to a number of folks. I'm newly joining the  
19 Corps in the Division to better appreciate all that's  
20 going on within the Division. And to better understand  
21 where we can support and assist early in the process. So  
22 it's really an observation.

23 MR. HEIMERICH: Thank you. Thank you, Mr.  
24 Chair.

25 VICE-CHAIRMAN: Thank you. Any other  
26 questions or comments? Hearing none, that attachment

1       there, the handout will be an attachment in front of you  
2       there. Okay. Ready for the Bureau? And I didn't know  
3       which one of you guys wanted to start it first, but you  
4       get the honor.

5                   MR. GOODENOW: Good morning. I'm Greg  
6       Goodenow. I'm the Chief of the Resources Division with  
7       Eastern Colorado Area Office, Bureau of Reclamation. I'm  
8       new to the position so this is new for me as well as my  
9       being new to Reclamation. So I appreciate being here,  
10      and I appreciate all the information. Reclamation staff  
11      is also here today with me to update you on our  
12      involvement in the update of the Operating Principles of  
13      the Trinidad Project, Fryingpan -- I'm sorry -- our  
14      operations on Fryingpan Arkansas Project including Pueblo  
15      Dam. With me is Roy Vaughan, our facility manager with  
16      Pueblo. And I will conclude with a brief update on the  
17      Southern Delivery System.

18                   VICE-CHAIRMAN: Thank you, Greg.

19                   MR. GILMORE: My name is Andrew Gilmore. And  
20      I'm with Reclamation in Loveland's Eastern Colorado Area  
21      Office. My point of discussion is review of the -- we  
22      tender review of the Operating Principles of Trinidad  
23      project and our involvement in this stems from the  
24      repayment contract that we entered into with Purgatoire  
25      for a portion of their construction costs for repayment  
26      obligations. And to one - I want to introduce is the

1 point of the contract with that is we review every ten  
2 years the updating of the principles of the Trinidad  
3 Project. These reviews -- the principal purposes of  
4 these is to obtain optimal beneficial use of water, as  
5 conditions change, experience is gained, more technical  
6 data becomes available. And this review process is  
7 important to Reclamation. That's why we are here.

8 The most recent ten-year review was initiated in  
9 March of 2005 and is progressing. The draft of this  
10 report will be available for review by March 15, 2009. I  
11 would like to bring up just two items from the contents  
12 of that review. The other people have addressed us at  
13 this meeting have already summarized those contents. But  
14 two items that I would like to underline. Reclamation  
15 made an updated model which mimics the models that  
16 previously run off on the Trinidad Project to 2007. We  
17 continue to engage all the interested parties to employ  
18 this model in their analysis. The second item is that  
19 this ten-year review document is intended to be a  
20 reference document containing relevant documentation,  
21 letters and amendments that are germane to this  
22 discussion and review of ten-year Operating Principles.

23 VICE-CHAIRMAN: Roy, do you have something?

24 MR. VAUGHAN: My name is Roy Vaughan. I'm the  
25 manager of Pueblo Reservoir. My office is responsible  
26 for the operations of the east slope reservoirs on the

1       Fryingpan-Arkansas project and the collections system.  
2       As the Corps said earlier, it was a great year in the  
3       basin for water. Boustead tunnel, we imported 89,960  
4       acre feet from west slope collection system, which is 185  
5       percent of our 25 year average. That's, of course, the  
6       fourth best year we have had since 1972.

7               I'll give you a little update on the current storage  
8       numbers: in Turquoise is 115 percent of normal; Twin,  
9       107; Pueblo Reservoir is 138 percent of normal. So our  
10      east slope reservoir status is 120 percent of normal.  
11      I'll touch on a little bit, you know.

12             MS. GIMBEL: Pueblo?

13             MR. VAUGHAN: Well, not that I'm the expert.

14             MS. GIMBEL: Mussels?

15             MR. VAUGHAN: But I'm going to take that on  
16      today. Reclamation is -- we have kind of come up with a  
17      corporate approach. We deal with the same partners.  
18      We're heavily involved because of the Pueblo Reservoir  
19      issue, but we have completed a facility review of Pueblo  
20      and we plan on doing that to all of the Reclamation  
21      reservoirs. And what it does is it evaluates the risk,  
22      some kind of remediation options, and we get a lot of  
23      experts to look at that, and we have a peer review of the  
24      private consultation. So that's kind of where we are  
25      headed as a corporate approach to Reclamation as a whole.  
26      If anybody has any questions for me?

1 VICE-CHAIRMAN: Questions?

2 MR. VAUGHAN: It's not a pleasant thing, but I think it's  
3 something we're all going to have to deal with. Thank  
4 you.

5 VICE-CHAIRMAN: Thank you, Roy.

6 MR. GOODENOW: A quick update on the proposed  
7 Southern Delivery System. The Southern Delivery System  
8 is a nonfederal project proposed by the cities of  
9 Colorado Springs, Security, Fountain, and Pueblo West.  
10 The proposed project will include water contracts with  
11 Reclamation by applying for diversions from or near the  
12 Pueblo Reservoir outlet manifold, and Colorado Springs'  
13 two new reservoirs. The proposed project is within the  
14 boundaries of the Fryingpan-Arkansas project and would use  
15 our project facilities. And that is Reclamation's involvement.

16 In February 2008 Reclamation issued a draft  
17 environmental statement. Based on the findings of that  
18 draft and public input, Reclamation conducted additional  
19 analysis of the environmental implications of the  
20 project. That information was published in a  
21 supplemental report referred to as Addendum A on October  
22 3, 2008. The most substantial changes to be reported  
23 were the modifications by the project participants to  
24 avoid or minimize various effects that have been  
25 identified in draft. The report also summarized the  
26 results of additional water quality analysis, additional

1 studies of impact to steam influence on the western slope  
2 and a dam failure analysis.

3 Upcoming milestones to report that are anticipated.  
4 We hope that a final Environmental Impact Statement will  
5 be released by mid-December, middle of this month, with a  
6 Record of Decision following by mid-January. And we,  
7 Reclamation, will be initiating negotiations on water-  
8 related 10 contracts with the project participants for  
9 use with facilities once a basis of negotiations has been  
10 approved.

11 Questions? If you have questions or comments, my  
12 name is in the sign-up sheet. Please contact me.

13 VICE-CHAIRMAN: Any questions? Jennifer?

14 MS. GIMBEL: Greg, thank you very much,  
15 Andrew. First of all, I would like to thank you for  
16 giving us the time when the Trinidad report is going to  
17 be out, the draft report, as you're both new. And so I'm  
18 sure you are aware that this group has been a bit  
19 frustrated about how long it's taken us to get what we're  
20 getting. So I really appreciate you coming here and  
21 saying we're going to get this to you. So thank you for  
22 that.

23 MR. GOODENOW: You're welcome. I wanted to  
24 make sure Andrew came. I felt it was important that you  
25 see his face as the person who has the primary

1 responsibility as the author and is the manager  
2 overseeing that.

3 MS. GIMBEL: Thank you.

4 VICE-CHAIRMAN: Any more questions?

5 MR. BARFIELD: Just a similar comment, I  
6 guess. We also, I guess, share some of the same  
7 sentiment. For us the ten-year review is an opportunity  
8 for a substantive review of the operations of the  
9 District. That's compliance with the Operating  
10 Principles. And, so, and I guess we look forward to the  
11 next steps in this process as well.

12 MR. GOODENOW: If you have specific questions  
13 or concerns, feel free to give us a call or email or  
14 write us.

15 VICE-CHAIRMAN: Thanks to all three of you. Is  
16 that a document that you want made as an attachment or is  
17 that just your --

18 MR. GOODENOW: Just my notes. Thank you.

19 VICE-CHAIRMAN: Item 7 on the agenda now, tag-  
20 team between Susan and Jean?

21 MS. METZGER: I do have a handout. I think I  
22 have enough for sharing with the audience. My name is  
23 Susan Metzger. I'm with the Kansas Water Office, and I  
24 also serve on the Board of Directors for the Tamarisk  
25 Coalition. Thank you, Mr. Vice Chairman and the  
26 Administration for having me here today. I'm just here

1 to provide a brief update on some tamarisk activities.

2 Yesterday the engineering subcommittee had an  
3 opportunity to hear a more comprehensive report from Jean  
4 Van Pelt, Southeast Colorado Water Conservancy District.  
5 I don't want to duplicate any conversations she might  
6 have had with you.

7 So my focus today is to talk a little bit about a  
8 project that Kansas implemented this past year, working  
9 on the tamarisk issue and our watershed. That map that I  
10 provided to you is double-sided. On one side, you see  
11 the first few counties in Kansas from Hamilton County all  
12 the way down the river to about Gray or Hodgeman County.  
13 And what you are going to see there is a level of  
14 infestation of tamarisk along the Arkansas River and it's  
15 highest on our shared border and diminishes as we go  
16 further into the State. Collectively between Kansas and  
17 Colorado, we have about 78,000 acres of tamarisk  
18 infestation, which we could go on and on about the pros  
19 and cons of tamarisk. But a couple of common concerns is  
20 it narrows the river channel so it increases flooding,  
21 reduces our full capacity and our access to that water,  
22 increases fire potential and reduces habitat.

23 So we certainly recognize that we can't tackle that  
24 issue on a landowner basis, on a county basis or even on  
25 a statewide basis, because the plant doesn't seem to know  
26 those boundaries very well. So Jean and myself this past

1 year have been working to pull together various  
2 stakeholders in our collective watershed to address this  
3 issue commonly. So we have a couple of things that I  
4 think Jean had presented to you to maybe make that more  
5 concrete; but, regardless, Jean and I are committed to  
6 move forward today to keep Kansas and Colorado charging  
7 forward on tackling tamarisk. So the other side of that  
8 map there, you can see a project that Kansas worked on  
9 this past year in Hamilton County, the kind of aerial  
10 image there. The area showing yellow were treated with  
11 chemical known as Habitat aerially with a helicopter; and  
12 Hamilton County with State funding, we were able to treat  
13 350 acres of tamarisk and then elsewhere in the watershed  
14 in Kansas we treated about 200 acres with State funding.  
15 As we worked with local stakeholders in applying for  
16 State funds, some local land owners and additional  
17 entities came forward and treated an additional 90 acres,  
18 which we were pretty proud of. We think pretty good  
19 about 500, 600 acres and applying \$70,000 worth of funds,  
20 but I mentioned 78,000 acres of infestation in the State.  
21 So -- certainly not with only local budgets or State  
22 budgets are we going to be able to tackle this issue. So  
23 the real benefit of cooperative efforts between Kansas  
24 and Colorado is the opportunity to go forward for seeking  
25 federal funds, which is something we really want to work  
26 towards together so we have more funding to dedicate

1 towards this project. So, with that, if Jean wanted to  
2 offer up anything, too, that would be great.

3 MS.VAN PELT: I'm Jean Van Pelt with  
4 Southeastern Colorado Water Conservancy District. And  
5 our district has actually headed up the efforts in  
6 Colorado's Arkansas River basin to develop a strategic  
7 plan for the control. We have partnered with the Kansas  
8 Water Office and several of the local county  
9 commissioners in Kansas that are right within the  
10 Arkansas basin to develop this plan and to work  
11 cooperatively toward pursuing federal funding for this.  
12 Susan did a beautiful job speaking on our behalf. And in  
13 lieu of saving time, I think I'll just offer this  
14 resolution that has been modified here. A couple of  
15 changes, mostly just little typos and things like that.  
16 Nothing to the content.

17 VICE-CHAIRMAN: Summary of the resolution  
18 draft that you had last night?

19 MS. VAN PELT: Yes.

20 VICE-CHAIRMEN: Any questions?

21 MR. HEIMERICH: Ms. Metzger, on this sheet, on  
22 the side it shows the portion of western Kansas?

23 MS. METZGER: Um-hum.

24 MR. HEIMERICH: So as the infestation starts  
25 to peter out, is that simply because -- is it  
26 environmentally -- I mean, culturally that the plant

1 can't survive in those regions, or is it just hasn't got  
2 there yet?

3 MS. METZGER: Some of it is a mix. I hope not  
4 all of it because it hasn't gotten there. The level of  
5 flow is higher at the Stateline so the movement of the  
6 seed source is benefited from that and so it dries out  
7 past Garden City. And so this seed source isn't as  
8 effective in moving forward.

9 MR. HEIMERICH: Right.

10 MS. METZGER: Also, it is a salt-loving plant,  
11 and there are higher salinity levels in western Kansas  
12 and it diminishes as we move further east. So a couple  
13 of things that really benefit the species the first two  
14 counties on the Stateline.

15 MR. HEIMERICH: But, pardon me, so if it is  
16 nothing but a flow was to increase, I mean, plants  
17 certainly evolve and change as well. I mean, there's  
18 nothing to prevent it to keep migrating further down the  
19 stream except it might not be quite as extensive as it is  
20 in the upper reaches or at least the reach along our  
21 borders. Would that be correct, do you think?

22 MS. METZGER: That is true. Part of the  
23 reason we had focused on Hamilton County this year is  
24 because it has such a high level of infestation. And so  
25 working on reducing the level of seed source is certainly  
26 going to help those downstream counties.

1 MR. HEIMERICH: Very good. Thank you, Susan.

2 VICE-CHAIRMAN: This area that you did on this  
3 map is about two miles, is it?

4 MS. METZGER: That's right. Between Stateline  
5 and Coolidge.

6 VICE-CHAIRMAN: About a two-mile stretch  
7 there. Other questions for either one of these ladies?  
8 We appreciate your reports and the purpose of the  
9 resolution, I think, is just to help shore up some  
10 federal funding? Is that your thoughts there?

11 MS. METZGER: Exactly. Yes. We're looking  
12 for your endorsement where we can actually go out and say  
13 ARCA is behind us with pursuing federal funding.

14 VICE-CHAIRMAN: Thank you.

15 MR. BARFIELD: Right. So this agenda item or  
16 resolution will be considered under agenda item 14.A  
17 later in the meeting.

18 VICE-CHAIRMAN: That's correct. We're moving  
19 right along. We are ready for the reports from the  
20 conservancy districts. I have the Southeastern as the  
21 first on my list. Is there someone here from Southeast?

22 MR. MILLER: I was supposed to tell Jennifer  
23 first. Jim Broderick couldn't be here. He's in  
24 Washington.

25 MR. BARFIELD: Steve, why don't you come  
26 forward?

1                   MR. MILLER: I just want to give Jim's  
2 regrets. He normally had a conflict with a watershed  
3 meeting in Las Vegas, but this year that didn't happen so  
4 he was looking forward to being here. And he found  
5 himself having to go to Washington this week, some  
6 funding issues with the Arkansas Valley Conduit, so he  
7 sends his regrets. He renews his invitation to Kansas,  
8 and if there are other folks that want to know about the  
9 projects that the Southeast is conducting, to him to go  
10 to Topeka and there's things that he needs to talk about,  
11 or you're certainly welcome to come over here and look at  
12 some of the things. Maybe next year he'll actually be  
13 here in person.

14                   VICE-CHAIRMAN: Thanks, Steve. The Lower  
15 Arkansas Water Conservancy District? Do we have someone  
16 to report for them?

17                   MR. HEIMERICH: Mr. Chair, I don't see - I  
18 didn't hear nor do I see anybody from the Lower District.  
19 I do see Dr. Danielson here from the Purgatoire.

20                   VICE-CHAIRMAN: Dr. Danielson from Purgatoire,  
21 do you have something?

22                   DR. DANIELSON: Thank you, Mr. Chairman and  
23 members of the Administration. I'm Jeris Danielson. I'm  
24 the general manager for the Purgatoire River Water  
25 Conservancy District in Trinidad. I found it kind of  
26 interesting. I worked with Lee for a long time and he's

1 now -- I won't say passed on -- but retired. Things  
2 change. In the good old days that many doughnuts would  
3 not have survived until 10:30. So I don't know what's  
4 going on. Just a couple of comments. We had a sad event  
5 at the Purgatoire Board this year. Erma Evans, whom many  
6 of you may remember, passed away very suddenly. And so  
7 you can expect your meetings to be less lively now. We  
8 have four new board members. The weather report from  
9 Trinidad -- I was hoping to introduce some of them -- but  
10 they have 14 inches of snow on the level at Trinidad this  
11 morning. So they didn't make it.

12 A lot of things happening in the Purgatoire  
13 District. Change -- Coal bed methane is a major issue in  
14 Las Animas County, particularly in the watershed above  
15 Trinidad reservoir. I forget the last count but I  
16 believe there's over 8- or 900 coal bed methane wells.  
17 And the impact on the water resources in the watershed is  
18 beginning to be fairly significant.

19 There's some studies underway to determine how much  
20 stream flow is being reduced by those wells. We had  
21 initial estimates that it may be as much as 2,500 to  
22 3,000 acre feet above Trinidad Dam. Well, that's 10  
23 percent of our water supply. So we're looking at that  
24 very closely. The other issue with coal bed methane is  
25 water quality. And so that's a major topic.

1           We appreciate the effort Dennis Garcia is doing with  
2           the Corps and the Bureau in terms of the channel capacity  
3           evaluation. You know, being an ex-bureaucrat, I'm never  
4           enamored with the efficiency of government. The higher  
5           you go up, the worse it gets. But we have a real good  
6           effort between the Bureau and the Corps on this issue and  
7           Dennis is really responsible for keeping that going.  
8           It's important to the District. But it's also important  
9           to Kansas and to people in the lower basin here because  
10          when we capture water up there that can't be released, it  
11          causes us administrative problems and it deprives people  
12          of water down here that they are entitled. So we are  
13          very interested in seeing the results of that study.  
14          Now, whether we are going to have enough money to fix the  
15          problem is another issue, but at least we know what the  
16          problem is.

17          Water changes, as I said, in the watershed. We are  
18          seeing more and more water move from agricultural use and  
19          high use. Fourteen percent of the Model Land and  
20          Irrigation Company has been purchased by the Division of  
21          Parks and, you know, that's been two or three years ago,  
22          but we are seeing changes in use as the basin develops.  
23          One really fun project that the District got involved  
24          with this year is called "Fishing for Fun". It's a  
25          Division of Wildlife and a U.S. Fish and Wildlife program  
26          where they provide grant money, the District partnered

1 with the City of Trinidad. There is a lake called  
2 Central Park Lake, which it didn't look like a lake. It  
3 looked like a giant swamp full of cattails and stuff.  
4 The whole point of it originally was to provide fishing  
5 for kids and for handicapped people. We went in and  
6 cleaned that entire thing out, reshaped the banks, rip-  
7 rapped it. And if you are ever in Trinidad, I would like  
8 you to go over and take a look at it. It's a project  
9 that I think we can really be proud of.

10 Ten-year review, I wasn't able to hear the report  
11 from the Bureau, but I think I know what he said. I  
12 would encourage that process to move forward as rapidly  
13 as possible. We need to. I understand, you know, I  
14 think the Bureau thought I would get up and rant and rave  
15 and scream and yell. At least Steve Miller stated I  
16 should do that. But I understand when people move on,  
17 then things slow down. But I really would encourage the  
18 Bureau to push that as fast as they can.

19 The last item I have is acreage verification. As  
20 you know, under the Operating Principles, the District is  
21 required to annually provide acreage verification in  
22 terms of the amount of acres that are irrigated in the  
23 project area. We have done that through a private  
24 consultant for the last five years, I guess. We found  
25 that the product we were getting was really not what we  
26 wanted to provide to you and for our own purposes and so

1 we partnered with the Division of Water Resources, Steve  
2 Witte's office in Pueblo, and we're looking at a whole  
3 new procedure. I would ask Steve at this point to  
4 describe how we're going to hit them with that. Any  
5 questions for me?

6 VICE-CHAIRMAN: Questions? Thank you, Jeris.

7 MR. WITTE: Good morning again. As you know,  
8 one of the more recent changes to the Operating  
9 Principles has a provision in it, Article IV.B., to the  
10 effect that the District implement substantive procedure  
11 to verify each year that no more than 19,499, less the  
12 municipal and Parks, dry up is irrigated each year and  
13 that they will prepare the report that will include  
14 tabulation showing the tracts and acreage location of the  
15 lands irrigated. As Jeris indicated, we did enter into  
16 an agreement this year where, first of all, we took the  
17 acreage irrigation information that the District had, and  
18 we put that into a GIS format that's compatible with the  
19 standards that we have been using for acreage  
20 verification on the Arkansas. So we got that information  
21 plugged in so that we are reasonably confident of the  
22 parcel boundaries and size and shape and that type of  
23 thing. Then we conducted a parcel-by-parcel  
24 classification. Well, what we propose to do is under  
25 this agreement would be to have a parcel-by-parcel  
26 classification utilizing interpretation of satellite

1       imagery on a five-year basis beginning with irrigation  
2       year 2008.  And that the District will conduct a random  
3       sample survey in 2008; and in the subsequent intervening  
4       years to make estimations of the irrigated acreage.

5               The preliminary results we just got in, of course,  
6       we have until the -- District has until February to  
7       submit their report for 2008, but I just wanted to report  
8       that if you take the 19,499 acres that's defined in the  
9       Operating Principles as being the direct irrigable area  
10      and subtract off the 1,974 acres that have been dried up,  
11      then that leaves 17,525 acres as being the threshold that  
12      the District should not exceed.  And our preliminary  
13      results indicate that there were 12,000 acres irrigated.  
14      So well below that 17,000 figure that we're -- that the  
15      District needs to demonstrate that it has stayed within.  
16      So the plan of action moving forward will be to work with  
17      a District to refine these numbers and to present the  
18      type of tabular parcel-by-parcel identification and a  
19      determination of whether or not using the satellite image  
20      analysis whether those acreages were irrigated in 2008.  
21      And those will be submitted before the February deadline.  
22      That hasn't changed very much from the years past, except  
23      I think you'll -- those who have requested that  
24      information will receive it in a GIS format that will  
25      make your analysis or evaluation simpler.  Then, each

1 year in the future, the District will survey about 20  
2 percent of the irrigable acres that are randomly  
3 selected within the project to verify if it is irrigated.  
4 Then the District will submit a report that will include  
5 a projection of the actual irrigated acreage each year.  
6 And then each fifth year we will do as we've done in  
7 2008, and we'll do a complete District-wide analysis  
8 using satellite imagery to provide a comprehensive report  
9 for those fifth year reports. So that's the plan of  
10 action moving forward. And I think you'll find it more  
11 satisfactory than what's considered in recent years.  
12 Questions?

13 MR. HEIMERICH: I don't have any questions. I  
14 do appreciate the efforts of the District working with  
15 the Division to make improvements to the AVS. And I  
16 guess I don't have any specific comments at this point,  
17 but we'll obviously have a chance to review that work and  
18 comment on it at the appropriate time, but -- Kevin, did  
19 you have something?

20 MR. SALTER: Am I to understand you correctly  
21 that for years two, three, four, five after this year,  
22 there will be just a projection of the irrigated acres  
23 for the District?

24 MR. WITTE: There will be a projection of  
25 irrigated acres based on random sampling from the

1 verification surveys that are conducted -- A 20 percent  
2 of the parcels.

3 MR. SALTER: As I remember that requirement of  
4 the Trinidad Operating Principles, it was to be tract-by-  
5 tract reporting of the irrigated acres in Purgatoire  
6 District. So maybe we all need to take a look and see if  
7 those projections are consistent with that provision.

8 MR. WITTE: I think it's important not to lose  
9 sight of the fact that the District is irrigating  
10 substantially less acres than is allowed under the  
11 provisions of the Operating Principles. And so the  
12 information that's available through the random sampling  
13 surveys during those inner years seems as though it would  
14 be adequately accurate for ensuring that the total  
15 acreage irrigated is less than the amount allowed.  
16 However, you know, if there is a need to have a parcel-  
17 by-parcel verification, there would be a means of doing  
18 that. There may be other means of doing that to provide  
19 that information. It just wouldn't be perhaps as  
20 reliable as those 20 percent that the District would  
21 commit to doing on the ground inspection of annually.

22 VICE-CHAIRMAN: Any other questions? I don't  
23 have any. The only comment I have is on Jeris' noting  
24 that Erma Evans had passed on. And as a personal note,  
25 she hardly ever missed a Compact meeting, I don't  
26 believe. So -- she'll be sorely missed. I'm thinking to

1 make a liar out of Jeris and we're going to eat the  
2 doughnuts up by 10:30 here. We're going to take a break  
3 for about 15 minutes, and we'll convene about ten after  
4 ten.

5 (There was a recess taken.)

6 VICE-CHAIRMAN: All right. I think we are  
7 ready to get started again here. Might I remind you, if  
8 you came in late, there was an attendance sheet that was  
9 circulated, if you didn't get your name on that, please  
10 find one of those and get signed on that, please. We're  
11 ready for number 9, report of Engineering Committee.  
12 Matt, is that you?

13 MR. HEIMERICH: That's right, Randy. Thank  
14 you. The Engineering Committee, which consists of myself  
15 and Chief Engineer Barfield, started off yesterday's  
16 committee meetings and had a pretty full agenda. We  
17 heard from several programs. Heard from the Corps on the  
18 dredging operations at John Martin, channel flow issues;  
19 capacity study down below the Trinidad Reservoir, on the  
20 Purgatoire from Mr. Garcia; Ms. Van Pelt was here, and,  
21 obviously, we have heard detailed description of the  
22 joint projects between Colorado and Kansas on tamarisk  
23 control. We also went over a few items that were on for  
24 old business, and we can probably go through those right  
25 now under the action items that the Engineering Committee

1 developed. And if you don't mind, we'll just kind of go  
2 through those, Randy.

3 VICE-CHAIRMAN: Please do.

4 MR. HEIMERICH: We obviously -- we started off  
5 by rectifying, by instructing Steve Miller and Chelsea  
6 Juricek to go ahead and record our - the items and list  
7 the action items for the Engineering Committee. The  
8 Committee did recognize that LAWMA (Lower Arkansas Water  
9 Management Association) had withdrawn its request to put  
10 -- for permanent pool water. That was actually a joint  
11 request with Department of Wildlife of Colorado. And we  
12 want to thank Chief Engineer Barfield and the State of  
13 Kansas for responding to Colorado's request to try to  
14 capture what kind of issues they associated permanent  
15 pool requests and what kind of suggestions they had for  
16 possible source water for that permanent pool. So we are  
17 requesting that the issue remain on the agenda for 2009,  
18 and if there are subsequent requests from either LAWMA or  
19 the Department of Wildlife, that those requests be  
20 directed back to the Engineering Committee for its  
21 review.

22 Last year we had received a letter and a request  
23 from the City of Lamar, represented by James Felt,  
24 looking at a source or using John Martin Reservoir as a  
25 source for their -- or I should say a terminal place for  
26 their Fry-Ark water, their allocation. Again, the State

1 of Kansas and Chief Engineer Barfield wrote a letter back  
2 to Mr. Felt and copied Colorado on what kind of  
3 requirements or what kind of conditions or  
4 recommendations they feel would be necessary for the City  
5 of Lamar to obtain more or less -- I wouldn't call it  
6 permanent, but perhaps a longer term storage in John  
7 Martin Reservoir. The City of Lamar is taking those  
8 comments from Colorado under advisement. And we expect  
9 to hear back from them sometime during the year. So we  
10 are also going to ask that that remain on the ARCA agenda  
11 for 2009.

12 We went ahead - you heard from Mr. Edelman. He  
13 made a very good report on the gages that are maintained  
14 by ARCA. Again, we're just going to go ahead and see  
15 what Pat and Bill and anybody else and if anything  
16 changes at the Big Sandy site, they will report that back  
17 to the Compact Administration for a report next year.  
18 And if there's any adjustments or changes to be made,  
19 we'll do it at that time.

20 We went ahead and referred -- we deferred -- there  
21 was one issue that was under discussion, that was the  
22 gage at the Lamar power plant, and we actually went ahead  
23 and deferred that to the Administrative and Legal  
24 Committee because it was more of a funding issue. I  
25 think it was a request to or changing that from a manual  
26 reading station to a satellite reading station.

1           Ms. McDonald gave us a report on the status of the  
2           Tri-State Generation change case, and we would request  
3           that that issue remain on the agenda for Compact Year  
4           2009.

5           State Engineer Dick Wolfe gave us -- gave the  
6           Committee a briefing on the proposed irrigation  
7           consumption rules, which I believe now Kansas has in  
8           their possession for review. There was some questions  
9           asked; and, again, the Engineering Committee is going to  
10          ask that it remain on the agenda -- ARCA's agenda for  
11          2009.

12          We're also going to recommend, and I think it will  
13          come under item 14.B -- I believe it's B -- No. 14.A, the  
14          Engineering Committee will recommend that ARCA approve  
15          and sign the Tamarisk Joint Resolution, and we'll also go  
16          ahead and I'm going to read this verbatim. I think it's  
17          the best way to do it.

18          "The committee recognizes the value of the Special  
19          Engineering Committee and recommends to ARCA that the  
20          Special Engineering Committee be extended for the  
21          calendar year 2009 in order to evaluate unresolved issues  
22          as well as new issues put before the Special Engineering  
23          Committee."

24          David, do you have anything to add to that?

25                 MR. BARFIELD: I do not.

1                   MR. HEIMERICH: And on a personal note, I  
2 would like to thank David and the State of Kansas for  
3 their cooperation on those two issues: The John Martin  
4 Reservoir permanent pool and the request of the City of  
5 Lamar. I know we're going to get to it later on in the  
6 year, that we're going to change chairmanships and I want  
7 to wish David the best in leading the Engineering  
8 Committee in 2009.

9                   MR. BARFIELD: Well, thank you. It's  
10 important to continue to work with you on these issues.

11                   MR. HEIMERICH: Thank you, Mr. Chairman.

12                   VICE-CHAIRMAN: Thank you, Matt. This I  
13 assume will be made as an attachment?

14                   MR. HEIMERLICH: Excuse me. Steve, signatures  
15 will all be later or do David and I need to sign this  
16 actually now?

17                   MR. MILLER: Just before we leave today.

18                   MR. HEIMERLICH: Okay. So we have to make  
19 sure we sign things. Okay. Thank you, Mr. Chairman.

20                   VICE-CHAIRMAN: Thank you. Operations  
21 Committee, Dave. Chaired that as your report.

22                   MR. BRENN: I'm David Brenn. The Operations  
23 Committee met yesterday afternoon. And I'm going to  
24 confine my comments to the action items, as we're all  
25 sensitive to time today. And some of these issues will  
26 be dealt with subsequent in the agenda. We did instruct

1 Steve Miller and Chelsea to report a list of action items  
2 before the meeting. As part of our dialogue, the  
3 Committee determined to recommend continuing dialogue  
4 between the Operations Secretary and the Assistant  
5 Operations Secretary. Regarding the Pueblo Winter Water  
6 Storage split and permanent pool deliveries as was  
7 described in the August 2004 dispute resolution  
8 procedure, both are to report back to the Operations  
9 Committee on this issue at a future date. The Committee  
10 received the 2008 reports from the Operations Secretary  
11 and Assistant Operations Secretary. The Committee also  
12 received the 2008 report for the Offset Account. The  
13 Committee recommends to ARCA to accept the calendar year  
14 2008 Water Issues Matrix as included in the calendar year  
15 2008 Assistant Operations Secretary report.  
16 Additionally, the Committee instructs Steve Witte and  
17 Kevin Salter to add the reservoir to reservoir deliveries  
18 issue to the calendar year 2009 Water Issues Matrix. The  
19 Committee recommends that the Administrative and Legal  
20 Committee revision of the 1980 Operating Plan be reviewed  
21 by both States for approval at the calendar year 2009  
22 ARCA meeting. There's been significant work on those  
23 revisions, but Kansas needs an opportunity to further  
24 look at those revisions; and, hopefully, we can get that  
25 taken care of in the future. The Committee recommends to  
26 ARCA that the Special Engineering Committee be extended

1 for calendar year 2009 in order to evaluate unresolved  
2 issues as well as new issues put before the Special  
3 Engineering Committee. Committee also recommends  
4 consideration be given to including the ten-year Compact  
5 compliance table within the ARCA annual reports pending  
6 the States' review of the Compact compliance table. The  
7 Committee requests the Special Engineering Committee meet  
8 to review Recommendation G, and recommend action to ARCA  
9 on the Offset Account and this will be further covered in  
10 a later agenda item. If the need arises, the Committee  
11 will hold a meeting in April to mid-summer 2009 at a date  
12 and time and location to be announced. And that  
13 completes my report, Mr. Chairman.

14 VICE-CHAIRMAN: Thank you. Colin, do you have  
15 anything to add to that?

16 MR. THOMPSON: No.

17 MR. BRENN: And, Mr. Chairman, if I could,  
18 it's a joy to work with Colin Thompson on this Committee,  
19 and I certainly wish him well next year as chairman of  
20 this Committee, one job that I know you cherish and look  
21 forward to. But it is kind of great. We sometimes  
22 appear pretty stiff and disciplined up here. But it's  
23 great to be able to work with people you can talk to on  
24 issues, and I think we have got a good thing there.

25 MR. HEIMERICH: Yeah, works good.

1                   VICE-CHAIRMAN: Thank you. Make that as an  
2 attachment to the meeting, the report of the Operations  
3 Secretary. Steve, do you have a report for us today?

4                   MR. WITTE: Mr. Vice-Chairman, as was reported  
5 a moment ago, I did tender my report to the Operations  
6 Committee yesterday, which they have accepted. I have  
7 also delivered a copy of this to Stephanie Gonzales for  
8 ARCA's records. I'll defer to you as to whether you want  
9 to give me a summary of the report for the benefit of the  
10 audience or whether just to move on at this point in the  
11 interest of time.

12                  VICE-CHAIRMAN: I think just in the interest  
13 of time since you gave the report last night, maybe just  
14 hit the highlights if you can.

15                  MR. WITTE: Very well. During the Compact  
16 Year 2008 which began November 1st, 2007, the period of  
17 winter storage commenced on November 1st and extended  
18 through April 14, during which time a little over 29,000  
19 acre feet was stored. Beginning November 16, we began  
20 inflows of the type of water that would be stored under  
21 Section III. Ultimately, 14,369 acre feet was  
22 transferred into Section III accounts. That was the 65  
23 percent portion and then the 35 percent portion was  
24 distributed pursuant to the provisions of Article or  
25 Section III.D of the 1980 Operating Plan.

1           One operation that occurred in 2008, which was  
2 somewhat out of the ordinary, is that pursuant to an  
3 agreement between the States through the Special  
4 Engineering Committee, we acted to make a delivery of  
5 3,062 acre feet of water purchased through the Lower  
6 Arkansas Valley Water Conservancy District utilizing,  
7 ultimately utilizing some funds available from the  
8 Colorado Water Conservation Board as a means to make  
9 restitution for past deliveries, under deliveries to the  
10 State of Kansas that occurred during the period 1996  
11 through 2005. And that delivery was made to the Kansas  
12 Section II account during the month of May. That will be  
13 addressed in the resolutions I think the Administration  
14 will take under consideration later today along with some  
15 other provisions of that resolution. Just report that we  
16 added 3,876 acre feet to the permanent pool during the  
17 year.

18           Kansas called for deliveries out of its account  
19 totaling 14,122 acre feet. Using the crediting  
20 agreements that have been reached between the States, we  
21 are in agreement that there was no under delivery on  
22 Section II accounts in 2008.

23           Additionally, then, I wanted to report that the City  
24 of Lamar did call for a release of 918 acre feet of Fry-  
25 Ark Project water to be released from Pueblo Reservoir  
26 after assessing transit losses, which we delivered

1 through John Martin Reservoir as a bypass operation about  
2 824 acre feet, which was then subsequently delivered to  
3 the Fort Bent Canal for later delivery to the Clay Creek  
4 well field.

5 There were two events during the year where water  
6 was added to conservation storage after the period of  
7 winter storage. One event, we had added to conservation  
8 storage about 14,571 acre feet. Later in October we  
9 added another 5,700 acre feet. There was one event  
10 during the year which caused the Amity Canal to be  
11 entitled to store additional water during the summer  
12 storage season into its Section III account amounting to  
13 about 4,650 acre feet; and, of course, there was a  
14 transit loss  
15 component that was deducted prior to the delivery into  
16 the Section III account.

17 So at the end of the year, we had about 32,655 acre  
18 feet in the reservoir, and other than to note some  
19 activities by the Operations Committee where staff  
20 members met throughout the year and to report on the  
21 actions of the Special Engineering Committee, that was  
22 the substance of my report.

23 VICE-CHAIRMAN: Thank you. Anybody have  
24 questions for Steve?

25 MR. THOMPSON: That was quite a set of  
26 highlights there, Steve.

1 MR. WITTE: Yeah.

2 VICE-CHAIRMAN: Kevin, do you have an  
3 Assistant Operations Secretary report?

4 MR. SALTER: Yes, I do. And I'll be brief. My  
5 name's Kevin Salter. I'm the Assistant Operations  
6 Secretary for the Compact. I want to -- I provided a  
7 report last night to the Committee for the Kansas  
8 perspective on operations that occurred this year. Glad  
9 to report that we do not find any new concerns to raise  
10 this particular year with the operations. I do want to  
11 commend the Operations Secretary Steve Witte and his  
12 staff for the level of communication that we have had  
13 between his office and ours on various operations that  
14 occurred during the year.

15 One thing I did do in my report is just kind of  
16 document with a graph the operations of the Pueblo Winter  
17 Water Storage Program that had occurred through the  
18 Arkansas at Las Animas gage. The graph shows the Compact  
19 share of the water as compared to the total flow and then  
20 also has the split ratio that occurred between those two.  
21 The split ratio has been a concern between the States.

22 Steve Witte characterized deliveries to the State of  
23 Kansas, and then one thing I would note as far as H-I  
24 Model goes, there's some transit loss inputs that go into  
25 the H-I Model that I haven't fully checked yet, but  
26 intend to do that prior to the H-I Model run.

1           Steve covered the deliveries to John Martin  
2 Reservoir permanent pool. We did that also and we  
3 provided that to Steve for inclusion of his report of  
4 pass through accounting status of the reservoir  
5 throughout the year. I appreciate Steve including that  
6 in his report.

7           He did mention the two meetings between the staffs.  
8 We did have a teleconference on November 18th, which I  
9 think was adequate for the time, but it still doesn't  
10 meet sitting across the table and discussing the items.  
11 In his report, he included the written summary for the  
12 May meeting; my report included the written summary for  
13 the November meeting.

14           The water matrix issues have been touched on. So  
15 that kind of summarizes my report in brief.

16           VICE-CHAIRMAN: Okay. Thank you, Kevin.  
17 Anybody have questions for Kevin? Comments? Thanks,  
18 Kevin. The Offset Account report? Is that you again,  
19 Bill?

20           MR. TYNER: I'm Bill Tyner with Colorado  
21 Division of Water Resources. The highlights in the  
22 Offset Account report for Compact Year 2008, the account  
23 in John Martin Reservoir used for replacement of the well  
24 depletions was funded with a storage charge by the Lower  
25 Arkansas Water Management Association to fulfill the 500  
26 acre feet storage charge and 10,000 acre feet of initial

1 storage. The LAWMA, Lower Arkansas Water Management  
2 Association was the only association that used the Offset  
3 Account this year. They delivered over 18,000 acre feet  
4 of consumable water to the Offset Account. So once they  
5 hit the 10,000 acre foot limit of that original storage  
6 charge, five percent of what they delivered goes into a  
7 Kansas charge account for the rest of the deliveries,  
8 about 10,000 acre feet. I might point out that of those  
9 flow figures that Pat Edelman gave you earlier in the  
10 meeting, I believe you had something on the order of  
11 200,000 acre feet of flow through the Stateline gages.  
12 And the Offset Account delivery that Kansas was able to  
13 take during this year represented about 14,000 acre feet  
14 of release out of John Martin and resulted in 11,617 acre  
15 feet of consumable delivery to the Stateline plus some  
16 additional water that arrived at the Stateline. LAWMA  
17 also provided direct replacement sources to the river  
18 that totaled close to 5,000 acre feet during that period.

19 So just to put that in context, a couple hundred  
20 thousand acre feet that Pat reported having arrived at  
21 the Kansas Stateline, that well replacement water is  
22 about ten percent of that total flow. And I think I had  
23 seen Mr. Barfield quoted in the Kansas paper talking  
24 about not only was Kansas pleased with the financial  
25 damage repayment that they got, but that the real benefit  
26 to western Kansas was that water supply was restored,

1 those depletions were being replaced. I think that's  
2 noteable that LAWMA and the other Colorado well  
3 associations -- the Colorado Water Protective and  
4 Development Association and Arkansas Ground Water Users  
5 Association -- by making those replacements in time and  
6 location and the amount, keep the river whole and that  
7 preserves the river for both Colorado and Kansas water  
8 rights.

9 The Colorado irrigation well pumping during the  
10 Compact Year increased quite a little bit from the last  
11 few years. Well pumping had been down following the  
12 drought period beginning in 2003 and continuing through  
13 2007. But during the Compact Year of 2008, the pumping  
14 rebounded a little bit to approximately 88,000 acre feet  
15 of irrigation well pumping. In order to support that  
16 pumping, Colorado well associations did dry up  
17 approximately 9,800 acres below John Martin Reservoir,  
18 7,200 acres above John Martin Reservoir and used those  
19 direct flow irrigation water rights to augment the river  
20 and allow well pumping the Colorado farmers wanted to  
21 pump. And as has been previously mentioned, the ten-year  
22 Compact compliance accountings for 1998 through 2007 is  
23 the ultimate measure of how well Colorado's well  
24 association plans, including the use of the Offset  
25 Account, perform and we're in excess of 18,000 acre feet  
26 on a surplus in that with respect to that measure. So

1 that's good news, I think, for both Colorado and Kansas.  
2 Thank you. Any questions?

3 VICE-CHAIRMAN: Okay. Thank you, Bill. Ready  
4 to move on to number 11. That's the report of the  
5 Special Engineering Committee. Dave Brenn, is that you?

6 MR. BRENN: I can do that. Just a bit of  
7 background for those who maybe are new to our meeting  
8 here. The Special Engineering Committee was formed in  
9 December of 2005 by ARCA. Its purpose was to address a  
10 number of unresolved issues related to the accounting of  
11 John Martin operations under the 1980 Plan that has sort  
12 of accumulated over the years prior to that time.  
13 Special Engineering Committee was composed of, initially  
14 anyway, the former State Engineer for Colorado, Hal  
15 Simpson, and former Chief Engineer for Kansas, David  
16 Pope, and their staff, and then another member of the  
17 Administration in addition, Rod Kuharich, David Brenn. A  
18 little bit of changes in staffing of the Committee --  
19 composition of the Committee over the years as a result  
20 of retirements -- but anyway, that Committee has worked  
21 pretty diligently over the years and provided  
22 recommendations to ARCA to resolve the issues -- and of  
23 the 23 issues that the Committee was provided initially,  
24 I think 23 have had some recommendation for resolution to  
25 ARCA.

1           Now since that time we sort of added more issues.  
2           But, anyway, it's made a lot of progress. This year the  
3           Committee finalized a recommendation May 1st that's being  
4           provided to ARCA for the consideration of potential  
5           action on it. I won't go through all the provisions of  
6           that, but just in brief, prior to this time, we had  
7           agreed upon methods to determine crediting under the  
8           Offset Account deliveries as well as Section II  
9           deliveries and we agreed to take those methods and apply  
10          them to the period 1996 and forward, and the States then  
11          applied those and eventually agreed to the numbers. And  
12          noted some deficits on deliveries to Kansas, Section II  
13          that accumulated and agreed upon as Steve Witte  
14          mentioned, a certain amount of water to be delivered to  
15          replenish Kansas Section II. So, anyway, Recommendation  
16          G sort of memorializes all of that and basically paves  
17          the way for the approvals of the Operations Secretary's  
18          reports that's been sort of hanging there over all of  
19          those years and eventually the annual reports as well.  
20          The recommendation has some language for proviso language  
21          to be sort of put on the reports of the Operations  
22          Secretary to note that we have agreed to some changes.  
23          So that's in essence what recommendation G that the  
24          Special Engineering Committee provided to ARCA officers.  
25          And I think we'll have action on that recommendation  
26          later on in this new business.

1                   VICE-CHAIRMAN: Correct.

2                   MR. BRENN: I guess I'll go ahead and speak to  
3 agenda item 11.B, continuation of the Special Engineering  
4 Committee. Again, we have resolved a lot of the issues  
5 that are out there, but there's still a few remaining  
6 that were in the original 2005 matrix. And I think three  
7 have been added since then, and I think we added another  
8 one last night. I think it's a sense of both States that  
9 that Engineering Committee should continue to work this  
10 coming year on some of the specific items that are still  
11 outstanding. And, again, I believe there will be  
12 resolution to that effect later.

13                   VICE-CHAIRMAN: Okay. Any other members of  
14 the Special Engineering Committee have anything to say at  
15 this time? Okay. Thank you. Next report comes from our  
16 newest members of the Compact Administration. I should  
17 have welcomed you in the very beginning, but we're glad  
18 to have you as a member for the Compact, Jennifer. Do  
19 you have the Administrative and Legal report?

20                   MS. GIMBEL: I do. It's so nice to be here in  
21 Lamar and to be meeting with my Kansas friends again. So  
22 I am really enjoying this meeting. The Administrative  
23 and Legal Committee looked at the Lee Rolfs resolution,  
24 recommended adoption, which we have already done. We  
25 also looked at -- and we will be recommending approval of  
26 the audit report for the fiscal year 2007 to 2008. We

1 recommend that the Administration authorize the amended  
2 satellite contract. And that they approve gage contracts  
3 with Kansas and Colorado sections of the USGS. The  
4 Committee also recommends to ARCA that Stephanie Gonzales  
5 sign the approved budget and assessments for the current  
6 fiscal year 2008.

7 Mr. Chair, I would note that we would do -- we have  
8 on the agenda all of those items except in 14.C, but we  
9 don't have the authorization for the amended satellite  
10 contract and gage contract so we need to add that. I  
11 apologize for not catching that earlier. With respect to  
12 the minutes of transcripts, the Kansas and Colorado staff  
13 will continue to keep finalizing the meetings and  
14 transcripts.

15 The Committee approved the slate of officers and  
16 Committee chairman for 2009. Those recommendations are:  
17 Officer to be vice-chair Randy Hayzlett; Recording  
18 Secretary and Treasurer Stephanie Gonzales; Operations  
19 Secretary Steve Witte; and Assistant Operations Secretary  
20 Kevin Salter.

21 The Committee chairs for 2009, Engineering David  
22 Barfield; for Operations Colin Thompson; and for  
23 Administration and Legal, myself, Jennifer Gimbel.

24 The Committee also recommends that we look at both  
25 Kansas and Colorado, look at proposed revisions to the  
26 1980 Operating Plan and with the goal of approving those

1 at our 2009 meeting. And we also agree with the  
2 recommendations by the other Committee of extending the  
3 Special Engineering Committee. And that's my completed  
4 report.

5 VICE-CHAIRMAN: Thank you. We will make that  
6 as another attachment to this meeting, and we'll get  
7 signatures on that. We did neglect to get the agreement  
8 with the USGS on this agenda. So we will take care of  
9 that when we get into new business. Stephanie, do you  
10 have a report for us?

11 MS. GONZALES: Just a couple of things.  
12 First, I want to take the opportunity to apologize for  
13 the delay in the coffee this morning. I'm trying to get  
14 used to the coffeemaker back there. We'll work on that  
15 for next year.

16 Last evening I reported that I have the USGS Joint  
17 Funding Agreement from Colorado. I have received it.  
18 Apparently, there was a little mix-up at the post office,  
19 but I do have that.

20 And, finally, I had a really great suggestion from  
21 Mr. Heimerich last evening regarding the archiving of the  
22 ARCA records. And he suggested to me that I possibly  
23 contact Lamar Public Library for an area that maybe we  
24 can set up for reference. And we'll work on that this  
25 year and see what we come up with. I thought that would  
26 be a great way to do it as well, just helping to make

1 that more accessible. And that's all I have to report.  
2 Thank you.

3 VICE-CHAIRMAN: Very good. Thank you. I have  
4 item 13 as old business. Is there any old business to  
5 come before the committee?

6 MR. BARFIELD: Not that I'm aware of.

7 VICE-CHAIRMAN: Hearing none, we're moving in  
8 to new business. Most of these are action items that we  
9 need to take action on. Item A is assignments to and  
10 action of the recommendations of the Engineering  
11 Committee. First item on that is a resolution on the  
12 tamarisk control. Do you have that?

13 MS. GIMBEL: And would you -- I'm not sure  
14 about protocol -- would I read the resolution into the  
15 record or is just explaining what the record --

16 VICE-CHAIRMAN: I think read the resolution  
17 probably into the record and the letter there is  
18 supported.

19 MS. GIMBEL: I would note that we have -- that  
20 Robin Jennison copied a bunch of us, all of us up here,  
21 has sent a letter to the Administration endorsing a  
22 resolution to formalize the cooperative efforts for  
23 tamarisk control between the States of Colorado and  
24 Kansas. And that, on an editorial note, just shows and  
25 acknowledges the cooperation between these two States on  
26 those sorts of issues.

1                   VICE-CHAIRMAN: Jennifer, did you say Robin  
2 Jennison sent that?

3                   MS. GIMBEL: I see it's to Robin Jennison.  
4 It's from Tim Carlson of the Tamarisk Coalition. The  
5 resolution I propose is concerning joint effort by the  
6 State of Colorado and the State of Kansas in pursuit of a  
7 tamarisk control and watershed restoration program using  
8 a regional approach. And I'll read the resolution:

9                   "Whereas, tamarisk is an exotic plant species that  
10 is invasive due to its prolific reseeding and extensively  
11 deep root system; and

12                  "Whereas, tamarisk has reproduced rapidly, invading  
13 over 78,000 acres within the Arkansas River Basin of  
14 Colorado and Kansas; and

15                  "Whereas, tamarisk infestation had diminished the  
16 habitat of plant and wildlife; and

17                  "Whereas, it is recognized that tamarisk acts as a  
18 fuel ladder creating higher fire dangers; and

19                  "Whereas, tamarisk causes the narrowing of river  
20 channels posing extreme flooding danger; and

21                  "Whereas, tamarisk is a phreatophyte species that is  
22 impacting the limited water resources in the over-  
23 appropriated Arkansas River Basin; and

24                  "Whereas, this tamarisk infestation is not limited  
25 to just one watershed or just one State and any tamarisk

1 control project should not be limited by State  
2 boundaries.

3 "Now, therefore, be it resolved that the Arkansas  
4 River Compact Administration supports the States of  
5 Colorado and Kansas in pursuing funding through Public  
6 Law 109-320, The Salt Cedar and Russian Olive  
7 Demonstration Act, and other Federal funding to fund a  
8 joint tamarisk control and watershed restoration project  
9 in the Arkansas River Basin."

10 Adopted by the Compact Administration this 9th day of  
11 December.

12 And I would so move.

13 VICE-CHAIRMAN: Thank you. Second?

14 MR. BARFIELD: Second.

15 VICE-CHAIRMAN: Discussion? No discussion.  
16 Colorado vote?

17 MR. HEIMERICH: Colorado votes aye.

18 VICE-CHAIRMAN: Kansas?

19 MR. BARFIELD: Kansas votes aye.

20 VICE-CHAIRMAN: Motion carried. I attached  
21 those. Kevin has a question?

22 MR. SALTER: I'm just asking that would be  
23 ARCA Resolution 2008-2.

24 VICE-CHAIRMAN: Okay. Thank you.

25 MS. GIMBEL: Mr. Chairman, amusing editorial.

26 VICE-CHAIRMAN: Yes.

1 MS. GIMBEL: I live in a subdivision called  
2 Tamarisk, so we thought that was appropriate.

3 VICE-CHAIRMAN: Thank you. And after it's  
4 eradicated, you will no longer live there. Next item is  
5 assignments to an action of recommendation from the  
6 Operations Committee. Resolution there, David, do you  
7 have that?

8 MR. BARFIELD: Yes, I do. As we mentioned,  
9 Recommendation G was provided by the Special Engineering  
10 Committee to ARCA. And we have a resolution that the  
11 States have sort of worked out essentially adopting all  
12 the various matters in that recommendation save one. Let  
13 me offer -- let me read the recommendation we would like  
14 to offer. It's entitled: Action on Special Engineering  
15 Committee Recommendation G.

16 "Whereas, the Arkansas River Compact Administration  
17 created a Special Engineering Committee by means of  
18 Resolution No. 2005-1 and directed the Committee to  
19 develop recommendations to ARCA to reduce or eliminate  
20 disputes between the States and ARCA extended the term of  
21 the Committee by Resolution Nos. 2006-7 and 2007-4; and

22 "Whereas, Colorado has delivered 3,062 acre-feet to  
23 Kansas Section II account as restitution for the past  
24 deficits accumulated during Compact Years 1996 through  
25 2006 in accordance with paragraph c of Recommendation G  
26 of the Special Engineering Committee attached hereto.

1           "Now, therefore, be it resolved that the  
2 Administration hereby adopts the recommendations in the  
3 attached Recommendation G of the Special Engineering  
4 Committee except that all references to the Reports of  
5 the Colorado State Engineering concerning Accounting of  
6 Operations of an Offset Account in John Martin Reservoir  
7 for Colorado Pumping are excluded from approval by this  
8 Resolution, and except that the proviso be added to the  
9 cover page of each Annual Report of the Operations  
10 Secretary referred to in paragraph A.3 of Recommendation  
11 G shall be modified to read as follows:

12           "The Annual Reports of the Operations Secretary for  
13 Compact Years 1994 through 2005 have been approved  
14 by the Arkansas River Compact Administration with  
15 the following proviso: The values and operations in  
16 this report have been in dispute. An addendum  
17 report, dated December 9, 2008, contains the revised  
18 values that have been determined through agreement  
19 by the States. However, while Kansas and Colorado  
20 have agreed that the accounting prior to 2006 will  
21 not be otherwise revised, Kansas does not waive any  
22 claim for past damages or restitution of water on  
23 the unresolved, disputed issues of upstream storage  
24 during spills and Agreement B; and

1           "Be it further resolved that the subject of Offset  
2 Account Reports is hereby referred to the Special  
3 Engineering Committee for further consideration; and

4           "Be it further resolved that the addendum referred  
5 in paragraph A.1 of Recommendation G is attached hereto  
6 and is entitled, quote, Addendum to the 1994-2005 Reports  
7 of the Operations Secretary, closed quote, dated December  
8 9, 2008." Adopted today by ARCA.

9           So this resolution would essentially adopt all the  
10 recommendations in Recommendation G except for actions  
11 related to the Offset Account reports. The primary  
12 purpose of Recommendation G, you know, was sort of  
13 adopting, making the way for the adoption of the  
14 Operations Secretary report, the annual reports,  
15 recognized the restitution that Colorado did provide to  
16 the State of Kansas for past deficits and so forth. We  
17 need to do a little more work with respect to -- well,  
18 let me back up. Part of those accountings dealt with  
19 Offset Account crediting as well. We just need to do a  
20 little more work in terms of how that fits with the  
21 Offset Account reports and what actions are appropriate  
22 for ARCA to take with respect to the Offset Account  
23 reports.

24           And so -- unless there's questions, I guess I would  
25 offer this resolution for adoption by ARCA.

26           VICE-CHAIRMAN: Second?

1 MR. HEIMERLICH: Second.

2 VICE-CHAIRMAN: Discussion? Hearing none. Colorado  
3 vote?

4 MR. HEIMERICH: Colorado votes aye.

5 VICE-CHAIRMAN: Kansas?

6 MR. BARFIELD: Kansas votes aye.

7 VICE-CHAIRMAN: Motion carried. Resolution  
8 will be offered.

9 MR. BARFIELD: That will be Resolution 2008-3.  
10 And I have attachments Recommendation 3 on the  
11 appropriate addendum table.

12 MR. SALTER: A little housekeeping. We did  
13 have four original copies; if we could have those four  
14 originals turned in to the front desk and make sure they  
15 all get signed.

16 MR. MILLER: I would like to make that for all  
17 the resolutions. If the reporter can just hang onto  
18 everything that's at her front desk. We'll get this  
19 squared away. The resolutions we have done, I believe,  
20 are -- Some of those are resolutions and some of them are  
21 just exhibits.

22 MR. HEIMERICH: Mr. Rolfs is No. 1; 2 is  
23 tamarisk; 3 is Recommendation G.

24 MR. MILLER: We'll help you sort it out after  
25 we're done.

1                   VICE-CHAIRMAN:  Item 2 under B is  
2       recommendation on past Operations Secretary reports.  Who  
3       has anything on that?  Anything, Steve?

4                   MR. MILLER:  I think the resolution that we  
5       just adopted takes care of 2006.  The status of 2007 and  
6       2008 remain uncertain and unresolved.  And I don't know  
7       if this would be the place to do it.  Were you wanting to  
8       address that or not?  We're starting a backlog again if  
9       we don't do something about '07 and '08.

10                  MR. BARFIELD:  I'm not sure what the intent  
11       was.  Obviously, the action we did just take in adopting  
12       Recommendation G was put on record ARCA's approvals  
13       through 2006.  Is that what this item was about?

14                  MR. SALTER:  That's what I was going to say.  
15       Steve Witte may want to address 2007, 2008; other than I  
16       understood kind of the process Operations Committee did  
17       last night.

18                  MR. WITTE:  David may want to speak to this as  
19       well.  But the discussion at the Operations Committee  
20       meeting last evening was that this subject of approval of  
21       reports after 2006 will be considered by a future meeting  
22       of the Operations Committee.  I think that's all there is  
23       to report at this time.

24                  MR. BRENN:  Mr. Chairman, I think it's timely  
25       to note that this Recommendation G was a huge positive  
26       step between States in addressing those issues; and it

1 was also commented that certainly should be no intent  
2 that we establish a precedent of backlog and that through  
3 open and transparent dialogue between the States, we can  
4 deal with these things in a timely manner.

5 VICE-CHAIRMAN: Any other comments? Okay.  
6 The next item was one that was added to the agenda. It's  
7 B.3 which is the recommendation on the ten-year  
8 accounting or review of the ten-year accounting. We had  
9 some discussion about that last night. Some follow-up on  
10 that. Who wants to comment on that?

11 MR. BARFIELD: I think I'll go ahead and  
12 attempt to address it, I guess. It was suggested I think  
13 last night in one of the committee meetings that it may  
14 be appropriate for ARCA to attach the ten-year  
15 accountings once all of the States have gone through that  
16 process of reviewing the operations and the offset  
17 operations and crediting and H-I Model runs and all that  
18 for ARCA to consider maybe attaching those to its annual  
19 reports. I think it's a good suggestion, and we need to  
20 sort of consider sort of the process by which that's  
21 reviewed, approved by the States and sort of how it gets  
22 into the records. We are willing to consider that  
23 suggestion. I don't know who wants to sort of figure out  
24 the process or sort of how that happens. Can the  
25 Operations Committee figure that out? We are certainly  
26 willing to consider that.

1                   VICE-CHAIRMAN: Okay. Any comments on that  
2 item?

3                   MS. GIMBEL: Is that a motion? I mean, are  
4 you putting this off until 2009?

5                   VICE-CHAIRMAN: I was thinking that we would  
6 like the Operations Committee to look at that in their  
7 summer/spring meeting.

8                   MR. MONTGOMERY: Could I just make a comment  
9 on their reason for including a ten-year accounting in  
10 ARCA's annual reports? The proposed decree that has been  
11 submitted by the Special Master includes a provision for  
12 the State's agreeing on H-I Model results in the ten-year  
13 accounting. And that process is Colorado provides that  
14 accounting to Kansas by March 31st; Kansas provides its  
15 response by I believe it's May 15th; and the States are  
16 to agree by June 1st. Can be updated at a later time  
17 based on obtaining final crop statistics. But Colorado  
18 felt it would be important to document the agreement of  
19 the States' ten-year accounting somewhere and see that  
20 the ARCA annual reports were the most appropriate place  
21 to include what the States have agreed to.

22                   VICE-CHAIRMAN: Wasn't the question as to how  
23 current the data was for each annual report? How to deal  
24 with that issue?

25                   MR. SALTER: Yes. I understand the Operations  
26 Committee will address that issue, but it will always be

1 a year behind because the H-I Model results are always  
2 one year behind.

3 VICE-CHAIRMAN: Okay. I don't know that  
4 there's any action required on that item at this point.  
5 Questions?

6 MR. BARFIELD: Yes. I guess I would propose -  
7 - again, this suggestion came up last night. We think  
8 it's a good one. Sort of figure out the form and all of  
9 that, and I guess I would recommend we assign this to the  
10 Operations Committee to sort of figure out the process  
11 and all the particulars about how we go about -- how we  
12 do it and the form of it and such things. So --

13 VICE-CHAIRMAN: Steve?

14 MR. MILLER: I have reports later on in the  
15 agenda but this might be the best place to disclose it.  
16 I think that's a good tactic, and I probably will need  
17 some place to send my draft reports as they start issuing  
18 out with the passage of Resolution No. 3; and over the  
19 times since the last time we published in '93, there has  
20 been several changes to operations and changes to the  
21 status of the case. So make it more instructional a  
22 little bit and authorize me to work with the Operations  
23 Committee on a variety of new issues that annual reports  
24 will need to address as we move forward. And then, of  
25 course, those reports don't become final until the full  
26 Administration reviews it in some fashion. But If I can

1 get, test out new paragraphs that will deal with the  
2 Offset Account, the compliance accounting, and things  
3 with the Operations Committee, and then when they're  
4 comfortable, we'll bring it before ARCA.

5 VICE-CHAIRMAN: Okay.

6 MR. BARFIELD: Why don't we just handle this  
7 under agenda item 14.C.6 then. And we'll just include it  
8 in those provisions, if that's okay.

9 VICE-CHAIRMAN: Okay. I believe that brings  
10 us to 14.C.1, the assignments and action from the  
11 Administrative Legal Committee, the election of officers.  
12 As we -- Jennifer recorded -- you don't have those down  
13 there?

14 MS. GIMBEL: I don't have those names down.

15 VICE-CHAIRMAN: The election of officers for  
16 the coming year would be Vice-Chair Randy Hayzlett;  
17 Operations Secretary Steve Witte; and Assistant  
18 Operations Secretary Kevin Salter. And do we have  
19 Stephanie on that? Stephanie Gonzales?

20 MS. GIMBEL: Yes.

21 VICE-CHAIRMAN: Stephanie Gonzales is  
22 Recording Secretary and Treasurer. Do I hear a motion  
23 for those positions?

24 MS. GIMBEL: So move.

25 VICE-CHAIRMAN: Second?

26 MR. BRENN: Kansas second.

1                   VICE-CHAIRMAN: It's been seconded. Any  
2 discussion? If not, Colorado vote?

3                   MR. HEIMERICH: Colorado votes aye.

4                   VICE-CHAIRMAN: Kansas?

5                   MR. BARFIELD: Kansas votes aye.

6                   VICE-CHAIRMAN: Motion carried. Appointment  
7 of committee chairs for the '09 year, we have David  
8 Barfield for Engineering chair; Colin Thompson for  
9 Operations chair; and Jennifer Gimbel for Administrative  
10 and Legal. I assume we need a motion on that?

11                  MR. HEIMERICH: So moved.

12                  VICE-CHAIRMAN: Seconded?

13                  MR. BRENN: Second.

14                  VICE-CHAIRMAN: Any discussion? If not,  
15 Colorado vote?

16                  MR. HEIMERICH: Colorado votes aye.

17                  VICE-CHAIRMAN: Kansas vote?

18                  MR. BARFIELD: Kansas votes aye.

19                  VICE-CHAIRMAN: Motion carried. Now we're  
20 ready for the approval of the audit report. Do you have  
21 any more comments on those or anything to take us  
22 through, Steve?

23                  MR. MILLER: No. I reviewed both the audit  
24 and the budget actions that need to be ratified. These  
25 are unsigned versions of the things I'm going to talk  
26 about. There's one for the reporter. Before we leave if

1 you can approve of these things, I got clean originals to  
2 sign as well.

3 MR. HEIMERICH: So Susan gets one copy of each  
4 package now before we write on it.

5 MR. MILLER: I have got more originals if I  
6 need to make a new original. But there should be enough  
7 for everybody at the front of the table. One of the  
8 handouts is an audit report for the year '07-'08. We  
9 reviewed that, we noted a new process in the budget in  
10 there, but the audit itself is fine. And the Committee  
11 recommended approval. So I would ask that by motion,  
12 ARCA approve the audit and authorize Randy as Vice-  
13 Chairman to sign the clean originals that I'm holding at  
14 the end of the meeting. We'll make that part of the  
15 permanent records of ARCA.

16 VICE-CHAIRMAN: Do I hear a motion from  
17 anybody?

18 MR. BARFIELD: So move.

19 VICE-CHAIRMAN: Seconded?

20 MR. HEIMERICH: Seconded.

21 VICE-CHAIRMAN: Moved and seconded. Any more  
22 discussion? In Colorado vote?

23 MR. HEIMERICH: Colorado votes aye.

24 VICE-CHAIRMAN: Kansas votes?

25 MR. BARFIELD: Kansas votes aye.

26 VICE-CHAIRMAN: Motion is carried.

1                   MR. MILLER: Next, we reviewed the current  
2 year's budget and noted that our reserve account will be  
3 slightly lower than what we expected. But there was no  
4 reason to change the budget for '08/'09. The handouts  
5 include a proposed revised budget for '09/'10, and we are  
6 revising that so that we do better reflect our actual  
7 reserve position at the end of that fiscal year. I don't  
8 know if you want to adopt the two -- there's two budgets  
9 there. Maybe we should just adopt that one for right  
10 now. It would be the first revision to the 2009/2010  
11 budget showing the total expenditures, estimated  
12 expenditures of \$84,800.

13                   MR. BARFIELD: Why don't we just do them both?

14                   MR. MILLER: Do them both? Okay. The other  
15 budget action that needs to be taken then would be the  
16 adoption of a budget for the fiscal year 2010 through  
17 2011. That budget again is in front of you and has a  
18 total expected expenditures of \$89,500. In both cases  
19 the assessments to the States remain the same.

20                   MR. BARFIELD: I move adoption of the fiscal  
21 year 2009/2010 first revision and the proposed 2010/2011  
22 proposed budget.

23                   VICE-CHAIRMAN: Second?

24                   MR. HEIMERLICH: Second.

25                   MR. MILLER: Contract ratification?

26                   MS. GIMBEL: We got to vote on it actually.

1 MR. MILLER: Oh, I'm sorry.

2 VICE-CHAIRMAN: Colorado votes?

3 MR. HEIMERICH: Colorado votes aye.

4 VICE-CHAIRMAN: Kansas votes?

5 MR. BARFIELD: Kansas votes aye.

6 VICE-CHAIRMAN: Motion carried.

7 MR. MILLER: Incorporated into those budgets

8 you just took are two contracts that you should have

9 ratified before the budget, but we talked about it. So

10 there is the added agenda items. The approval of the

11 amended State of Colorado satellite monitoring contract

12 for the period of July 2008 through June 2011 at an

13 annual price of \$12,400. And that's an amendment of the

14 contract you approved last year and it included 11

15 stations. We are now going to be monitoring 12 stations.

16 VICE-CHAIRMAN: We discussed that last night.

17 MR. MILLER: The signatory on that would be

18 Stephanie, so what we would be asking is for you to

19 ratify or approve Stephanie entering into that contract

20 on behalf of ARCA with Dick Wolfe.

21 MR. HEIMERICH: So moved.

22 MR. BARFIELD: Seconded.

23 VICE-CHAIRMAN: Moved second. Any other

24 discussion? If not, Kansas vote?

25 MR. BARFIELD: Aye.

26 VICE-CHAIRMAN: Colorado?

1 MR. HEIMERICH: Aye.

2 VICE-CHAIRMAN: Motion carried.

3 MR. MILLER: And then there are two contracts  
4 with the United States Geologic Survey (USGS) for the  
5 gage program assistance they provide: One with the State  
6 of Colorado section; one with the Kansas section. And in  
7 both cases you would again be authorizing Stephanie to  
8 sign those contracts for calendar year 2009. If you  
9 would like the record to show the price of those, I can  
10 tell you -

11 VICE-CHAIRMAN: If you have them.

12 MR. MILLER: Actually, the contract with the  
13 Colorado section will be -- ARCA's share of that cost  
14 would be \$46,360. And with the Kansas section, this one  
15 just got handed to me last night.

16 MR. MILLER : Is Craig Dare still there behind  
17 me?

18 UNKNOWN SPEAKER: No, he left.

19 MR. MILLER: 8,300 for calendar year 2009.  
20 That was Recording Secretary Gonzales who confirmed the  
21 number.

22 VICE-CHAIRMAN: That's the joint contract or  
23 joint --

24 MR. MILLER: Joint Funding Agreement.

25 VICE-CHAIRMAN: Any motion to --

1                   MR. HEIMERICH: So we want to move that  
2                   Stephanie has authority to sign on the Joint Funding  
3                   Agreement?

4                   MR. MILLER: Kansas section of USGS and  
5                   Colorado section of USGS.

6                   MR. HEIMERICH: So moved.

7                   VICE-CHAIRMAN: Second?

8                   MR. BRENN: Second.

9                   VICE-CHAIRMAN: Any more discussion? If not,  
10                  Kansas vote?

11                  MR. BARFIELD: Aye.

12                  VICE-CHAIRMAN: Colorado?

13                  MR. HEIMERICH: Colorado votes aye.

14                  VICE-CHAIRMAN: Motion carried. That takes  
15                  care of the budget items, Steve?

16                  MR. MILLER: It does. And I don't know if you  
17                  were going to talk about minutes or not next?

18                  VICE-CHAIRMAN: I'm trying to debate if  
19                  there's any action to be taken on those.

20                  MS. GIMBEL: I don't think so. I don't think  
21                  there's any action.

22                  MR. MILLER: There's nothing new to be  
23                  approved. There's been a transfer of drafts, exchange of  
24                  drafts with Kansas, and we'll try to keep the  
25                  Administrative and Legal Committee informed as we make  
26                  progress on that. We did make some progress last year.

1                   VICE-CHAIRMAN: Good. And the same with the  
2 annual reports; they think they are just updated as to  
3 the process of getting those completed.

4                   MR. MILLER: We have started -- Colorado has  
5 generally prepared the first draft, and we started that.  
6 Both starting at the year 2000 and starting at the year  
7 1994 where we stopped prior. And we'll have to work out  
8 a review process with the State of Kansas. When we  
9 stopped doing those, the spreadsheets were not a common  
10 tool, at least not in our circle. So hopefully the  
11 review process will be easier for both States. But I  
12 think we talked just a minute ago maybe using the  
13 Operations Committee is a way of getting drafts in front  
14 of ARCA and getting some initial comments, and I think  
15 it's basically going to come down to Kevin and I. But if  
16 we work through the Operations Committee, we could do it  
17 with engineering as well. I don't know. It's up to the  
18 Administration.

19                   MR. BARFIELD: We were actually having a side  
20 discussion here and wondered if Administrative and Legal  
21 would be the appropriate body to be doing the reports.  
22 We just want to spread the fun as part of it.

23                   MR. MILLER: When I was given this job back in  
24 '91, my boss told me don't ever start a report until the  
25 previous one is completed because there was a risk. We  
26 were using secretaries basically to do the work. They

1       didn't know. And they had no reason to. To get this  
2       backlog done, we are talking about maybe generating two  
3       or three at a time or -- and maybe '95 and 2001 are both  
4       being -- and it's a technical review. I don't know that  
5       -- I know Jennifer is not going to do it. She's going to  
6       tell me to do it in a hurry. You don't really have staff  
7       to do it. It needs someone that can run some numbers;  
8       and so whichever committee it goes to I think is going to  
9       delegate it to employed State staff from both States.

10               MR. BARFIELD: The appropriate people will  
11       review the reports, no matter which committee we assign  
12       this to. It just seems like it's really in the purview  
13       of the Administrative Legal Committee.

14               MR. MILLER: So Randy can give work  
15       assignments to Kevin. I know, Jennifer, you give me  
16       plenty.

17               VICE-CHAIRMAN: Definitely.

18               MR. MILLER: All I need is a process and then  
19       at least some decisions about what ought to be in the  
20       report as we move forward with the '97 resolutions or  
21       Offset Account. We have never addressed that in the  
22       annual report.

23               VICE-CHAIRMAN: Kevin, do you have questions?

24               MR. SALTER: I think Steve mentioned earlier,  
25       there's probably going to be some coordination between  
26       two or maybe all three committees as far as the ARCA

1 annual reports because of the changes that have occurred  
2 in the last 15 years since we put out an annual report.  
3 So Steve has suggested that maybe the operations take a  
4 look at some of the new tables and stuff that deal with  
5 operations that go with the annual reports. I think  
6 maybe assign to administrative and legal, recognizing  
7 that maybe coordination with operations and engineering  
8 as appropriate.

9 MR. MILLER: I hope there can be one committee  
10 that's lead. If it goes to all three committees, it  
11 might as well not go to any. I might as well send it to  
12 everyone in the front of the room. I'm open to anything,  
13 and I've got a lot of work to do. It doesn't affect what  
14 I'm going to do over the next three or four months. We  
15 need to be thinking about it and have some way of getting  
16 those out and approved to distribute. That's the other  
17 thing on the annual report. We are not doing photoset  
18 printing anymore. It's going to be on the Internet.  
19 There's going to be a limited hard copy and the rest will  
20 be CDs. So we can go from approval to distribution  
21 fairly quickly.

22 MR. SALTER: Mr. Chair, can I have a couple  
23 minutes? If I remember right, the 2005 resolution for  
24 Special Engineering Committee has items dealing with ARCA  
25 annual reports.

1                   MR. BARFIELD: That's true. If I had a  
2 moment, I can confirm that.

3                   MR. MILLER: Would that be the 2006 annual  
4 report or just the 2005? I don't know if you want to  
5 take more time on it now.

6                   VICE-CHAIRMAN: Did you have conversations?

7                   MR. HEIMERICH: Well, I guess my question is,  
8 one of the things then from our Operations Committee  
9 standpoint is where to put the ten-year accounting.  
10 That's -- do you have in the report what kind of  
11 introductory and how it's going to be characterized so  
12 that both States understand fully and completely how they  
13 are approving it and what they are approving and how the  
14 U.S. government will interpret it? The other issue is  
15 how to try to get through this backlog of things that now  
16 no one actually remembers because now we are talking  
17 again technology changing faces. So I don't know. I'm  
18 just kind of wondering. But to tell you the truth, I am  
19 a little concerned because when we go through and look at  
20 all that ARCA does, there's one name that keeps coming up  
21 almost as much as Mr. Witte's name and that's Mr. Salter.  
22 And I'm really wondering if Mr. Salter ever sleeps or if  
23 he has any kind of personal life at all. And although  
24 that's humorous, the point is I'm wondering if, in fact,  
25 by having Kevin look at parcel numbers and acreage under  
26 the Trinidad project, looking at the accounting issues

1 and trying to deal with the Offset Accounting and now  
2 really wondering if there isn't another in Kansas in its  
3 hope to try to get through the backlog, because I'm  
4 assuming once the backlog is completed, things would  
5 hopefully go better. So I'm really wondering if we are  
6 not stretching Mr. Salter too thin in having him - and  
7 he's always under pressure to meet these deadlines. I'm  
8 wondering if there's another way to -- Kevin, is there  
9 anyone else in your staff or is staffing available that  
10 can be assigned so that you're not completely (Mr. Salter  
11 points to Brandy Cole and Chelsea Juricek). Okay. I'm  
12 just sensitive to your time, Kevin, because I know we  
13 have these issues, and I'm always asking why -- how come  
14 this is not responded to. I think --

15 MR. MILLER: When I first started working on  
16 this, there was a young kid in Topeka named David who I  
17 used to work with on that. Maybe someone at Topeka, I  
18 don't know.

19 MR. HEIMERICH: Thank God for Topeka.

20 MR. BARFIELD: Actually Burke is here. He's  
21 the new Lee Rolfs obviously. So we'll be involved in  
22 some of that work from a legal perspective. Lee  
23 obviously has done quite a lot of our work in terms of  
24 reviewing the reports and the transcripts. And Chris  
25 here is also -- Topeka is also going to help us get this  
26 done.

1                   MR. HEIMERICH: Well, my suggestion would be  
2 to split it into two tasks. I think finding out where  
3 and how the ten-year accounting and reporting is done.  
4 Just one specific task because irregardless of where or  
5 how we come up with a mechanism and how it's introduced  
6 into the report is a stand alone issue. The other issue  
7 is obviously getting through and grinding through the  
8 annual reports and having some way of verifying so that  
9 both States at this level feel comfortable when the staff  
10 recommends or a recommendation comes through one of the  
11 committees that we should adopt it. So perhaps what we  
12 could do is assign the ten-year accounting to go through  
13 the Operations Committee because that does seem to be  
14 somewhat technical in nature, and it's already been  
15 brought before that committee which makes, I think,  
16 reasonable sense. Is this okay with Colorado? The other  
17 issue there is it seems like some reasonable nexus  
18 between the annual reporting and what the legal and the  
19 administrative committee does. So perhaps those past  
20 annual reports could be vetted through the Administrative  
21 and Legal Committee for their recommendation to the full  
22 ARCA that they be adopted. Because I think that's kind  
23 of how we work.

24                   I mean, Administrative and Legal consider the  
25 adoption of x, y, z accounts. Then they would look at  
26 it. It would come before ARCA as a resolution, as a

1 recommendation, or an X report, and we would take action  
2 and either simultaneously, or I suppose it could happen  
3 even after the fact, that ten-year accounting issue could  
4 be inserted. I mean, we are going to have to go back in  
5 time anyway.

6 MR. MILLER: The only thing I would say on  
7 that, Matt, is with the annual reports, and you probably  
8 have never seen one because there's never been one in  
9 your tenure.

10 MR. HEIMERICH: I would like to see one.

11 MR. MILLER: It's 90 percent hydrologic and  
12 reservoir accounting.

13 MR. HEIMERICH: Which is a big document that  
14 Steve would always bring forward.

15 MR. MILLER: That is about 14 tables and 14  
16 appendices showing stream flows and delivery rates and  
17 reservoir contents. And it wasn't just a financial  
18 statement. We would have done them - we have never had a  
19 problem agreeing on that part of it, only the hydrologic  
20 information. But I'm fine with sending it to Randy as a  
21 draft. I don't expect you to get a spreadsheet and start  
22 cranking numbers then you'll find out who in Kansas can  
23 do that for you.

24 MR. HEIMERICH: We'll leave it at that.  
25 That's fine. When it goes to you, Jennifer, that won't

1 be an issue because you're going to be supervising the  
2 preparation.

3 MS. GIMBEL: We'll see.

4 MR. HEIMERICH: I'm just doing this off the  
5 cuff. I'm just trying to figure out how we can move  
6 forward so that the annual reports can be affected and  
7 completed so we can get back on a time table and live up  
8 to the obligations of what we said we would do. I think  
9 Special Master wants to see it happen. I think probably  
10 the United States government wants to see it happen. I  
11 would like to see one before I leave.

12 VICE-CHAIRMAN: Realistically, how many annual  
13 reports backlogged can you do in a year's time?

14 MR. MILLER: I think we can do all the way  
15 through two -- I have the data through 2004 and that was  
16 not a hard process. I'm missing one set from Kansas, and  
17 I know they are working on it. I have already talked to  
18 Kevin. To pull 2004 through -- 2008, I don't know,  
19 because I have never tried to do a year that had just  
20 closed. So some of the web sources like USGS, when that  
21 becomes final, when our own diversion records from  
22 Colorado get into the database, I don't know how quickly  
23 that occurs, but through 2007 can certainly be done by  
24 next year on a schedule three or four every two or three  
25 months.

26 VICE-CHAIRMAN: Through 2006?

1 MR. MILLER: Through 2007.

2 MR. HEIMERICH: With that being said, I think  
3 this Colorado commissioner would see that that is a  
4 fairly high priority. If we keep getting backlogged, we  
5 are never going to get it done. And then it's always  
6 hanging out there over everyone's head, kind of  
7 shadowing. We can't move on with some other issues  
8 because we are dealing with limited manpower issues as  
9 well.

10 MR. MILLER: They are pretty much cookie  
11 cutter until you change how John Martin functions. So  
12 the Offset Account will require some new text, and then  
13 we'll have to hash out that. If the attorneys might want  
14 to get involved and this is how we describe well I got  
15 accounts there. How we introduce the subject that  
16 there's a new table. Then you go along until there's  
17 another change, and that might be the decree being  
18 finalized. And that's the point where we introduce some  
19 more information. And again, you can get three or four.  
20 And if you look at one and say what was the end of the  
21 year contents? You look at the next years. You say  
22 what's the -- they start at the right number, and you  
23 just approve two or three as a slug.

24 VICE-CHAIRMAN: Kevin?

25 MR. SALTER: Kind of bring you back to the  
26 point I think is who do you assign the annual report

1 drafting to? Thanks to Sam Speed, we have got Article 5,  
2 the Bylaws that describes the committees. "The standing  
3 committees shall have the following duties under  
4 Administrative and Legal Committee: It shall advise the  
5 Administration with respect to the several different  
6 tasks and shall prepare the draft of the annual report of  
7 the Administration." So it seems like the bylaws  
8 squarely puts it in the Administration and Legal. I did  
9 mention earlier that the Resolution 2005 for the Special  
10 Engineering Committee did have a task. That was task C,  
11 to provide guidance to the Administrative and Legal  
12 Committee and his designee on preparing drafts of the  
13 annual reports to the Administration. And then goes on.  
14 So I think those two have been identified previously by  
15 the Administration.

16 VICE-CHAIRMAN: Okay. I think that sounds  
17 like the appropriate way to approach that then. I will,  
18 I guess, at least see if we can attempt to get these  
19 reports going again.

20 MR. MILLER: I'll send it to you.

21 VICE-CHAIRMAN: Jennifer's chair.

22 MR. SALTER: In summary, I guess I agree with  
23 your earlier statement, I guess, about ten-year  
24 accounting being assigned to the Operations Committee,  
25 for them to come up with a recommendation about how to do  
26 that.

1 MR. HEIMERICH: Okay.

2 MR. MILLER: But the annual report  
3 preparations is in the purview of the Administrative and  
4 Legal, and they can reach out and get help wherever they  
5 need it. And, as Kevin mentioned, the Special  
6 Engineering Committee is tasked by ARCA to provide any  
7 assistance that Committee needs to complete the task.

8 VICE-CHAIRMAN: All right. I think we  
9 resolved that, I hope.

10 MR. HEIMERICH: I think we have.

11 VICE-CHAIRMAN: 14.B, I think is the last item  
12 under 14. That's the resolution for the continuation of  
13 the Special Engineering Committee. Who has that? David?

14 MR. BARFIELD: Yes. Let me just read the  
15 resolution. I think we have had plenty of discussion on  
16 the background. This would be Resolution 2008-4  
17 regarding third extension of the term of the Special  
18 Engineering Committee.

19 "Whereas, pursuant to Bylaw Article 5, the Arkansas  
20 River Compact Administration by resolution created the  
21 Special Engineering Committee --

22 COURT REPORTER: Slower, please.

23 MR. BARFIELD: Actually, I'm just going to  
24 read the resolved. It basically says we created this  
25 Committee in 2005. We extended it to 2006 and 2007;

1           "Whereas, at the 2008 Annual Meeting, the Special  
2 Engineering Committee has again reported the  
3 Administration on its successful resolution of several  
4 additional disputed issues and the potential for further  
5 agreement.

6           "Now, therefore, be it resolved that the Arkansas  
7 River Compact Administration does hereby extend the term  
8 of the Special Engineering Committee one full year to  
9 expire on December 31, 2009. All other Special  
10 Provisions of the 2005 Resolution shall remain unchanged  
11 and govern the actions of the Special Engineering  
12 Committee during this third extension throughout 2009."  
13 Adopted today by the Administration.

14           I would move we adopt this resolution.

15           VICE-CHAIRMAN: Second?

16           MR. HEIMERICH: Second.

17           VICE-CHAIRMAN: Any discussion? My notes said  
18 that was the third extension of the Special Engineering  
19 Committee.

20           MR. BARFIELD: That's right.

21           VICE-CHAIRMAN: No discussion. Colorado vote?

22           MR. HEIMERICH: Colorado votes aye.

23           VICE-CHAIRMAN: Kansas?

24           MR. BARFIELD: Kansas votes aye.

25           VICE-CHAIRMAN: Motion carried. Special  
26 Engineering Committee is extended for another year. Item

1 15 is future meetings. Do we have some slated for the  
2 Operations Committee or tentatively?

3 MR. BARFIELD: We have slated a potential  
4 based on need in April or mid-summer.

5 VICE-CHAIRMAN: Now it sounds like you might  
6 have to have maybe a special Administrative and Legal  
7 Committee.

8 MS. GIMBEL: At least one, maybe two.

9 VICE-CHAIRMAN: Special meetings of the  
10 Administration? I don't foresee anything for the full  
11 Administration to meet at this time. And the date for  
12 the 2009 annual meeting is -- I haven't looked that far  
13 ahead -- but it's slated.

14 MR. HEIMERICH: Steve, what are the dates for  
15 '09?

16 MR. MILLER: I don't have a calendar. It's  
17 always the second Tuesday of December.

18 MS. GIMBEL: December 8th.

19 VICE-CHAIRMAN: Very good. Any other  
20 business?

21 MR. BARFIELD: With respect to the annual  
22 meeting, I certainly appreciate the State of Colorado and  
23 others here. They are hosting this meeting annually. I  
24 guess I would like to once again on behalf of Kansas  
25 extend an offer for State of Kansas hosting this meeting  
26 in Garden City next year. This invitation obviously has

1       been extended before. We understand that, you know,  
2       there's an additional effort that we are required of  
3       Coloradoans to come to Kansas, but we appreciate the  
4       opportunity to host it on a relatively infrequent basis  
5       just to increase the participation and knowledge of  
6       Kansas on the important work of ARCA. And I think it's  
7       an opportunity for Coloradoans to sort of learn a little  
8       bit about Kansas as you venture on that side of the  
9       Stateline, and so I guess I would offer on behalf of our  
10      delegation here to host the meeting in Garden City.

11               MR. THOMPSON: I have talked to some guys and  
12      most of the guys down in here have maybe agreed that it  
13      would be okay on a temporary basis to maybe have it next  
14      year in Garden City. Acknowledging that this is still  
15      the home stomping grounds of the Compact and more  
16      centrally located over time so that the Colorado guys  
17      don't have to go as far. And I think there are surely  
18      some ribeyes or something that come with it.

19               VICE-CHAIRMAN: I don't think it sets any  
20      precedents, but it's been several years since we have had  
21      the annual meeting there. I don't recall what the last  
22      year was. The only one that I recall was probably ten  
23      years ago. Anyway, I assume so. I would appreciate  
24      that. I would be glad to have you come to Kansas for the  
25      annual meeting. We look forward to that.

1                   MR. HEIMERICH: Could we have Mr. Miller maybe  
2 just speak to them on logistics? Steve, I am assuming --  
3 is it you or Stephanie that makes the arrangements for  
4 all the meeting halls and making sure that there is  
5 places for reservations and getting the word out? I  
6 mean, so that if, in fact, we do agree that Garden City  
7 is the appropriate host for the '09, how does Kansas go  
8 about, I mean, doing that?

9                   MR. MILLER: I'm sure Stephanie will provide  
10 assistance. Colorado took the lead here, but since it's  
11 a repetitive process, Stephanie knows what to do or who  
12 to contact better than I do. She makes the arrangements  
13 for this meeting. If provided with the information on  
14 who we want to deal with in Kansas, she can do that. The  
15 biggest issue for you guys is the out-of-state travel.  
16 So Jennifer has to approve the travel. This is really  
17 the only issue I see.

18                   MS. GIMBEL: So does the Governor.

19                   MR. BARFIELD: I believe we need to take a  
20 formal action according to the bylaws, correct? The  
21 bylaws do provide for this. So I guess I would make a  
22 formal motion that we have the annual meeting of ARCA at  
23 Garden City, Kansas next year.

24                   VICE-CHAIRMAN: Is there a second?

25                   MS. GIMBEL: We'll second that.

1 VICE-CHAIRMAN: Moved and seconded. Do we  
2 have the annual meetings in Garden City next? Any more  
3 discussion? Hearing none, Colorado vote?

4 MR. HEIMERICH: Colorado votes aye.

5 VICE-CHAIRMAN: Kansas vote?

6 MR. BARFIELD: Kansas votes aye.

7 MR. MILLER: David or Randy, maybe David, one  
8 of you decide who is going to coordinate with Stephanie  
9 on location and just so we get the agenda and titles and  
10 stuff like that.

11 VICE-CHAIRMAN: She corresponds with me as  
12 Vice-Chair anyway. So I would be glad to help coordinate  
13 that.

14 MR. MILLER: I appreciate that very much.

15 VICE-CHAIRMAN: Look forward to seeing you  
16 there. I don't have anything else. Is there any other  
17 business for the Administration, Steve?

18 MR. WITTE: How will the handling of the  
19 distribution of the action items and the resolutions be  
20 done?

21 VICE-CHAIRMAN: I'm assuming as soon as we  
22 adjourn we'll get all of those signed and instructions to  
23 the reporter. We'll want you to distribute your notes as  
24 rapidly as possible to both States so that they can get  
25 started working on those. Is that what your question  
26 was?

1                   MR. MILLER: In particular, the resolutions  
2                   passed today and the action items in committees yesterday  
3                   need to be distributed to staff so we can have a record  
4                   of what our expectations and assignments are for the  
5                   coming year. As long as we are still on the record,  
6                   anybody who introduced anything to sign needs to make  
7                   sure four originals are up front within the next 15  
8                   minutes. We are going to sign four sets of originals and  
9                   distribution would be one to the reporter, one to  
10                  Stephanie, one to me with the responsibility of getting  
11                  it to anybody in Colorado. And I can take care of some  
12                  of that right here on the spot in the front office here.  
13                  And one to Kansas, whoever that ought to be. But four  
14                  original signatures in the next five minutes up front.

15                 MR. BARFIELD: Well, that does now address  
16                  your concern, Steve, right?

17                 MR. WITTE: Right.

18                 MR. BARFIELD: Very good.

19                 VICE-CHAIRMAN: Any other business?

20                  Discussion? If not,

21                 MR. BARFIELD: I would move adjournment.

22                 MR. HEIMERICH: Second.

23                 VICE-CHAIRMAN: And seconded. Let's say we  
24                  adjourn home. All in favor say aye?

25                  (All said aye).

26                 VICE-CHAIRMAN: We are adjourned.

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**REPORTER'S CERTIFICATE**

This document is a true and complete transcription of my stenographic notes taken in my capacity as court reporter in Prowers County, Lamar, Colorado at the time and place noted. Dated at Lamar, Colorado, 19th day of May, 2009.  
Susan Green, Court Reporter

**Note re editing by the States**

Due to the unavailability of Ms. Green to make editorial corrections to the original transcript she prepared as noted above, this final approved transcript was prepared by Kevin Salter for Kansas and Steve Miller for Colorado, using the original transcript file provided by Ms. Green, and presented to ARCA for approval at the 2009 Annual Meeting.

 7 Dec 2009

Kevin Salter, Kansas Div. of Water Resources

 12-7-09  
Steve Miller, Colorado Water Conservation Board

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**EXHIBIT LIST**

- Exhibits accepted by ARCA follow in the order introduced
- A Attendance list, Page 4
  - B Notice and Agenda, Page 9
  - C Res. Honoring Lee Rolfs, Page 9, see Resolutions below
  - D USGS Report, Page 20
  - E US Army Corps of Engineers Report, Page 26
  - F Tamarisk Strategic Plan from Susan Metzger, Page 38  
[cover of report only]
  - G Engineering Comm. Action Item List, Page 56
  - H Operations Comm. Action Item List, Page 56
  - I Administrative & Legal Comm. Action Item List, Page 70
  - J Tamarisk Coalition letter, Page 71
  - K Financial Statement (Audit) Report, Page 83
  - L FY 09-10 1<sup>st</sup> Revision of Budget, Page 85
  - M FY 10-11 Proposed Budget, Page 85

**ADOPTED RESOLUTIONS**

- Resolutions adopted by ARCA follow in the order adopted
- 2008-01 Honoring Lee Rolfs, Page 10
  - 2008-02 Support Tamarisk Control Efforts, Page 72
  - 2008-03 Adopt Rec. G of Spec. Eng. Comm., Page 74
  - 2008-04 3<sup>rd</sup> Extension Spec. Eng. Comm., Page 99

# **Exhibit A**

**Annual Meeting**

## ATTENDANCE LIST

2008 ARKANSAS RIVER COMPACT ADMINISTRATION ANNUAL MEETING

Tuesday, December 9, 2008, 8:30 a.m. (MST) Lamar Community Building, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE & FAX	EMAIL
MATT HEIMERICH	COLORADO	5325 Ln 9.5 O.S. CO 81062	719-267-5555 267-3114	mattecrowley@comcast.net
Colin Thompson	COLD DISTRICT	30255 CR 31 Holly CO	719 537 6774	pcrowley@hollymo.com
JENNIFER GIMBEL	CWCB		303-866-3441	jenn.fer.gimbel@state.co.us
Dennis Montgomery	Colorado	1441 18th St Dennis, CO 8020	303-296-8100	dennis@montgomery.com inlandrabbits.com
THOM MAKENS	KDA-DWR	2508 SUNN ST GARDEN CITY KS 67846	620-276-2901 (3515)	THOM.MAKENS@KDA.STATE.KS.KDA.CO.V
SANDRA VAUGHN	..	..	..	Sandra.Vaughn@ks.kda.gov
MANNY TORRES	FORT LYON CANAL ED.	750 BENT AVE	719-456-0720 719-456-1409	info@FLCC.NET
KEARB REYHER	FORT LYON CANAL	Box 15 McClave CO	719-829-4854 FAX 719-829-4851	
MARK RUDE	SW. KS. GMD #3	409 CAMPUS DR, GARDEN CITY	620-275-7147	MRUDE@GMD3.ORG

Exhibit A

Exhibit A

## ATTENDANCE LIST

### 2008 ARKANSAS RIVER COMPACT ADMINISTRATION ANNUAL MEETING

Tuesday, December 9, 2008, 8:30 a.m. (MST) Lamar Community Building, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE & FAX	EMAIL
Randy Hayzlett	KANSAS	1112 Road T	620-355-7499 620-355-7064	hayzlett@pld.com
David Barfield	Kansas	109 SW 9th Topeka, KS 66612	785-296-3710	david.barfield@kda.ks.gov
Dave Bruner	Ka.	Harden City KS	620-275-7480	_____
JOHN DRAYER	KANSAS	SANTA FE, NM	505-986-2525 508-982-4249	jdrayer@montand.com
Susan Metzger	KANSAS	Topica, KS	785 296-1007 (P)	susan.metzger@kwo.ks.gov
Mike Sullivan	Colorado DWR	1313 Sherman # 818 Denver, CO 20203	303-866-3581	mike.sullivan@state.co.us
Dick Wolfe	Colorado DWR	1313 Sherman #818 Denver, CO 80203	303-866-3581	dick.wolfe@state.co.us
Andrew Gilmore	Reclamation	11056 W CR 18E Loveland, CO 80537	970 962 4362	agilmore@gr.usbr.gov
Greg Goodenow	Reclamation	11056 W. CR 18E Loveland, CO 80537	970 962 4383	ggoodenow@gr.usbr.gov
Steve White	Colorado DWR Water Res - Operations Secretary	310E Abriendo Suite B Pueblo, CO 81002	(719) 542-3368 x2106	steve.white@state.co.us
MAJOR Andre Balyoz	US Army Corps of Engineers - Albuquerque	4100 Jefferson Plaza Albuquerque, NM 87109	505-342-3433	andre.p.balyoz.maj@usace.army.mil

## ATTENDANCE LIST

2008 ARKANSAS RIVER COMPACT ADMINISTRATION ANNUAL MEETING

Tuesday, December 9, 2008, 8:30 a.m. (MST) Lamar Community Building, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE & FAX	EMAIL
FRANKS E. GARCIA	U.S. ARMY CORPS OF ENGINEERS	401 JEFFERSON PLAZA, ALB, NM	505 342-3500	FRANKS.E.GARCIA@USACE.ARMY.MIL
April Sanders	USACE - Albuquerque District	4101 Jefferson PL. NE Alb. NM 87109	505.542.3443	April.f.sanders@USACE.Army.mil
VAN TRUAN	US ARMY CORPS OF ENGINEERS	200 S. Santa Fe Suite 301 Pueblo, Colo. 81003	719-543-6915 " " 9475 fax	Van.a.truan@usace.army.mil
SANDY CAYL	USACE - CSO	1600 Beaudry #1040 DENVER, CO 80202	303 831 6052	SANDY.L.CAYL@USACE.ARMY.MIL
PATRICK OYABE	US ARMY CORPS OF ENGINEERS - SP4 HQ	1455 MARKET ST SAN FRANCISCO, CA	415-279-8948	PATRICK.W.OYABE@USACE.ARMY.MIL
PAUL ROBERSHOTTE	USACE, SOUTH PACIFIC DIV HQ, SF	1455 MARKET ST SAN FRANCISCO, CA 94103	415-503-6639 ph 415-503-6640 fax	paul.j.robershotte@usace.army.mil
Karl Martin	USACE - Albuq. District	4101 Jefferson PL. NE ALB NM 87109	505-342-3144	<del>Karl.a.martin</del> usace.army.mil Karl.a.martin@usace.army.mil
DAN NEUKOLD	COLO. DIV, WATER RES.	30240 RD. 12 LAMAR, CO. 81052	719-336-5384	dan.neukold@state.co.us
TERRY HOWARD	Amity Mutual Ins Co Buffalo Canal	P.O. Box 187 Holly Co. 81047	719-537-6627 same	Amity@RuralComm.com
BRADY MCELROY	USDA-NRCS	3503 S Main LAMAR CO 81052	719-336-3437 719-336-2210 FAX	brady.mcelroy@co.usda.gov
Donaco Steerman	Dist 67 bitches Amity Buffalo	P.O. B 390 LAMAR CO 81052	719-336-4313 719-336-4315	shinnsteermanlaw@centurytel.net

## ATTENDANCE LIST

### 2008 ARKANSAS RIVER COMPACT ADMINISTRATION ANNUAL MEETING

Tuesday, December 9, 2008, 8:30 a.m. (MST) Lamar Community Building, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE & FAX	EMAIL
Gene McDonald	Colorado (AAG)	Denver, on record	303/966-5072	Gene.McDonald@state.co.us
Steve Miller	Colorado Water Cons. Bd	1313 Sherman St #721 Denver Co 80202	303-866-3441- ext 3228	Steve.Miller@state.co.us
Ann M Lopkoff	CWPCA Colo. Water Prot & Dev. Assoc.	15 W 4th St PO Box 604 La Junta, Co 81050	719-384-2754 (P) 719-384-2123 (F)	ann@cwpcda.org
Roy VAUGHAN	Reclamation	610 RESERVOIR RD. Pueblo, Co. 81005	719-541-9855 719-561-9856	RVAUGHAN@ER.USBR.GOV
Chris Beightel	KS/DWR	66612 109 SW KAUFMAN TPK Topeka KS	785 296 2830	chris.beightel@kda.ks.gov
BILL TYNER	CDWR	310 EAST ABRRIENDO PUEBLO, CO 81004	719-542-3368 X2110	bill.tyner@state.co.us
Samuel Speed	KS Atty Gen's Office	120 SW Tenth Ave 2nd Fl. Topeka KS	785 296-2215	Samuel.Speed@KSAG.CO
Burke Giggis	Council KS Div. of Water Resources	109 SW 9th Ave., 4th Flr. Topeka KS 66612	785 296-4616	burke.giggis@kda.ks.gov
RANDAL RISTAU	CDPHE WQCD	4300 Cherry Creek Ave S Denver, CO 80246	3-692-3571	randal.ristau@state.co.us
Pt Edelman	USGS	201 E 9th St Pueblo, Co 81003	719-544-7155 x 114	pedelman@usgs.gov
Craig Dare	USGS	1390 E. 8th Hays, KS 67601	785-628-8918	cdare@usgs.gov

## ATTENDANCE LIST

2008 ARKANSAS RIVER COMPACT ADMINISTRATION ANNUAL MEETING

Tuesday, December 9, 2008, 8:30 a.m. (MST) Lamar Community Building, Lamar, Colorado

NAME	REPRESENTING	ADDRESS	PHONE & FAX	EMAIL
Angela Schenk	Sprink Water Engineers, Inc (KS)	Denver, CO	303-861-9700	aschenk@sprinkwater.com
Heavily Spady	PRWCD	La Junta	383-2598	
J. DANIELSON	PRWCD	LA JUNTA	383-2598	
Julianne Waddridge	PRWCD	Colo. Springs	719 520-9288	jwaddridge@waterlaw.tv
Jean VanPelt	SECWCD	Pueblo	719-948-2400	jean@secwcd.com
KEVIN SALTER	KS DWR / KDA	GARDEN CITY KS		
Dale Book	Sprink Water Engineers, Inc	Denver, CO	303 861-9700	debook@sprinkwater.com
Mike Meyer	KDA KS DWR	Garden City KS		
Steven Hines	Frontier Ditch Co	Coolidge KS	620 372 8241	
Chelsea French	KS DWR-GCFO	Garden City, KS	276-2901	<del>chfrench@ks.gov</del>
Brenda Cole	KS DWR-GCFO	GC, KS	276-2901	Brenda.Cole@kda.ks.gov

# **Exhibit B**

**Annual Meeting**

# ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chairman and Federal Representative

For Kansas

Jennifer Gimbel, Denver

Robin Jennison

David Barfield, Topeka

Colin Thompson, Holly

Healy, Kansas

Randy Hayzlett, Lakin

Matt Heimerich, Olney Springs

David A. Brenn, Garden City

## **NOTICE & AGENDA 2008 ANNUAL MEETING ARKANSAS RIVER COMPACT ADMINISTRATION**

**TUESDAY, DECEMBER 9, 2008  
8:30 A.M. (MST)**

**LAMAR COMMUNITY BUILDING  
610 SOUTH SIXTH STREET  
LAMAR, COLORADO**

The 2008 Annual Meeting of the Arkansas River Compact Administration ("ARCA") will be held in Lamar, Colorado, on Tuesday, December 9, 2008, commencing at 8:30 A.M. (MST). The Lamar Community Building is located at 610 South Sixth Street, in Lamar. The meeting will be recessed for lunch at about 12:00 P.M. 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 Disabilities Act. If you need a special accommodation as a result of a disability please contact Stephanie Gonzales at 719-734-5367 at least three days before the meeting. The tentative agenda for the Annual Meeting, which is subject to change, is set out below.

The Engineering, Operations, and Administrative/Legal Committees of the Administration will meet on Monday, December 8, 2008, at the Lamar Community Building located at 610 South Sixth Street, in Lamar, beginning at 1:00 P.M. (MST) and continuing to completion. Tentative agendas for the Committee meetings are also set out below. The public is welcome to attend the Committee meetings, but time for comments may be limited.

Exhibit B

**ENGINEERING COMMITTEE MEETING  
MONDAY, DEC. 8, 2008, 1:00 P.M. (MST)**

**Lamar Community Building**

TENTATIVE AGENDA (subject to change)

Presiding: Matt Heimerich

1. **Review committee agenda and procedure for minutes and/or committee report preparation**
  
2. **Status review of items currently before Committee** (a listing of items for review purposes only, no presentations or actions proposed, unless listed elsewhere on this agenda)
  - A. City of Lamar request for account at JMR
  - B. USGS report on status of gaging efforts in Kansas and Colorado and resolution on streamgage support for NISP
  - C. Special Engineering Committee
  - D. LAWMA / Colorado DOW request for a new source of water for JMR Permanent Pool
  
3. **Old business**
  - A. City of Lamar request for account at JMR
  - B. USGS report on status of gaging efforts in Kansas and Colorado and streamgage support for NISP – Staff report
  - C. Update on Tri-State Generation re Amity Change of Water Right (Eve McDonald)
  - D. Update on Colorado's proposed Irrigation Consumption Rules
  - E. Review future of Special Engineering Committee and the status of Engineering Committee issues before this committee
  
4. **New business and other matters**
  - A. Corp of Engineers update on JMR dredging operations and Purgatoire River channel capacity study below Trinidad Reservoir through the City of Trinidad (Dennis Garcia)
  - B. Joint Colorado-Kansas Tamarisk Control projects (Jean Van Pelt)
  
5. **Summary of action items / Committee assignments to staff**
  
6. **Future Meetings**
  
7. **Adjourn**

**OPERATIONS COMMITTEE MEETING  
MONDAY, DEC. 8, 2008, 2:30 P.M. (MST)**

**Lamar Community Building**  
TENTATIVE AGENDA (subject to change)

Presiding: David Brenn

1. **Review committee agenda and procedure for minutes and/or committee report preparation**
2. **Status review of items before Committee** (a listing of items for review purposes only, no presentations or actions, unless listed elsewhere on this agenda)
  - A. Water Issues Matrix – accounting and operations issues tracking
  - B. Special Engineering Committee
3. **Reports of Operations Secretary and Assistant Operations Secretary**
  - A. Operations Secretary, Steve Witte
  - B. Assistant Operations Secretary, Kevin Salter
  - C. Action item: Committee recommendations concerning CY2008 Operations and Assistant Operations Secretaries' Reports
4. **Colorado Division of Water Resources**
  - A. Offset Account Operations Annual Report
  - B. Colorado Compact compliance measures
  - C. Action item: Committee recommendations concerning inclusion of Ten-year Accounting of Depletions and Accretions to Usable Stateline Flow in future reports in order to document and preserve results
5. **Old Business**
  - A. Accounting and operations issues from prior years (Water Issues Matrix)
  - B. Recommendation G:
    1. Review proposed resolution adopting Recommendation G
    2. Review of steps taken to fulfill conditions of recommendation (Retroactive accounting)
    3. Status of prior years Operation Secretary Reports
  - C. Review future of Special Engineering Committee and the status of Operations Committee issues before this committee
6. **New business and other matters**
  - A. Recommendation to ARCA re prior years Operation Secretary Reports per Recommendation G
  - B. Review of proposed revisions to 1980 Operating Plan Resolution
7. **Summary of action items / Committee assignments to staff**
8. **Future Meetings:** April and/or mid-Summer meeting(s)
9. **Adjourn**

**ADMINISTRATIVE & LEGAL COMMITTEE MEETING**  
**MONDAY, DEC. 8, 2008, 4:00 P.M. (MST)**

**Lamar Community Building**  
TENTATIVE AGENDA (subject to change)  
Presiding: Randy Hayzlett

1. **Review committee agenda and procedure for minutes and/or committee report preparation**
  
2. **Status review of items before Committee** (a listing of items for review purposes only, no presentations or actions proposed, unless listed elsewhere on this agenda)
  - A. Financial matters
    1. Audit Report
    2. Treasurer Report
    3. Budget
  - B. ARCA Transcripts
  - C. Annual Reports
  - D. Nomination of ARCA Officers & Committees
  - E. ARCA Special Engineering Committee created by Resolution 2005-01
  - F. Review of ARCA duties with Stephanie Gonzales, organization of ARCA Office and equipment needs, Prowers County lease and records retention
  
3. **Review Agenda for 2008 Annual Meeting**
  
4. **Recording Secretary Report**
  
5. **Financial Matters**
  - A. Audit Report, review and approval of fiscal year (FY) 2007-08 Report (7/1/07-6/30/08)
  - B. Treasurer Report
  - C. Budget review and adoption
    1. Review of current fiscal year (FY) 2008-09 budget
    2. Review of previously adopted FY 2009-10 budget
    3. Colorado Satellite System contract
    4. Approval of USGS Cooperative Agreements for gaging network
    5. Adoption of FY 2010-11 budget and assessments
  
6. **Old Business**
  - A. Status of Transcripts and/or Summaries from Prior Meetings
    1. Annual Meetings: 1993, 1998, 1999, 2000, 2001, 2002, May 2003, Dec. 2003, 2004, 2005, 2006, and 2007
    2. Special Meeting Minutes
  - B. Annual Report Preparation

1. Status of uncompleted reports from 1994-2007
  2. Process to complete current backlog
  - C. Review future of Special Engineering Committee and the status of Operations Committee issues before this committee
  - E. Revision of the 1980 Operating Plan to include the six Special Engineering Committee recommendations adopted by ARCA (Recommendations A, B, C, D, E and F.)
- 7. New business**
- A. Nomination of Officers
    1. Vice-Chairman
    2. Recording Secretary and Treasurer
    3. Operations Secretary
    4. Assistant Operations Secretary
  - B. Recommendation on appointment of Committee chairs
- 8. Summary of action items / Committee assignments to staff**
- 9. Future Meetings**
- 10. Adjourn**

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**ARKANSAS RIVER COMPACT ADMINISTRATION**  
**2008 ANNUAL MEETING**  
**TUESDAY, DEC. 9, 2008, 8:30 A.M. (MST)**  
**LAMAR COMMUNITY BUILDING**  
TENTATIVE AGENDA (subject to change)

1. **Call to Order:** Chairman and Federal Representative, Robin Jennison
  - A. Instructions for reporter
2. **Introductions of Representatives and Visitors**
3. **Review and Revision of Agenda**
4. **Reports of Officers for Compact Year 2008**
  - A. Chairman: Robin Jennison
  - B. Vice-chairman: Randy Hayzlett
  - C. Recording Secretary and Treasurer: Stephanie Gonzales [defer to item 12]
5. **Kansas v. Colorado Status Update**
  - A. Status of litigation
  - B. Colorado compliance efforts
6. **Reports of Federal Agencies**
  - A. U.S. Geological Survey
  - B. U.S. Army Corps of Engineers
  - C. U.S. Bureau of Reclamation
7. **Tamarisk Control Projects Update**
8. **Reports from Colorado Water Conservancy Districts**
  - A. Southeastern Water Conservancy District
  - B. Lower Arkansas Valley Water Conservancy District
  - C. Purgatoire River Water Conservancy District
9. **Report of Engineering Committee**
  - A. Committee report and recommendations from Dec. 2008 Committee Meeting
  - B. Continuation of Special Engineering Committee for 2009
10. **Report of Operations Committee**
  - A. Committee report and recommendations from Dec. 2008 Committee Meeting
  - B. Reports of Operations Secretary and Assistant Operations Secretary for CY 2008
  - C. Offset Account report by Colorado State Engineer
  - D. Continuation of Special Engineering Committee for 2009

- 11. Report of Special Engineering Committee**
  - A. Recommendation G adoption
  - B. Continuation of Special Engineering Committee for 2009
- 12. Report of Administrative and Legal Committee**
  - A. Committee report and recommendations from Dec. 2008 Committee Meeting
  - B. Recording Secretary and Treasurer Report: Stephanie Gonzales
  - C. Continuation of Special Engineering Committee for 2009
- 13. Old Business**
- 14. New Business**
  - A. Assignments to and action on recommendations from Engineering Committee
    1. ARCA Resolution on Tamarisk control efforts
  - B. Assignments to and action on recommendations from Operations Committee
    1. ARCA Resolution on Recommendation G
    2. Recommendation on past Operation Secretary Reports
  - C. Assignments to and action on recommendations from Administrative and Legal Committee
    1. Election of Officers
    2. Appointment of Committee chairs
    3. Approval of Audit Report
    4. Budget review and adoption
    5. Approval of minutes from previous meetings
    6. Annual reports
  - D. ARCA Resolution for continuation of Special Engineering Committee
- 15. Future Meetings**
  - A. Spring and/or mid-Summer meeting(s) of Operations Committee
  - B. Special Meeting(s) of the Administration and/or other Committees
  - C. 2009 Annual Meeting
- 16. Adjourn**

# **Exhibit C**

**Annual Meeting**

# **Exhibit D**

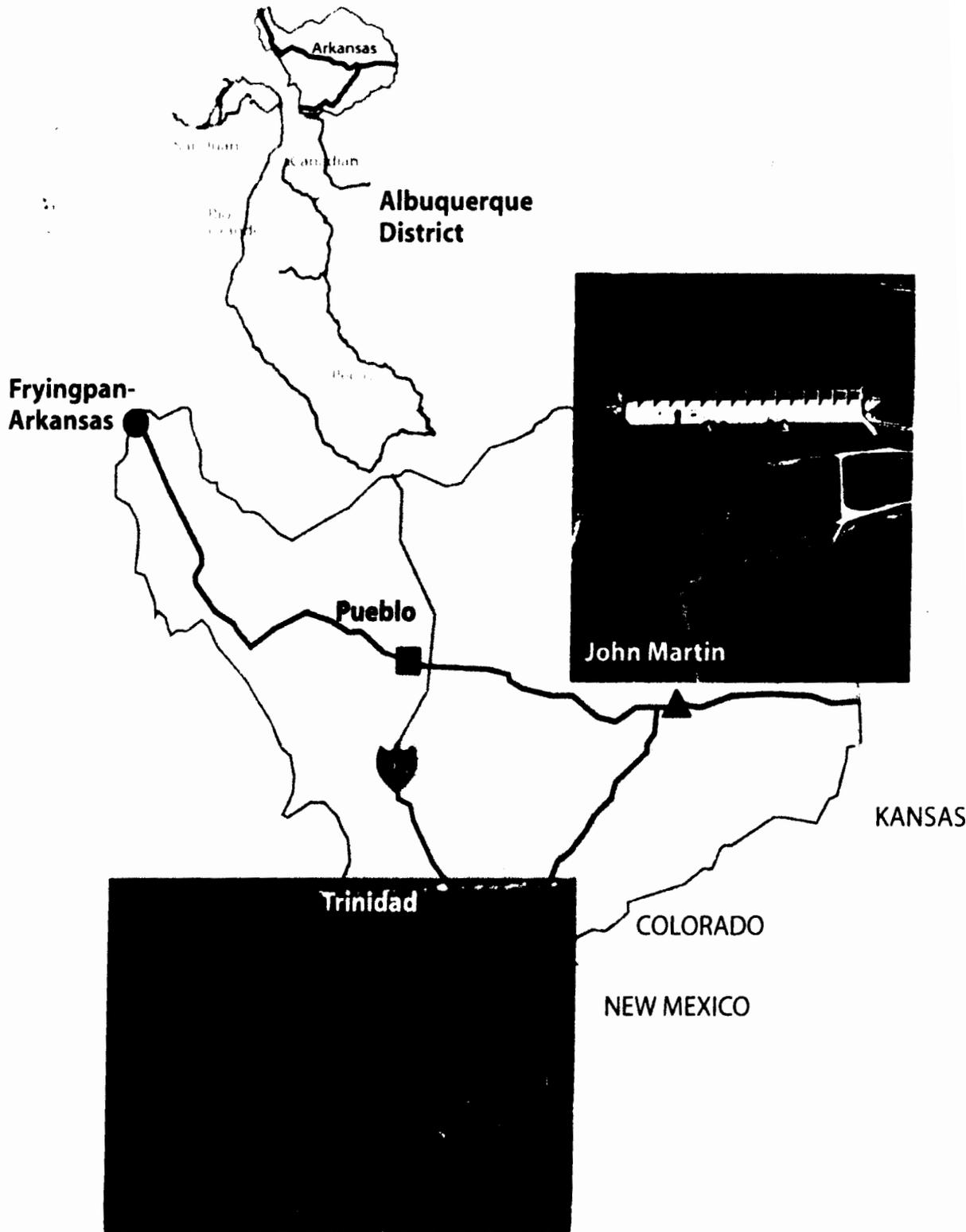
**Annual Meeting**



# **Exhibit E**

**Annual Meeting**

# Arkansas River Basin



**US Army Corps  
of Engineers.**  
Albuquerque District

**Report of Civil Works  
Activities for 2008**

*Exhibit E*

**1. General** During 2008, activities of the U.S. Army Corps of Engineers, Albuquerque District (Corps) in the Arkansas River Basin consisted of reservoir regulation, flood-control related studies, flood plain management services, regulation under Section 404 of the Clean Water Act, and emergency assistance.

**2. Flood Control Operations** The Arkansas River Basin snowmelt runoff was above normal throughout the upper basin, and slightly below normal in the southern sub-basins.

The upper Arkansas basin in terms of snow pack, reached a well above normal high of 147% of average. The southern sub-basins were also well above normal at 173% of average.

There were no Corps flood-control operations at Trinidad, John Martin, or Pueblo.



Trinidad Lake, 2005. USACE photograph.

### **John Martin Reservoir**

**Sediment Deposits** - At John Martin, an accumulation of sediment on the dam's upstream face is hindering scheduled maintenance and inspection of the emergency sluicing gates. In order to alleviate this problem, the Corps has issued a 3.1 million dollar contract to hydraulically dredge and remove approximately 90,000 cubic yards of sediment material. The dredged material is being deposited in a retention pond approximately 1.5 miles from the dredging site where it will be used in the future construction of endangered species habitat islands.

The operation is ongoing and is on scheduled to be completed by February, 2009. Hydraulic dredging is the best method for removing these sediments. We are confident the operation will have the least impact on turbidity, and not result in "Action Level" increased concentrations of organics or metals. The Corps will implement, and maintain, Best Management Practices during construction in accordance with our Construction Stormwater Permit.

**Stilling Basin Inspection** - The Corps has conducted a small scale core sampling operation on sediment deposits within the stilling basin below the reservoir. The sediment will be removed once the stilling basin has been drained in order to conduct a proper inspection of the entire concrete apron and stilling basin works. The stilling basin sediment removal and inspection is scheduled to take place during the winter months of FY09.

## Trinidad Lake

Embankment repair - A project to repair portions of the embankment immediately downstream of the outlet works below Trinidad Dam is currently underway. The embankments were damaged during releases in August of 2004. A tiered Gabion basket system will line both sides of the channel for approximately 170' below the outlet works. The project is expected to be completed in December, 2008.

Trinidad Downstream Capacity Study - The Corps, along with the United States Bureau of Reclamation (USBR) and other state and local agencies pursued efforts to combine resources in FY08 to conduct a study to definitively determine the existing hydraulic capacity of the Purgatoire River below Trinidad Lake. To date, mapping data has been collected and the hydrologic modeling effort is underway. Model results will be available in February, 2009.

**3. Planning Assistance to States (Section 22) Program** Under authority of Section 22 of the Water Resources Development Act of 1974 (WRDA), the Corps is authorized to assist Non-federal entities in the preparation of comprehensive plans for the development, use, and conservation of water and related land resources.

There are no new or ongoing studies in the Arkansas Basin under the Planning Assistance to States Program.

**4. Continuing Authorities Program** There are three active Continuing Authorities Program projects in the Arkansas River basin.

**a. Section 205** Under Section 205 of the 1948 Flood Control Act, as amended, the Corps is authorized to plan and construct small flood damage reduction projects that were not authorized by Congress.

A Section 205 feasibility study at Florence along the Oak Creek, a tributary to the Arkansas River, is in the feasibility stage. The project was being designed to fulfill both flood control and water supply objectives. However, the water supply component was determined infeasible due to high costs for dam construction. During FY08 the study was placed on hold while sponsor evaluated funding sources and decided whether to continue with the sole objective of flood control. The study will resume in FY09.



Arkansas River, 2001. Photograph  
Van Truan, USACE.

**b. Section 206** The 1996 Water Resource Development Act provided authority for aquatic ecosystem restoration projects in areas unrelated to existing Corps water projects.

There is currently one active Section 206 project in the Arkansas River Basin, the Arkansas River Fisheries Habitat Restoration project. The Project Cooperation Agreement was signed with the City of Pueblo in April of 2002. The project will improve fish and riparian habitat along ten miles of the Arkansas River downstream of Pueblo Dam.

The majority of construction work has been completed, including J-hooks, weirs, a fish ladder, vegetated bars, boulder clusters, exotic vegetation removal and replantings. The project is scheduled for completion in FY09.

**c. Section 14** Under Section 14 of the 1946 Flood Control Act, as amended, the Corps provides emergency streambank protection works to prevent damage to public facilities.

Currently, there are no active Section 14 projects in the Arkansas River Basin.

**d. Section 1135** The 1986 Water Resources Development Act authorized the review of completed water resources projects to implement modifications that improve the quality of the environment, when environmental degradation resulted from the Corps project.

Currently, there are no active Section 1135 projects in the Arkansas River basin.

One potential Section 1135 feasibility study would determine Federal interest in removing exotic vegetation and replanting with native vegetation at John Martin Reservoir. The sponsors are Colorado State Parks and Colorado Division of Wildlife. The project is currently unfunded.

**5. General Investigations** The Corps' General Investigations program provides for large comprehensive solutions to complex problems that can explore solutions on a watershed scale.

A study is currently underway at Fountain Creek, which began in 2002 and will be completed in December, 2008. The study will identify a suite of projects to address issues on the Fountain in the areas of flood damage reduction, ecosystem restoration, and channel stability. The study will be limited to identifying implementation strategies/project delivery mechanisms for each

potential project, and will establish baseline conditions for the environment, hydrology, and hydraulics of the watershed.

**6. Flood Plain Management Services** The Corps Flood Plain Management Services (FPMS) Program authority stems from Section 206 of the Flood Control Act of 1960 (PL 86-645), as amended. The objective of the Flood Plain Management Services Program is to support comprehensive floodplain management with technical services and planning guidance at all appropriate governmental and community levels. These services are provided to State, regional, and local governments and Indian tribes at no cost. Section 321 of the Water Resources Development Act of 1990 requires recovering the cost of services provided to federal agencies and to private entities. A fee schedule has been established.

Section 202 of the Water Resources Development Act of 1999 (PL 106-53) authorizes the Secretary of the Army to collect funds contributed voluntarily from State, regional, and local governments, Indian tribes, and other Non-federal public agencies for the purpose of recovering the cost of providing services pursuant to Section 206.

Services available include assistance relating to the interpretation and evaluation of basic flood-hazard data, guidance in preparation of floodplain regulations, advice on the use of data regarding possible alternative developments in flood-prone areas, guidance on structural and nonstructural measures that might be employed to reduce flood hazard, and in some cases, development of basic flood-hazard data.

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 87109-3435, telephone 505-342-3333, or consult the FPMS web page at: <http://www.spa.usace.army.mil/fpms>.

Under authority of an *Interagency Agreement* with the Federal Emergency Management Agency Region VIII, the Corps initiated in 2004 a Flood Insurance Study for a portion of Black Squirrel Creek and 5 tributaries in El Paso County, Colorado. The digital topographic mapping for the study area, developed by the El Paso County Department of Transportation and funded by the Corps. The study was submitted to the Federal Emergency Management Agency (FEMA) for review, and comments are currently being addressed.

In addition to this study, the Corps received approximately ten requests for technical services at specific sites within the Arkansas River Basin.

**7. 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.

In 2008, 6 individual permits were issued in the Arkansas River Basin. An additional 274 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.spa.usace.army.mil/reg/>.

### **8. Emergency Management Coordination**



USACE Emergency Management employee. Waveland, MS USACE photograph.

Public Law 84-99 gives the Corps of Engineers the authority to assist state and local governments before, during and after flood events. The Corps' Emergency Management Branch works with Local governments to inspect numerous flood control projects throughout the Arkansas River Basin to ensure that these facilities are in proper operational condition for the next flood season.

During years with high snow pack, the Corps works with the Colorado Water Conservation Board to prepare for flood fight activities that may be required.

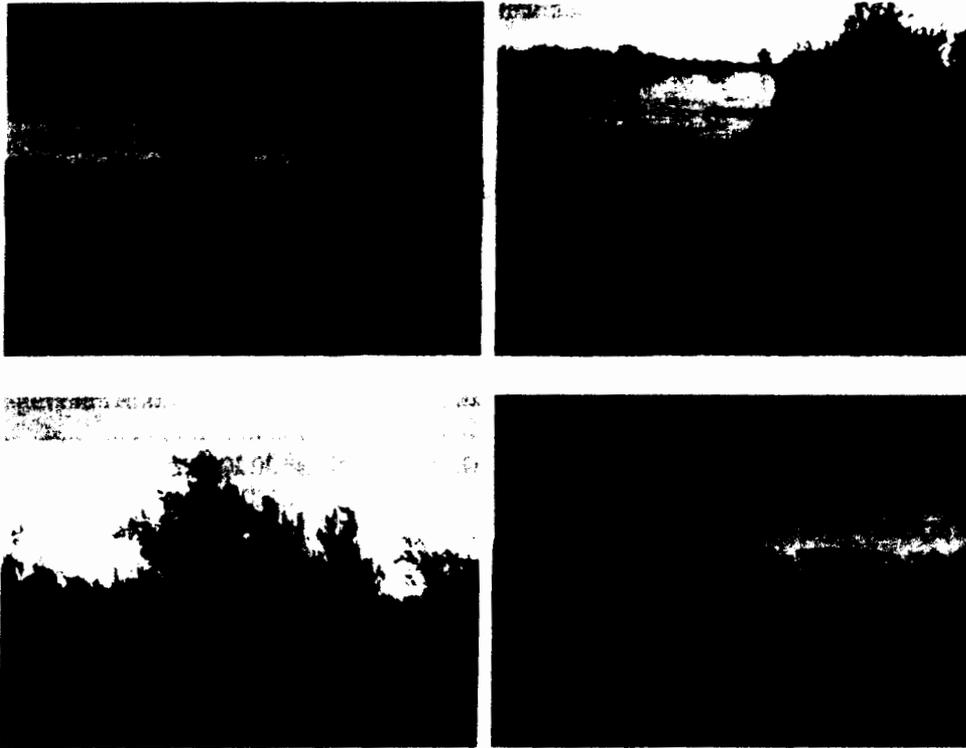
During the past year, the Emergency Management Branch received no contacts from local governments and private citizens in the Arkansas River Basin requesting information or assistance regarding flood related activities.

Under the Rehabilitation and Inspection Program, the Corps prepared a Project Information Report (PIR), to determine if the Corps could rehabilitate the damage caused by a flash flood to the Pueblo Fountain Creek Floodway Project. Once the PIR was approved, a contract was awarded and work to rehabilitate the project was completed in the fall of 2008.

# **Exhibit F**

**Annual Meeting**

**10 YEAR STRATEGIC PLAN  
FOR THE COMPREHENSIVE CONTROL OF TAMARISK  
AND OTHER NON-NATIVE PHREATOPHYTES**



**A Joint Effort by the  
Tamarisk 10-Year Strategic Plan Working Group  
Prepared by the Kansas Water Office**

**Submitted to Governor Kathleen Sebelius December 2005**

*Exhibit F*

# **Exhibit G**

**Annual Meeting**

Arkansas River Compact Administration  
Engineering Committee  
Action Items  
December 08, 2008  
Lamar, CO

1. The committee instructed Steve Miller and Chelsea Juricek to record a typewritten list of action items for this Engineering Committee meeting.
2. The Engineering Committee recognizes LAWMA withdrawal of its Permanent Pool request and recognizes the Kansas response letter. The Committee requests that this issue remain on the ARCA agenda for Compact Year 2009.
3. The committee recommends that the Kansas comment letter be attached to the ARCA minutes as an exhibit and that Colorado make their City of Lamar comments available to the Engineering Committee. The Committee requests that this issue remain on the ARCA agenda for Compact Year 2009.
4. The committee recognizes the value of the Special Engineering Committee and recommends to ARCA that the Special Engineering Committee be extended for calendar year 2009 in order to evaluate unresolved issues as well as new issues put before the Special Engineering Committee.
5. The Engineering Committee recommends that the United States Geological Survey's gage at the Big Sandy Creek site needs to be monitored and evaluated during Compact year 2009 and recommendations brought to the 2009 ARCA meeting.
6. The Engineering Committee deferred the Lamar Power Plant gage funding issue to the Administrative and Legal Committee.
7. The Engineering Committee requests that the Tri-State Generation issue remain on the ARCA agenda for Compact Year 2009.
8. The Engineering Committee requests that the Irrigation Consumption Rules issue remain on the ARCA agenda for Compact Year 2009.
9. The Engineering Committee recommends ARCA approve and sign the Tamarisk joint resolution.

Matt Heimerich

Matt Heimerich, Chair

Date: 12/8/08

Randy Hayzlett

Randy Hayzlett, Vice Chair

Date: 12/8/08

David Barfield

David Barfield, Member

Date: 12/8/08

No. \_\_\_\_\_ of 2 originals

# **Exhibit H**

**Annual Meeting**

Arkansas River Compact Administration  
Operations Committee  
Action Items  
December 08, 2008  
Lamar, CO

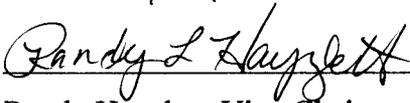
- 1) The committee instructed Steve Miller and Chelsea Juricek to record a typewritten list of action items for this committee meeting.
- 2) The committee recommends continued dialog between the Operations Secretary and Assistant Operations Secretary regarding the Pueblo Winter Water Storage Split and Permanent Pool Deliveries, as described in the August 2004 Dispute Resolution procedure. Both are to report back to the Operations Committee on this issue.
- 3) The committee received the 2008 reports of the Operations Secretary and Assistant Operations Secretary. The Committee also received the 2008 report for the Offset Account.
- 4) The committee recommends to ARCA to accept the CY 2008 Water Issues Matrix as included in the CY 2008 Assistant Operations Secretary report.
- 5) The committee instructs Steve Witte and Kevin Salter to add the reservoir-to-reservoir deliveries issue to the CY 2009 Water Issues Matrix.
- 6) The committee recommends that the Administrative & Legal Committee revision of the 1980 Operating Plan be reviewed by both States for approval at the CY 2009 ARCA meeting.
- 7) The committee recommends to ARCA that the Special Engineering Committee be extended for calendar year 2009 in order to evaluate unresolved issues as well as new issues put before the Special Engineering Committee.
- 8) The committee recommends consideration be given to including the Ten-Year Compact Compliance table within the ARCA annual report; pending the State's review of the Compact Compliance table.
- 9) The committee requests the Special Engineering Committee meet to review Recommendation G and recommend action to ARCA on the Offset Account Report issue raised by Kansas.

10) If the need arises, the committee will hold a meeting in April to mid-summer 2009 at a date, time, and location to be announced.

  
\_\_\_\_\_

David Brenn, Chair

Date: 12/9/08

  
\_\_\_\_\_

Randy Hayzlett, Vice-Chair

Date: 12-18/08

  
\_\_\_\_\_

Colin Thompson, Member

Date: 12/9/08

# **Exhibit I**

**Annual Meeting**

Arkansas River Compact Administration  
Administrative & Legal Committee  
Action Items  
December 08, 2008  
Lamar, CO

- 1) Resolutions
  - a. Lee Rolfs Resolution
- 2) The committee instructed Steve Miller and Chelsea Juricek to record a typewritten list of action items for this committee meeting.
- 3) Financial
  - a. The committee recommends approving the audit report for the fiscal year 1 July 2007 to 30 June 2008.
  - b. The committee recommends that ARCA authorize the amended satellite contract.
  - c. The committee recommends that ARCA approve the gage contracts with Kansas and Colorado sections of U.S. Geological Survey.
  - d. The committee recommends to ARCA that Stephanie Gonzales sign the approved budget and assessments for the current fiscal year 2008-09.
- 4) Minutes/Transcripts:
  - a. Kansas and Colorado staff will continue to work on finalizing the incomplete ARCA minutes and transcripts for past years.
- 5) The committee approved the slate of officers and committee chairmen for 2007:
  - a. Officer to be Vice-chair: Randy Hayzlett, Recording Secretary-Treasurer: Stephanie Gonzales, Operations Secretary: Steve Witte, and Assistant Operations Secretary: Kevin Salter
  - b. Committee Chairs CY 2009: Engineering: David Barfield as Chair, Operations: Colin Thompson as Chair, Administrative & Legal: Jennifer Gimbel as Chair.
- 6) The committee recommends that the Administrative & Legal Committee revision of the 1980 Operating Plan be reviewed by both States for approval at the CY 2009 ARCA meeting.

- 7) The committee recommends to ARCA that the Special Engineering Committee be extended for calendar year 2009 in order to evaluate unresolved issues as well as new issues put before the Special Engineering Committee.

Randy L Hayzlett  
Randy Hayzlett, Chair

Date: 12/8/08

Jennifer Gimbel  
Jennifer Gimbel, Member

Date: Dec 9, 2008

Randy L Hayzlett  
Randy Hayzlett, Vice-Chair

Date: 12/8/08

# **Exhibit J**

**Annual Meeting**

## Coalition Partners

### U.S. Department of Interior:

- Bureau of Reclamation
- Bureau of Land Management
- National Park Service
- Fish and Wildlife Service
- Geological Survey

### U.S. Department of Agriculture

- Forest Service
- ARS
- APHIS
- NRCS
- CSREES

### U.S. Army Corps. of Engineers

### U.S. Department of Energy

### Native American Tribal units

### Colorado

- Department of Agriculture
- Dept. of Natural Resources
- Division of Wildlife
- Water Conservation Board
- DOT

### National Invasive Species Council

### New Mexico Dept. of Agriculture

### Kansas Department of Agriculture

### Cities and Counties

### Botanic Gardens

### Universities and Colleges

### Colorado Riverfront Foundation

### Discovery Channel

### National Fish & Wildlife Foundation

### National Forest Foundation

### Audubon Society

### National Wild Turkey Federation

### The Nature Conservancy

### Water Conservation Districts

### Center for Invasive Plant Management

### Energy Companies

### Conservation Corps

### Private Landowners and Ranchers

### **Become a Partner**

Tim Carlson, Ex. Dir.

(970) 256-7400

[tcarlson@tamariskcoalition.org](mailto:tcarlson@tamariskcoalition.org)

[www.tamariskcoalition.org](http://www.tamariskcoalition.org)

(IRS non-profit ID # 27-0007315)

December 5, 2008

Robin Jennison

Chairman

Arkansas River Compact Administration

Dear Robin,

I would like to express to the Arkansas River Compact Administration (ARCA) the Tamarisk Coalition's endorsement of a resolution to formalize the cooperative efforts for tamarisk control and restoration between the State of Colorado and the State of Kansas in the Arkansas River Basin.

The Tamarisk Coalition supports the regional approach to tamarisk control and riparian restoration on the Arkansas River Basin. We recognize the value of interstate cooperative efforts in controlling tamarisk. We are excited to see progress and will continue to support tamarisk control and restoration on the Arkansas River.

Happy Trails,

*Tim Carlson*

Tim Carlson

Executive Director

Tamarisk Coalition

Cc:

Stephanie Gonzales, Treasurer & Recording Secretary

Randy Hayzlett, Vice Chair & Kansas Commissioner

David Brenn, Kansas Commissioner

David Barfield, Kansas Commissioner

Jennifer Gimbel, Colorado Commissioner

Colin Thompson, Colorado Commissioner

Matt Heirmerich, Colorado Commissioner

Steve Witte, Operations Secretary

Kevin Salter, Assistant Operations Secretary

Steve Miller, Colorado Water Conservation Board

Chelsea Juricek, KS Division of Water Resources



a non-profit alliance  
working to restore riparian lands

Tamarisk Coalition

P.O. Box 1907 · Grand Junction, CO 81502

Exhibit J

# **Exhibit K**

**Annual Meeting**

**ARKANSAS RIVER COMPACT ADMINISTRATION**

*Audited Financial Statements*

**June 30, 2008**

Exhibit K

**ARKANSAS RIVER COMPACT ADMINISTRATION**

**TABLE OF CONTENTS**

**June 30, 2008**

	<b><u>Page</u></b>
<b>Independent Auditor's Report</b>	<b>1</b>
<b>Statement of Assets, Liabilities, and Fund Balance - Cash Basis</b>	<b>2</b>
<b>Statement of Revenues and Expenses with Budget Comparison</b>	<b>3</b>
<b>Changes in Cash Balance - Statement of Receipts and Disbursements</b>	<b>4</b>
<b>Notes to Financial Statements</b>	<b>5</b>



Members  
NSA  
PASC

Certified Public Accountants

Gary L. Anderson, C.P.A.  
Cynthia S. Anderson, A.B.A., A.T.P.  
Howard Hampson, P.A.  
Ronald D. Anderson, P.A., Retired

**INDEPENDENT AUDITOR'S REPORT**

November 21, 2008

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, 2008, 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, 2008 and its revenue collected and expenses paid during the year then ended, on the basis of accounting described in Note 1a.

  
Anderson & Company, P.C.

**ARKANSAS RIVER COMPACT ADMINISTRATION**

**STATEMENT of ASSETS, LIABILITIES, and FUND BALANCE - CASH BASIS**

	<b>June 30 2008</b>	<b>June 30 2007</b>	<b>June 30 2006</b>
<b><u>ASSETS</u></b>			
Cash in Bank	<u>51,462</u>	<u>50,266</u>	<u>91,440</u>
<b>        TOTAL ASSETS</b>	<b><u>51,462</u></b>	<b><u>50,266</u></b>	<b><u>91,440</u></b>
<b><u>LIABILITIES</u></b>			
None	0	0	0
<b><u>FUND BALANCE</u></b>			
Unrestricted Fund Balance	<u>51,462</u>	<u>50,266</u>	<u>91,440</u>
<b>        TOTAL FUND BALANCE</b>	<b><u>51,462</u></b>	<b><u>50,266</u></b>	<b><u>91,440</u></b>

**ARKANSAS RIVER COMPACT ADMINISTRATION**

**STATEMENT OF REVENUES and EXPENSES  
with BUDGET COMPARISON**

For the Budget Year July 1, 2007 to June 30, 2008

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>OVER (UNDER)</u>
<b>REVENUES</b>			
Revenues from Assessments:			
Colorado 60%	57,600	57,600	0
Kansas 40%	38,400	38,400	0
Interest	641	500	141
Miscellaneous	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL REVENUES</b>	<b>96,641</b>	<b>96,500</b>	<b>141</b>
<b>EXPENDITURES</b>			
Professional Service Contracts:			
Treasurer	2,000	2,000	0
Recording Secretary	2,000	2,000	0
Operations Secretary	6,044	6,100	(56)
Auditor Fee	700	500	200
Court Reporter (transcripts)	0	2,000	(2,000)
Gaging Stations & Studies:			
U.S. Geological Survey - Colorado District	45,858	41,490	4,368
U.S. Geological Survey - Kansas District	7,400	7,400	0
State of Colorado Satellite System	11,200	11,200	0
Operating Expenses:			
Treasurer Bond	100	100	0
Printing Annual Report	0	2,000	(2,000)
Telephone	0	100	(100)
Miscellaneous Office Expense	0	100	(100)
Postage/Copying/Supplies	132	400	(268)
Meetings	79	500	(421)
Travel	0	0	0
Rent	600	600	0
Other:			
Equipment	0	0	0
Contingency	280	2,000	(1,720)
Litigation	0	0	0
Special Projects & Studies (Note 3)	<u>19,052</u>	<u>0</u>	<u>19,052</u>
<b>TOTAL EXPENDITURES</b>	<b>95,445</b>	<b>78,490</b>	<b>16,955</b>
<b>NET INCREASE IN FUND BALANCE</b>	<b>1,196</b>	<b>18,010</b>	<b>(16,814)</b>
Fund Balance at Beginning of Year	<u>50,266</u>		
Fund Balance at End of Year	<u>51,462</u>		

**ARKANSAS RIVER COMPACT ADMINISTRATION**

**CHANGES IN CASH BALANCE  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
For the Year Ended June 30, 2008**

---

<b>CASH BALANCE - July 1, 2007</b>		<b>50,266</b>
<b>RECEIPTS</b>		
Revenues from Assessments	96,000	
Interest	641	
Miscellaneous	<u>0</u>	
<b>TOTAL RECEIPTS</b>		<b>96,641</b>
<b>DISBURSEMENTS</b>		
Professional Service Contracts	10,744	
Gaging Stations & Studies	64,458	
Operating Expenses	911	
Other	<u>19,332</u>	
<b>TOTAL DISBURSEMENTS</b>		<b><u>(95,445)</u></b>
<b>RECEIPTS in EXCESS of DISBURSEMENTS</b>		<b><u>1,196</u></b>
<b>CASH BALANCE - June 30, 2008</b>		<b><u>51,462</u></b>

**ARKANSAS RIVER COMPACT ADMINISTRATION**

**NOTES TO FINANCIAL STATEMENTS**

June 30, 2008

**NOTE 1      Organization:**

The Arkansas River Compact was formed in 1948 to settle existing disputes and remove causes of future controversy between Colorado and Kansas concerning the waters of the Arkansas River and their control, conservation and utilization for irrigation and other beneficial purposes.

**NOTE 2      Summary of significant accounting policies:**

a. The Arkansas River Compact Administration (the Compact) 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 3      Special Projects and Studies:**

This represents the completion of a transit loss investigation study prepared by Livingston Professional Services – Hydrologic Sciences. The following summary reflects the payments made toward this project with the corresponding amount budgeted:

	<u>Amount Expended</u>	<u>Budget</u>
<b><u>Special Projects &amp; Studies</u></b>		
FYE 6-30-06	10,420	16,500
FYE 6-30-07	37,028	50,000
FYE 6-30-08	19,052	0
<b>Totals</b>	<b>66,500</b>	<b>66,500</b>

# **Exhibit L**

**Annual Meeting**

# ARKANSAS RIVER COMPACT ADMINISTRATION

For Colorado  
Jennifer Gimbel, Denver  
Colin Thompson, Holly  
Matthew Heimerich, Olney Springs

Lamar, Colorado 81052  
Chairman and Federal Representative  
Robin Jennison; Healy, Kansas

For Kansas  
David Barfield, Topeka  
Randy Hayzlett, Lakin  
David A. Brenn, Garden City

## FY 2009 - 2010 BUDGET, 1<sup>ST</sup> REVISION

(July 1, 2009 - June 30, 2010)

### I. EXPENDITURES

#### A. PROFESSIONAL SERVICE CONTRACTS

1. Treasurer	\$2,000
2. Recording Secretary	\$2,000
3. Operations Secretary	\$6,100
4. Auditor Fee	\$700
5. Court Reporter Fee	\$2,500
<b>subtotal services</b>	<b>\$13,300</b>

#### B. GAGING STATIONS & STUDIES

1. U.S.G.S. Colorado District Joint Funding [3/4of2009, 1/4of 2010]	\$46,800
2. U.S.G.S. Kansas District Joint Funding [3/4of2009, 1/4of 2010]	\$8,000
3. State of Colorado Satellite System [7/1/09 - 6/30/10]	\$12,400
<b>subtotal gaging</b>	<b>\$67,200</b>

#### C. OPERATING EXPENSES

1. Treasurer Bond	\$100
2. Annual Report Printing	\$500
3. Telephone	\$100
4. Miscellaneous Office Expense	\$100
5. Postage/Copying/Supplies	\$400
6. Meetings	\$500
7. Travel	\$0
8. Rent	\$600
<b>subtotal operating</b>	<b>\$2,300</b>

#### D. OTHER

1. Equipment	\$0
2. Contingency	\$2,000
3. Litigation	\$0
4. Special Projects and Studies	\$0
<b>subtotal other</b>	<b>\$2,000</b>

**TOTAL ALL EXPENDITURES \$84,800**

### II. INCOME

#### A. ASSESSMENTS

1. Colorado (60%)	\$57,600
2. Kansas (40%)	\$38,400
<b>subtotal assessments</b>	<b>\$96,000</b>

#### B. OTHER

1. Interest Earnings	\$500
2. Miscellaneous	\$0
<b>subtotal other</b>	<b>\$500</b>

**TOTAL ALL INCOME \$96,500**

### III. CASH RESERVE BALANCE

A. ESTIMATED BALANCE JULY 1, 2009	\$64,000
B. DECREASE FROM PRIOR BALANCE	
C. ADDITION TO BALANCE	\$11,700
D. PROJECTED BALANCE JUNE 30, 2010	\$75,750

Adopted by the Arkansas River Compact Administration at its Dec. 11, 2007 Annual Meeting, and then first revised at its Dec. 9, 2008 Annual Meeting.

  
Stephanie Gonzales,  
Recording Secretary and Treasurer

12-9-2008  
Date

Exhibit L  
FY0910Rev1Dft.wpd;

# **Exhibit M**

**Annual Meeting**

# ARKANSAS RIVER COMPACT ADMINISTRATION

For Colorado  
Jennifer Gimbel, Denver  
Colin Thompson, Holly  
Matthew Heimerich, Olney Springs

Lamar, Colorado 81052  
Chairman and Federal Representative  
Robin Jennison; Healy, Kansas

For Kansas  
David Barfield, Topeka  
Randy Hayzlett, Lakin  
David A. Brenn, Garden City

## FY 2010 - 2011 BUDGET

(July 1, 2010 - June 30, 2011)

### I. EXPENDITURES

#### A. PROFESSIONAL SERVICE CONTRACTS

1. Treasurer	\$2,000
2. Recording Secretary	\$2,000
3. Operations Secretary	\$6,100
4. Auditor Fee	\$700
5. Court Reporter Fee	\$2,500
<b>subtotal services</b>	<b>\$13,300</b>

#### B. GAGING STATIONS & STUDIES

1. U.S.G.S. Colorado District Joint Funding [3/4of2010, 1/4of 2011]	\$51,000
2. U.S.G.S. Kansas District Joint Funding [3/4of2010, 1/4of 2011]	\$8,500
3. State of Colorado Satellite System [7/1/10 - 6/30/11]	\$12,400
<b>subtotal gaging</b>	<b>\$71,900</b>

#### C. OPERATING EXPENSES

1. Treasurer Bond	\$100
2. Annual Report Printing	\$500
3. Telephone	\$100
4. Miscellaneous Office Expense	\$100
5. Postage/Copying/Supplies	\$400
6. Meetings	\$500
7. Travel	\$0
8. Rent	\$600
<b>subtotal operating</b>	<b>\$2,300</b>

#### D. OTHER

1. Equipment	\$0
2. Contingency	\$2,000
3. Litigation	\$0
4. Special Projects and Studies	\$0
<b>subtotal other</b>	<b>\$2,000</b>

**TOTAL ALL EXPENDITURES \$89,500**

### II. INCOME

#### A. ASSESSMENTS

1. Colorado (60%)	\$57,600
2. Kansas (40%)	\$38,400
<b>subtotal assessments</b>	<b>\$96,000</b>

#### B. OTHER

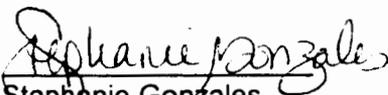
1. Interest Earnings	\$500
2. Miscellaneous	\$0
<b>subtotal other</b>	<b>\$500</b>

**TOTAL ALL INCOME \$96,500**

### III. CASH RESERVE BALANCE

A. ESTIMATED BALANCE JULY 1, 2009	\$75,700
B. DECREASE FROM PRIOR BALANCE	
C. ADDITION TO BALANCE	\$7,000
D. PROJECTED BALANCE JUNE 30, 2010	\$82,700

Adopted by the Arkansas River Compact Administration at its Dec. 9, 2008 Annual Meeting.

  
Stephanie Gonzales,  
Recording Secretary and Treasurer

12-9-2008  
Date

Exhibit M

# **Resolution No. 2008-01**

**Annual Meeting**

# ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chairman and Federal Representative

For Kansas

Jennifer Gimbel, Denver

Robin Jennison

David Barfield, Topeka

Colin Thompson, Holly

Healy, Kansas

Randy Hayzlett, Lakin

Matt Heimerich, Olney Springs

David A. Brenn, Garden City

## RESOLUTION 2008 - 1

### HONORING

### LELAND E. (LEE) ROLFS, ESQUIRE

**WHEREAS**, Leland E. Rolfs, Esq., has provided valuable guidance and advice to the Arkansas River Compact Administration (ARCA) as a trusted and respected counselor at law for three decades; and

**WHEREAS**, Lee has diligently represented the rights of the State of Kansas and its water users in a fair and honest manner; and

**WHEREAS**, Lee has contributed much to Western water law as a lawyer involved in innumerable water issues, as well as the landmark case of *Kansas v. Colorado* in the United States Supreme Court; and

**WHEREAS**, Lee's vast knowledge of water law, positive attitude, friendly personality, and congenial temperament have been an asset to ARCA; and

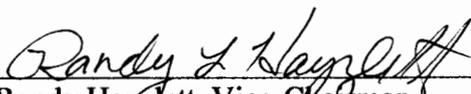
**WHEREAS**, ARCA similarly finds that Lee was a skillful, thorough, fair, and strong advocate for the State of Kansas, but always with civility, and honored the legal profession throughout his long representation of the State of Kansas at ARCA meetings.

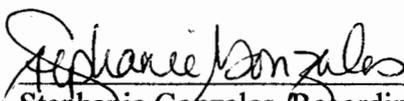
**NOW, THEREFORE BE IT RESOLVED** that the Arkansas River Compact Administration hereby expresses its gratitude and appreciation to Leland E. Rolfs, Esq. for his devoted service to ARCA and to the joint interests of the States of Colorado and Kansas represented by ARCA; and

**BE IT FURTHER RESOLVED** that ARCA hereby extends its best wishes to Lee in all of his future endeavors and its fond wishes to him and his family for a long and happy retirement; and

**BE IT FURTHER RESOLVED** that the Administration honor Lee by including this Resolution and his picture in the Administration's Annual Report for Compact Year 2008, and that the Recording Secretary send a copy of this Resolution to Lee and his family.

**ADOPTED** by the Arkansas River Compact Administration this 9<sup>th</sup> day of December 2008, at the annual meeting of ARCA held in Lamar, Colorado.

  
Randy Hayzlett, Vice-Chairman  
Arkansas River Compact Administration

  
Stephanie Gonzales, Recording  
Arkansas River Compact Administration

# **Resolution No. 2008-02**

**Annual Meeting**

# ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chairman and Federal Representative

For Kansas

Jennifer Gimbel, Denver

Robin Jennison

David Barfield, Topeka

Colin Thompson, Holly

Healy, Kansas

Randy Hayzlett, Lakin

Matt Heimerich, Olney Springs

David A. Brenn, Garden City

## RESOLUTION 2008 - 02

### CONCERNING JOINT EFFORT BY THE STATE OF COLORADO AND THE STATE OF KANSAS IN PURSUIT OF A TAMARISK CONTROL AND WATERSHED RESTORATION PROGRAM USING A REGIONAL APPROACH

**WHEREAS**, tamarisk is an exotic plant species that is invasive due to its prolific reseeding and extensively deep root system; and

**WHEREAS**, tamarisk has reproduced rapidly, invading over 78,000 acres within the Arkansas River basin of Colorado and Kansas; and

**WHEREAS**, tamarisk infestation has diminished the habitat of native plants and wildlife; and

**WHEREAS**, it is recognized that tamarisk acts as a fuel ladder creating high fire dangers; and

**WHEREAS**, tamarisk causes the narrowing of river channels posing extreme flooding dangers; and

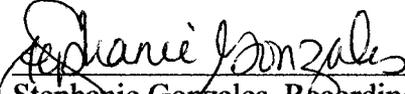
**WHEREAS**, tamarisk is a phreatophyte species that is impacting the limited water resources in the over-appropriated Arkansas River basin; and

**WHEREAS**, this tamarisk infestation is not limited to just one watershed or just one State and any tamarisk control project should not be limited by State boundaries.

**NOW, THEREFORE BE IT RESOLVED** that the Arkansas River Compact Administration supports the States of Colorado and Kansas in pursuing funding through Public Law 109-320, *The Salt Cedar and Russian Olive Demonstration Act* and other Federal funding to fund a joint tamarisk control and watershed restoration project in the Arkansas River basin.

**ADOPTED** by the Arkansas River Compact Administration this 9<sup>th</sup> day of December 2008, at the annual meeting of ARCA held in Lamar, Colorado.

  
Randy Hayzlett, Vice-Chairman  
Arkansas River Compact Administration

  
Stephanie Gonzales, Recording Secretary  
Arkansas River Compact Administration

# **Resolution No. 2008-03**

**Annual Meeting**

# ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chairman and Federal Representative

For Kansas

Jennifer Gimbel, Denver

Robin Jennison

David Barfield, Topeka

Colin Thompson, Holly

Healy, Kansas

Randy Hayzlett, Lakin

Matt Heimerich, Olney Springs

David A. Brenn, Garden City

## Resolution 2008-3

### Action on Special Engineering Committee Recommendation "G"

**WHEREAS**, the Arkansas River Compact Administration (the Administration or ARCA) created a Special Engineering Committee (the Committee) by means of Resolution No. 2005-1 and directed the Committee to develop recommendations to ARCA to reduce or eliminate disputes between the States, and ARCA extended the term of the Committee by Resolution Nos. 2006-7 and 2007-4; and

**WHEREAS**, Colorado has delivered 3,062 acre-feet to the Kansas Section II account as restitution for the past deficits accumulated during Compact Years 1996 through 2006 in accordance with paragraph C of Recommendation G of the Special Engineering Committee attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** that the Administration hereby adopts the recommendations in the attached Recommendation G of the Special Engineering Committee, **EXCEPT** that all references to Reports of the Colorado State Engineer Concerning Accounting of Operations of an Offset Account in John Martin Reservoir for Colorado Pumping (Offset Account Reports) are excluded from approval by this Resolution, and **EXCEPT** that the proviso to be added to the cover page of each Annual Report of the Operations Secretary referred to in paragraph A.3 of Recommendation G shall be modified to read as follows:

The Annual Reports of the Operations Secretary for Compact Years 1994 through 2005 have been approved by the Arkansas River Compact Administration with the following proviso:

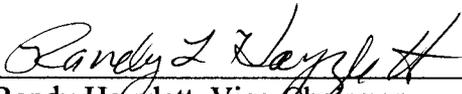
The values and operations in this report have been in dispute. An addendum report, dated December 9, 2008, contains the revised values that have been determined through agreement by the States. However, while Kansas and Colorado have agreed that accounting prior to 2006 will not be otherwise revised, Kansas does not waive any claim for past damages or restitution of water on the unresolved, disputed issues of upstream storage during spills and Agreement B.

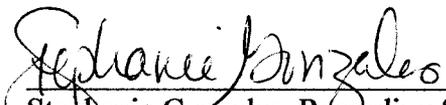
and;

**BE IT FURTHER RESOLVED THAT** the subject of Offset Account Reports is hereby referred to the Special Engineering Committee for further consideration, and;

**BE IT FURTHER RESOLVED THAT** that the addendum referred to in paragraph A.1 of Recommendation G is attached hereto and is entitled "Addendum to the 1994 – 2005 Reports of the Operations Secretary," dated December 9, 2008.

**ADOPTED** by the Arkansas River Compact Administration this 9th day of December 2008, at the annual meeting of ARCA held in Lamar, Colorado

  
\_\_\_\_\_  
Randy Hayzlett, Vice-Chairman  
Arkansas River Compact Administration

  
\_\_\_\_\_  
Stephanie Gorzales, Recording Secretary  
Arkansas River Compact Administration

**Recommendation G**  
**Special Engineering Committee**  
**May 1, 2008**

**Recommendations for Revision and Approval of Annual Reports of the Operations Secretary for Compact Years 1994-2006, Restitution for Transit Losses on Releases of Water from the Kansas Section II Account That Were Not Replenished From the Kansas Transit Loss Account, and Other Assigned Tasks**

The Arkansas River Compact Administration (ARCA) created a Special Engineering Committee (“Committee”) by Resolution No. 2005-1 and directed the Committee to develop recommendations to ARCA to reduce or eliminate disputes between the States. ARCA extended the term of the Committee by Resolution Nos. 2006-7 and 2007-4.

Pursuant to these Resolutions, Jennifer Gimbel and Dick Wolfe, for Colorado, and David Brenn and David Barfield, for Kansas, were designated as members of the Committee, and Robin Jennison, the Federal representative and Chairman of ARCA, was made an *ex-officio* member of the Committee.

The Committee was assigned the tasks of developing recommendations to resolve various long standing disputes as described in ARCA Resolution 2005-1, including “The review and recommendation on the revision and approval of all Annual Reports of the Operations Secretary for Compact Years 1994-2004, to include the status of the Report for Compact Year 2005 if not approved by ARCA at the December 2005 Annual Meeting.” During the Committee’s deliberations, the effects of the implementation of new accounting procedures on accounting during prior years, and how any restitution of water would be made were considered.<sup>1</sup> The Committee makes the following recommendations to ARCA, with the condition that all of the following recommendations will be adopted, or none of them will be adopted:

A. The Committee recommends that the Annual Reports of the Operations Secretary submitted for Compact Years 1994 through 2006 be approved<sup>2</sup> except as provided below and with the following qualifications:

1. The values for Kansas Section II Account water deliveries measured at the Stateline (“Stateline deliveries”) will be revised *via* an addendum to the 1994 through 2005 reports. This addendum will report the Stateline deliveries using the criteria provided in the Agreement Concerning the Offset Account in John Martin Reservoir for Colorado Pumping, Determination of Credits for Delivery of Water Released for Colorado Pumping, and Related Matters approved September 30, 2005 (“2005 Offset Account Crediting Agreement”) and the 2006 Agreement on Measurement of Section II Deliveries.

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<sup>1</sup> This issue is referenced as Issue #61(Retroactive Accounting) in the “Water Issues Matrix” document, JMR Accounting Issues, dated April 2005.

<sup>2</sup> This issue is referenced as Issue #62 (Operations Secretary Reports) in the “Water Issues Matrix” document, JMR Accounting Issues, dated April 2005.

2. The values of Offset Account water released and measured at the Stateline should be revised *via* an addendum to the 1997 through 2005 Reports of the Colorado State Engineer, Concerning Accounting of the Operations of an Offset Account in John Martin Reservoir for Colorado Pumping (Offset Report). This addendum will report the values for the deliveries using the criteria provided in the 2005 Offset Account Crediting Agreement.

3. An addendum *proviso* should be added to the cover page of each Annual Report of the Operations Secretary for 1994 through 2005 and each Offset Report for the years 1997 through 2005 stating as follows: “The Annual Report of the Operations Secretary for Compact Year \_\_\_ [or the Offset Account Operations Report for \_\_\_(year)] has been approved by the Arkansas River Compact Administration with the following proviso: *The values and operations in this report have been in dispute. An addendum report, dated \_\_\_\_\_, contains the revised values that have been determined through agreement by the States. However, while Kansas and Colorado have agreed that accounting prior to 2006 will not be otherwise revised, Kansas does not waive any claim for past damages or restitution of water on the unresolved, disputed issues of upstream storage during spills and Agreement B.*”

4. Deliveries of water to John Martin Reservoir under Section III of the 1980 Operating Plan, and particularly the method for determining the Winter Water split<sup>3</sup> contained in the Annual Reports of the Operation Secretary for 1994 through 2006, will not be revised or recalculated. However, this shall not set any precedent as to how this accounting should be done if this Recommendation is adopted by ARCA. This recommendation is not intended to preclude either State from proposing a revision of the method for calculating deliveries of water to John Martin Reservoir under Section III in the future or the States continuing to work towards agreement on the method.

- B. The Committee recommends that no restitution be made for water lost to evaporation during John Martin spill events<sup>4</sup> prior to 2006.
- C. While some transit losses on releases of water from the Kansas Section II account were replenished from the Kansas transit loss account in accordance with Section II E 4 of the 1980 Operating Plan; the Committee has determined that some transit losses were not replenished from 1996 to 2006 (past deficits). In this document the term, “past deficits” refers only to the deficits accumulated during Compact Years 1996 through 2006. The Committee recommends that restitution for the past deficits be made as provided for in this recommendation. The Committee has quantified the amount of the past deficits as 3,633 acre-feet. For only these past deficits, Colorado will deliver 3,062 acre-feet (2,491 acre-feet plus half of what would normally have been derived from Kansas’ portion of the 35% distribution) to the Kansas Section II account by no later than May 15, 2008. The water to be delivered has been derived from Arkansas River Basin consumable sources as described in the attached letter agreement from either Lake Meredith or Pueblo

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<sup>3</sup> This unresolved issue is referenced as Issue #22 (Winter Water Split) in the “Water Issues Matrix” document, JMR Accounting Issues, dated April 2005.

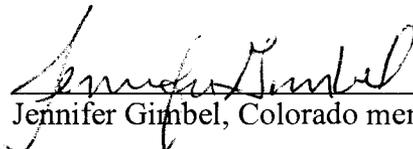
<sup>4</sup> This resolved issue is referenced as Issue #51 (Spilling Accounts) in the “Water Issues Matrix” document, JMR Accounting Issues, dated April 2005. The Committee resolved this issue with our Recommendation F and is awaiting concurrence via an ARCA Resolution.

Reservoir. Colorado agrees to use the Livingston transit loss method to compute the delivery transit loss, both consumed and unconsumed, to deliver the water to the Kansas Section II account and no credit will be claimed for the unconsumed portion for this delivery.

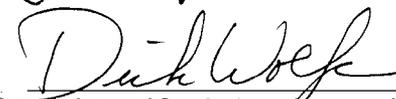
- D. The Committee recommends that the procedures described in paragraph C above apply only to the past deficits and should remain valid only as long as this past deficits balance exists, and does not establish any precedent for any future dispute or for replenishment of transit losses on the release of water from the Kansas Section II account, subsequent to this recommendation, in any manner other than that provided for in the 1980 Operating Plan and the 2006 Agreement on Measurement of Section II Deliveries.
- E. The Committee recommends that ARCA, through its Operations Committee, conduct a review of the circumstances that led to the delivery deficits of 2002 and 2004 and to review the provisions of Section II E 5 of the 1980 Operating Plan in order to better understand the meaning of reasonable and favorable conditions under varying operational and hydrologic conditions.
- F. The issues referenced as Issues #52 (Upstream Storage during Spills) and #60 (Section II C (2) compliance, a.k.a. Agreement B) in the "Water Issues Matrix" document, JMR Accounting Issues, dated April 2005 have not been resolved by the Committee and those issues remain in dispute. The Committee makes no recommendation on these issues at this time, and the Committee acknowledges that Kansas does not waive any claim to past damages or restitution of water on those disputed issues.

Therefore, it is the recommendation of the Special Engineering Committee that ARCA adopt the above recommendations in their entirety, or not adopt them at all.

Special Engineering Committee Approval

  
Jennifer Gimbel, Colorado member

  
David A. Brenn, Kansas member

  
Dick Wolfe, Colorado member

  
David W. Barfield, Kansas member

Date: 5/1/08

3 of 4 originals

### Addendum to the 1994 - 2005 Reports of the Operations Secretary

Year	Start Month	End Month	Delivery Type	Original Reference	Operations Secretary computed Section II delivery (AF)	Operations Secretary computed delivery shortfall (AF)	Delivery computed using Section II Agreement (AF)	Delivery shortfall computed using Section II Agreement (AF)	Computed shortfall difference (AF)	Amount paid back by Colorado (AF)	Net deficit (AF)
1994	6	7	Section II	Tables XI, XII, XIII	33697	0	33697	not applicable	na	na	na
1995	8	9	Section II	Tables XI, XII, XIII	18829	0	18829	not applicable	na	na	na
1996	6	6	Section II	Tables XI, XII, XIII-C	1963	0	1908	55	55	0	55
1996	6	6	Section II	Tables XI, XII, XIII-D	3592	0	3577	15	15	0	15
1997	5	5	Section II	Table XI-C	2473	0	2430	43	43	0	43
1997	6	6	Combined O/S	Table XI-D	2434	0	2414	20	20	0	20
1997	8	8	Section II	Table XI-F	1940	0	1931	9	9	0	9
1998	7	7	Section II	Table XI-D	1554	0	1510	44	44	0	44
1998	7	7	Section II	Table XI-F	2380	0	2314	66	66	0	66
2002	5	5	Section II	Table XI-B Amended	1962	0	1927	35	35	0	35
2002	6	7	Combined O/S	Table XI-C Amended	10461	676	8097	3040	2364	676	2364
2004	3	4	Combined O/S	Table XII	7823	738	6990	1720	982	738	982
2005	6	7	Combined O/S	Table XII-B	30991	0	30991	0	0	0	0
2006	6	7	Combined O/S	Table XIII	7668	149	7668	149	0	149	0
Totals						1563		5126	3633	1563	3633

1. The Annual Reports of the Operations Secretary for the years 1994 and 1996 were previously accepted with conditions by Resolution of ARCA dated December 10, 1996.
2. Recommendation G, approved by the Special Engineering Committee on May 1, 2008 recommended that the Annual Reports of the Operations Secretary submitted for Compact years 1994 through 2006 be approved with qualifications, including the preparation of this Addendum and defined "past deficits" in reference to deficits accumulated during Compact Years 1996 through 2006. Past deficits were quantified as 3633 acre-feet and Colorado committed to deliver 3062 acre-feet to the Kansas Section II account in full restitution for these past deficits. This delivery was accomplished during May 2008.
3. See letter dated March 23, 2003 to Mark Rude from Steve Witte which transmitted revised copies of Table XI-B and Table XI-C to be included as amendments to the 2002 Annual Report of the Operations Secretary and detailed computations of delivery shortfall (transit loss) associated with releases of Kansas Section II account water in CY 2202.
4. See letter dated March 31, 2005 to Kevin Salter from Steve Witte included as Exhibit A to Section I of the CY 2005 Annual Report of the Operations Secretary which describes how the Operations Secretary computed transit loss on delivery of water released from the Kansas Section II account during CY 2004.

12/9/2008

# **Resolution No. 2008-04**

**Annual Meeting**

# ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chairman and Federal Representative

For Kansas

Jennifer Gimbel, Denver

Robin Jennison

David Barfield, Topeka

Colin Thompson, Holly

Healy, Kansas

Randy Hayzlett, Lakin

Matt Heimerich, Olney Springs

David A. Brenn, Garden City

## RESOLUTION 2008 - 04

### Regarding Third Extension of the Term of the Special Engineering Committee

**WHEREAS**, pursuant to Bylaw Article V.5., the Arkansas River Compact Administration by Resolution created the "Special Engineering Committee" at its December 2005 Annual Meeting to resolve certain accounting and interpretation issues arising from the Resolution Concerning an Operating Plan for John Martin Reservoir ("1980 Operating Plan"); and

**WHEREAS**, the Special Provisions of the 2005 Resolution creating the Committee specify that: "Term: The Special Engineering Committee shall be authorized for a period expiring on Dec. 31, 2006. ARCA may extend this period by Resolution adopted at any regular or special ARCA meeting prior to such date"; and

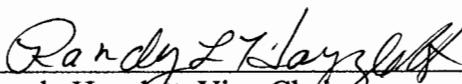
**WHEREAS**, on December 12, 2006 at the 2006 Annual Meeting the Administration adopted Resolution 2006-07 extending the term of the Special Engineering Committee until December 31, 2007; and

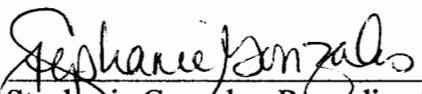
**WHEREAS**, on December 11, 2007 at the 2007 Annual Meeting the Administration adopted Resolution 2007-04 extending the term of the Special Engineering Committee until December 31, 2008; and

**WHEREAS**, at the 2008 Annual Meeting Special Engineering Committee has again reported to the Administration on its successful resolution of several additional disputed issues and the potential for further agreement.

**NOW THEREFORE, BE IT RESOLVED** that the Arkansas River Compact Administration does hereby extend the term of the Special Engineering Committee for one full year to expire on December 31, 2009. All other Special Provisions of the 2005 Resolution shall remain unchanged and govern the actions of the Special Engineering Committee during this third extension throughout 2009.

**ADOPTED** by the Arkansas River Compact Administration at its 2008 Annual Meeting on December 9, 2008 in Lamar, Colorado.

  
Randy Hayzlett, Vice-Chairman  
Arkansas River Compact Administration

  
Stephanie Gonzales, Recording Secretary  
Arkansas River Compact Administration