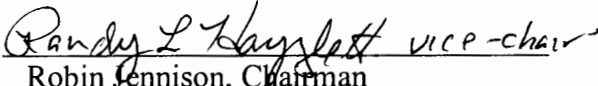


ARKANSAS RIVER COMPACT ADMINISTRATION

SPECIAL MEETING FEBRUARY 11, 2010

HELD VIA TELEPHONIC CONFERENCE CALL
THURSDAY, FEBRUARY 11 AT 11:00 AM C.S.T. (10:00 AM M.S.T.)
[Transcript of Recorded Conference Call]

The following transcript is the official minutes of the Arkansas River Compact Administration's February 11, 2010 Special Meeting, as signified by the signature of the Chairman of the Administration, pursuant to Administration approval given on December 14, 2010 at Lamar, Colorado.

for  vice-chair
Robin Jennison, Chairman
Arkansas River Compact Administration

Note

On February 11, 2010, a Special Meeting of the Arkansas River Compact Administration (ARCA) was held by conference call. The minutes picks up with the beginning of the meeting, as there was some difficulty with the phone connection. The following transcript was prepared by staff of the Kansas Division of Water Resources from an audio recording of the conference call, which was then reviewed by staff of the Colorado Water Conservation Board, and finalized after consultation between the two agencies.

List of Exhibits

- A. Notice and Agenda
- B. Attendance List
- C. Proposed Resolution 2010-01

1 (The minutes start at the point where the connection problems with the Garden City
2 Field office appeared to be resolved.)

3 Robin Jennison: Are we ready to go then Steve?

4 Steve Miller: I believe so Robin, yes. Dick Wolfe's attendance was only provisional.

5 Let me say one thing, I'm recording this call on a little digital Dictaphone kind of device
6 sitting next to our speaker phone. And I think Kevin is going to try do some other form of
7 recording as well. But this, at least to the extent my machine works, we are recording this
8 call.

9 Dave Barfield: Yeah, we have the same thing here in Topeka.

10 Steve Miller: Great.

11 Robin Jennison: Okay, with all that noted, we'll call this Special Meeting of the
12 Arkansas River Compact Administration to order (11:10 am, C.S.T). Looking over the
13 agenda the first item is the introduction and roll call. So I think, if you all have the notice,
14 we will just start with Denver and go through to make sure everyone is here. Then when we
15 get through with Topeka, the people that are not actually one of those sites might also
16 acknowledge their presence as well. So we will start with Denver.

17 Jennifer Gimbel: Good morning, this is Jennifer Gimbel. I am here and Steve Miller
18 is with me.

19 Robin Jennison: Pueblo?

20 Steve Witte: Steve Witte is participating.

21 Robin Jennison: Lamar?

22 Colin Thompson: Colin Thompson and Don Steerman is here also.

23 Robin Jennison: Garden City?

1 Kevin Salter: This is Kevin ... (in audible)

2 Steve Miller: You dropped off Kevin. Whatever you did two minutes ago was great,
3 but whatever you did after that ...

4 Kevin Salter: Okay, we tried something different again. So, can you hear me now?

5 Robin Jennison: Yeap, that is good.

6 Kevin Salter: Okay, here in Garden City we have Dave Brenn, Randy Hayzlett, Ron
7 Conway with the Great Eastern, Harold Knoll with the Finney County Water Users
8 Association, Al Knoll with the Garden City Ditch, Mike Meyer the Water Commissioner,
9 Brandy Cole with the Kansas Division of Water Resources, and we also have a little one on,
10 just a couple of months old, Sage Cole, she is here in our office today. (coughs) Excuse me,
11 so that is who we have in attendance.

12 Robin Jennison: Okay, Topeka?

13 Dave Barfield: I'll make introductions, this is David Barfield, and with us we have
14 Chris Grunewald with our Attorney General's office, Chris Beightel with the Division of
15 Water Resources, Burke Griggs an attorney with the department, and we also have Kent
16 Askren with the Kansas Farm Bureau here as well.

17 Robin Jennison: Now, do we have people that have called in?

18 Matt Heimerich: Robin, this is Matt Heimerich calling from Ordway, Colorado.

19 Robin Jennison: Okay, Matt. Anyone else?

20 Roy Vaughn: Roy Vaughn with Reclamation.

21 Dennis Montgomery: This is Dennis Montgomery with the State of Colorado.

22 Dennis Garcia: And this is Dennis Garcia with the Corp of Engineers; I have got
23 LeeAnn Summer our District Counsel and Kevin Ritchie all with the Corps and Reservoir

1 Control.

2 Chelsea Juricek: And this is Chelsea Juricek in Stockton, Kansas.

3 Steve Miller: Okay, so if the people from the call center at the end of the call would
4 just email me the correct spelling of the names of the people that are at their location that
5 would be helpful. Stephanie was running the Lamar center, but I know she had to step out.
6 So Colin you going to run the Lamar center?

7 Colin Thompson: Well if I am technically able to, yeah. (laughing)

8 Steve Miller: And I don't need an email from you, I know the spelling of the two
9 names at your place.

10 Robin Jennison: So Steve, does that match with everyone that you thought was going
11 to in attendance?

12 Steve Miller: Yeah. Dick Wolfe indicated he would try to listen in if he could get
13 away from what else he had to do today, but we are not waiting for him.

14 Robin Jennison: Okay, very good. Item ...

15 Steve Witte: Bill Tyner has joined me in Pueblo.

16 Robin Jennison: Okay. Item number 2 review of the procedures for preparing the
17 minutes. Steve Miller, were you going to handle that?

18 Steve Miller: Yes. That is why I mentioned that the call was being recorded.
19 Between the three places that are recording I think we are going to be able to do a verbatim
20 transcript. Kevin and I talked a little before this that we should be able to do that. But if
21 something happens with the recordings, I think this meeting is brief enough that we may
22 come back to you and suggest we just do a summary set of minutes rather than verbatim.
23 The first shot will be to try to do verbatim.

1 Robin Jennison: Okay. Okay, Item number 3, review of the proposed changes to the
2 '80 Operating Plan and I know that David Barfield is at least going to have some comments
3 and so we will start him and if anybody else wanted to follow up that would be fine. David.

4 David Barfield: Right, yeah I will provide a sort of brief description of the proposed
5 changes to the 1980 Operating Plan that we will be considering at today's Special Meeting.
6 So, today ARCA will consider adopting a revised "Resolution Concerning An Operating
7 Plan For John Martin Reservoir," which is often referred to as the 1980 Operating Plan. This
8 summary I am providing is for informational purposes only and is not intended to alter or
9 interpret any of those changes.

10 Over the past few years a number of issues were raised concerning the accounting and
11 interpretation of the 1980 Operating Plan. Colorado and Kansas staff, as well as ARCA's
12 Operations Committee, worked to resolve these issues. To expedite resolution, ARCA
13 created a Special Engineering Committee by Resolution 2005-1, which was adopted by
14 ARCA on December 13, 2005. In each subsequent year since, ARCA has passed a resolution
15 extending the work of the Committee.

16 The Special Engineering Committee consists of four members: the Kansas Chief
17 Engineer, the Colorado State Engineer, and a Compact Representative from each State. This
18 committee was charged to recommend resolutions to ARCA. From 2005 to 2007, ARCA
19 resolutions adopted six recommendations of the Special Engineering Committee on various
20 accounting or interpretation issues. The following is a listing of those ARCA Resolutions:
21 one, ARCA Resolution 2006-01 Recommendation A related to John Martin Reservoir
22 Permanent Pool Evaporation Method; two, ARCA Resolution 2006-02 Recommendation B
23 related to Winter Water and District 67 Winter Water Storage Charge Holding Accounts in

1 John Martin Reservoir; three, ARCA Resolution 2006-03 Recommendation C related to the
2 Transfer of Conservation Storage to Section II Accounts under the 1980 Operating Plan;
3 four, ARCA Resolution 2006-04 Recommendation D related to Section II Account Spill
4 Volume; five, ARCA Resolution 2006-05, 2007-05, Recommendation E related to
5 Clarification of procedures for making up deficits on deliveries of Kansas account releases
6 and Concurrent releases from the Kansas transit loss account and the Kansas account; and
7 finally six, ARCA Resolution 2007-06 Recommendation F Clarification regarding
8 evaporation charges when water is in flood control space in John Martin Reservoir. Each of
9 these resolutions suggested revisions to the 1980 Operating Plan.

10 Per assignment of ARCA in 2007, the States have worked to incorporate these
11 revisions into a revised 1980 Operating Plan during calendar years 2008 and 2009. As part
12 of incorporating these revisions, it was noted that there were other areas where clarification
13 and consistency of the document could be improved. Those revisions were made and have
14 been agreed upon by the States.

15 In sum, the proposed revisions incorporate changes approved by ARCA at previous
16 meetings based upon recommendations from ARCA's Special Engineering Committee and
17 subsequent clarifications agreed upon by both States.

18 Robin Jennison: Thank you David. Before we get into comments, Colorado do you
19 have any criticism or I guess additions to David's review, or do you think that is satisfactory.

20 Jennifer Gimbel: This is Jennifer, I think that is satisfactory. One thing I would like
21 to do though is compliment the folks that have been working so hard on this over the last few
22 months, because it was, it always seemed easy to amend something until you really get down
23 to really working on it. And I think what we have is a better document. So I wanted to

1 express my appreciation to the SEC members and those working with those members with
2 respect to this.

3 Robin Jennison: Okay, thank you Jennifer. Comments, first we will start with
4 Colorado. Colorado do you have any comments regarding the ...?

5 Jennifer Gimbel: No, we don't have anything else.

6 Robin Jennison: Okay, Kansas anything?

7 David Barfield: No, we have no further comments on the resolution.

8 Robin Jennison: How about the U.S. Corps?

9 Dennis Garcia: Yes, this is Dennis Garcia with the Corps. We have completed our
10 reviews and we have no comments. We know that there has been a tremendous amount of
11 time and effort over the years that have gone into the resolution of all the issues that these
12 revisions represent and we certainly applaud those efforts. So we accept the revisions as
13 proposed and we are ready to move forward with them.

14 Robin Jennison: Thank you Dennis. Now we will turn to see if there are any
15 questions or comments from anyone else listening and would remind anybody that wants to
16 make, or have a question, or make comments to identify yourself before you do. Are they
17 any other questions or comments? (long pause)

18 Robin Jennison: Hearing none it comes to the time I think we would entertain a
19 motion to adopt the resolution.

20 Dave Barfield: Mr. Chairman, I would be happy to do that. I would move adoption
21 of the resolution concerning an Operating Plan for John Martin Reservoir dated February 11,
22 2010.

23 Dave Barfield: Mr. Chairman, I would be happy to do that. I would move adoption

1 of the resolution concerning an Operating Plan for John Martin Reservoir dated February 11,
2 2010.

3 Robin Jennison: Is there a second?

4 Jennifer Gimbel: Yes, second by Jennifer.

5 Robin Jennison: It has been moved and seconded, is there any discussion?

6 Steve Miller: Just one thing Robin, this is Steve Miller.

7 Robin Jennison: Yes.

8 Steve Miller: The document that was circulated that David just moved is designated
9 as ARCA Resolution 2010-01, for the record. And that will provide a way to track this in the
10 future and incorporate it into ARCA's records.

11 Robin Jennison: You will just note that... I think that is what his motion was Steve.

12 Dave Barfield: Yeah, let's make sure the motion reflects that I am moving the
13 adoption of that resolution number, consisting of the Operating Plan Resolution. So, do you
14 want me to restate it or can we put that together?

15 Steve Miller: I think it is fine.

16 Dave Barfield: Ok. Thank you for that clarification.

17 Robin Jennison: Further discussion? (long pause)

18 Robin Jennison: Seeing none, how does Kansas vote?

19 Dave Barfield: Kansas votes aye.

20 Robin Jennison: Colorado?

21 Jennifer Gimbel: Aye.

22 Robin Jennison: Motion carries. Looking at the agenda that brings us to any future
23 meetings, did we have anything to discuss there, Steve?

1 Steve Miller: I am not aware, there was a letter recently circulated, I don't think
2 anybody that's ...a letter from Wayne Whittaker for clarification...and it may be something
3 that the States would want to address in the future. I don't know that it, and I am not part of
4 the team that is analyzing the letter. So I don't know if any of the people that have looked at
5 it are interested in having a meeting to discuss it or what needs to be done with that next.
6 Dennis or maybe Burke?

7 Burke Griggs: Yes, this is Burke. I think that the agreement we have had I just over
8 the email the last couple of days is that we will be working this out separately. So I don't
9 think that we need to address it today.

10 David Barfield: Right.

11 Steve Witte: Mr. Griggs?

12 Burke Griggs: Yes.

13 Steve Witte: This is Steve Witte. By separately, did you mean separate from ARCA
14 itself that the attorneys from each State would be working on a joint response?

15 Burke Griggs: I believe that is it Steve, yes.

16 Kevin Salter: This is Kevin Salter in Garden City. I think the process is Steve that
17 the States work to coordinate a response to Mr. Whittaker. And at the point where we had a
18 final document it would be determined whether, how that letter would proceed, whether
19 though ARCA or through the States. I don't think there has been a firm decision made how
20 that would be handled. Does that help clarify?

21 Dennis Montgomery: This is Dennis Montgomery, Kevin yes that does help clarify
22 what will be done. I think the States, the attorneys for the States have been in email
23 communication about the letter and trying to come up with a proposed response. But I think

1 your comments do clarify that there is the potential of a special ARCA committee, or special
2 ARCA meeting, but I don't think that has been determined at this time.

3 Steve Miller: The only other, I'm sorry, is that issue done?

4 Dave Barfield: No, that is it. I was going to move on to just coordinating how we
5 circulate the resolution for signing. Because it will need to be signed by both States and the
6 Corps of Engineers so I just ...before we are done we can either agree on how we move
7 forward or determine who will figure that out later.

8 Steve Miller: I didn't look at the signature page.

9 Dave Barfield: No actually let's look at that. Actually, Robin needs to sign it.

10 Kevin Salter: Can I suggest a proposal and then you guys can move to alter it.

11 Robin Jennison: Go ahead Kevin.

12 Dave Barfield: Please.

13 Kevin Salter: I would suggest that Kansas originate the document. We have four
14 copies, each of the four copies to be marked as one of four, two of four, three of four and
15 four of four. From that, we would need to know, that way that would get the Kansas
16 Compact Rep and Robin's signature on it. Then we could move that document to Denver or
17 where Colorado would like to, whether that be Jennifer, Matt, or Colin for their signature.
18 Then it could be moved to Stephanie for her signature and then that could be provided to
19 Dennis Garcia with the Corps of Engineers. And if you would like I could go ahead make up
20 a process sheet to go along with that with the appropriate addresses. But I think it is
21 appropriate to have the Corps of Engineers get the document with the four original
22 signatures. And then once the Corps reviews that then they could redistribute out one copy
23 to Colorado, one copy to Kansas, a copy to ARCA and then they would retain a copy.

1 Robin Jennison: Is that satisfactory with everyone?

2 Dennis Garcia: Yes.

3 Steve Miller: Kevin, the only thing I would note, I'm looking at the redline version
4 so maybe it has been fixed on the version that we have now. For Stephanie's signature I
5 would put "Recording Secretary" rather than "Secretary."

6 Kevin Salter: Ok.

7 Steve Miller: I guess back in '80 we didn't have a Recording Secretary, we didn't
8 have separate secretaries maybe, I don't know. I think the process you set out was good. I
9 think Jennifer would want to sign for Colorado.

10 Dave Barfield: Ok, very good, so I will make that one change adding the word
11 "Recording" in front of "Secretary" and print out four originals I think before you leave
12 Robin. And the two of us will sign it and then Kevin if you could send me the document
13 with the instructions then we will follow that procedure. Thank you.

14 Robin Jennison: Does that take care of that? Is there anything else that we need to
15 discuss?

16 Kevin Salter: Going back to the future meetings, I don't want to take a lot of time,
17 but there was some discussion of the Special Engineering Committee having a conference
18 call in March. Is that still the desire of Jennifer and David?

19 Jennifer Gimbel: I'm sorry since I missed the meeting I wasn't sure what the agenda
20 was going to be. Was there an agenda or was it just a matter of getting together?

21 Kevin Salter: I think it was to review issues before the Special Engineering
22 Committee, not to do any substantive work but just make sure everybody is on the same page
23 since Jennifer, you weren't able to be there. Neither was Dick Wolfe. So Dave Brenn or

1 Dave Barfield if you wanted to jump in and clarify what I have just said, I would appreciate
2 it.

3 Jennifer Gimbel: I think that is fine, probably would be good to catch up especially
4 since Dick and I were unable to attend the last meeting. Do you want to set that now?

5 Dave Barfield: No, we'll, let us, I'm not really prepared to do at the moment. We'll
6 be in contact with you and maybe suggest a couple of opportunities. Again, I think it is
7 mostly just to review what is before the Special Engineering Committee and develop a plan
8 of action.

9 Steve Miller: On Special Engineering Committee meetings, we had some
10 controversy a couple of years ago about whether or not notice is really needed for that to
11 anybody besides the members. And I think that we agree, tell me if I am wrong, that there
12 does not need to be any kind of formal notice as long as the four members of the committee
13 agree on a time and date, place we don't have to do anything more formal. Is that correct?

14 Dave Brenn: This is Dave Brenn. That is the way I recall it.

15 Steve Miller: So I think you have the latitude to, whenever the four of you can agree
16 on a time and place, let your staffs know and you're a go to have the meeting.

17 Robin Jennison: Anybody else on that issue? (pause)

18 Robin Jennison: Seeing none, we will just leave it up to the committee to set their
19 meeting. Is there anything else we need to take up? (pause)

20 Robin Jennison: If not, Thank everyone for participation we are adjourned.

Exhibit A

Special Meeting

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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 SPECIAL TELEPHONIC MEETING ARKANSAS RIVER COMPACT ADMINISTRATION THURSDAY, FEBRUARY 11, 2010 10:00 A.M. (MST) / 11:00 A.M. (CST)

The Arkansas River Compact Administration ("ARCA") will meet by telephonic conference to consider adopting a revised **RESOLUTION CONCERNING AN OPERATING PLAN FOR JOHN MARTIN RESERVOIR** ("1980 Operating Plan"). The proposed revisions incorporate operational and/or accounting changes approved by ARCA at previous meetings based upon recommendations from ARCA's Special Engineering Committee. The proposed revised 1980 Operating Plan which will be considered is attached to this Notice and Agenda.

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 719-734-5102 at least three days before the meeting. The public can participate by either: **(1)** Attending one of the five listening stations listed below or **(2)** Contacting Steve Miller; (steve.miller@state.co.us; 303-866-3441 ext 3228) for call-in instructions, long distance phone charges will apply.

Denver: Colorado Water Conservation Board
1313 Sherman Street, Room 721; Denver, CO 80203
Contact person: Steve Miller; steve.miller@state.co.us; 303-866-3441 ext 3228

Pueblo: Colorado Div. of Water Resources, Div. 2 Engineer
310 East Abriendo, Suite B; Pueblo, CO 81004
Contact person: Steve Witte; steve.witte@state.co.us; 719-542-3368

Lamar: Southeast Colorado Enterprise Development, Inc. (SECED, Inc.)
112 West Elm Street, Lamar CO 81052
Contact person: Stephanie Gonzales; jsgraphics@centurytel.net; 719-734-5102

Garden City: Garden City Field Office, Div. of Water Resources, Kansas Dept. of Agriculture
2508 John Street, Garden City, Kansas 67846
Contact person: Kevin Salter; kevin.salter@kda.ks.gov; 620-276-2901

Topeka: Division of Water Resources, Kansas Department of Agriculture
109 SW 9th St, Sunflower Room, Topeka, Kansas 66612
Contact person: Sherry Fergel; 620-276-2901

Please call the designated contact person at the site you wish to attend prior to the meeting for further instructions and to verify exact location.

FEBRUARY 11, 2010 SPECIAL MEETING AGENDA (tentative subject to change)

1. Introductions and roll call, including all listening sites
2. Review of procedures for preparing minutes
3. Review of proposed changes to the 1980 Operating Plan
4. Comments from Colorado, Kansas, and/or US Army Corps of Engineers
5. Questions and comments from interested parties and general public
6. Consideration of the adoption of a revised **Resolution Concerning An Operating Plan For John Martin Reservoir**
7. Future meetings
8. Adjourn

Exhibit B

Special Meeting

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ATTENDANCE LIST
ARKANSAS RIVER COMPACT ADMINISTRATION
SPECIAL MEETING, FEBRUARY 11, 2010
TELEPHONIC CONFERENCE CALL

Robin Jennison:	ARCA Chairman, Topeka, KS
Jennifer Gimbel:	Colorado Water Cons. Bd. & ARCA Representative, Denver, CO
Matt Heimerich:	ARCA Representative, Ordway, CO
Colin Thompson:	ARCA Representative, Lamar, CO
Steve Miller:	Colorado Water Cons. Bd., Denver, CO
Steve Witte:	Colorado Div. Water Res. & ARCA Operations Sec., Pueblo, CO
Bill Tyner:	Colorado Div. Water Res., Pueblo, CO
Don Steerman:	Attorney CO Dist 67 Ditches, Lamar, CO
Dave Barfield:	Kansas Div. Water Resources & ARCA Representative, Topeka, KS
Dave Brenn:	ARCA Representative, Garden City, KS
Randy Hayzlett:	ARCA Representative, Lakin, KS
Kevin Salter:	Kansas Div. Water Resources & Assistant Oper. Sec., Garden City, KS
Chelsea Juricek:	Kansas Div. Water Resources, Garden City, KS
Ron Conway:	Great Eastern, Garden City, KS
Harold Knoll:	Finney County Water Users Association, Garden City, KS
Al Knoll:	Garden City Ditch, Garden City, KS
Mike Meyer:	Water Commissioner Kansas Div. Water Resources, Garden City, KS
Brandy Cole:	Kansas Div. Water Resources, Garden City, KS
Chris Grunewald:	Kansas Attorney General's Office, Topeka, KS
Chris Beightel:	Kansas Div. Water Resources, Topeka, KS
Burke Griggs:	Kansas Div. Water Resources, Topeka, KS
Kent Askren:	Kansas Farm Bureau, Topeka, KS
Roy Vaughn:	US Bureau of Reclamation, Pueblo, CO
Dennis Montgomery:	Attorney, State of Colorado, Denver, CO
Dennis Garcia:	US Army Corp of Engineers, Albuquerque, NM
LeeAnn Summer:	District Counsel US Army Corp of Engineers, Albuquerque, NM
Kevin Ritchie:	US Army Corp of Engineers, Albuquerque, NM

Exhibit C

Special Meeting

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**ARKANSAS RIVER
COMPACT ADMINISTRATION**
Resolution No. 2010-01

**RESOLUTION
CONCERNING AN OPERATING
PLAN FOR
JOHN MARTIN RESERVOIR**

Adopted
April 24, 1980

Revised May 10, 1984; December 11, 1984; February 11, 2010

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RESOLUTION CONCERNING
AN OPERATING PLAN FOR JOHN MARTIN RESERVOIR

WHEREAS, the Arkansas River Compact Administration, hereinafter referred to as “the Administration”, recognizes that, because of changes in the regime of the Arkansas River, the present operation of the conservation features of John Martin Reservoir does not result in the most efficient utilization possible of the water under its control;

WHEREAS, the Administration finds that adoption of an operating plan that establishes storage accounts for Kansas, for the Ditches of Colorado Water District 67, and for other Colorado ditches as provided herein may result in more efficient utilization of the water under its control; and

WHEREAS, the Administration finds that provisions of the operating plan contained herein are permitted by and in compliance with the Arkansas River Compact, hereinafter referred to as “the Compact”, and the Rules and Regulations and the By-laws adopted by the Administration;

NOW THEREFORE, BE IT RESOLVED that the Administration approves and adopts the following operating plan:

I. Definitions:

- A. “Period of Winter Storage” consists of the period of time commencing on November 1 of each year and continuing to the first exhaustion of the Conservation Storage during the Compact Year.
- B. “Summer Storage Season” shall be the period of time commencing at the first exhaustion of Conservation Storage and continuing to and including the next succeeding October 31.
- C. “Inflows” include all the normal accretions into John Martin Reservoir, measured or otherwise, including River Flow but not including deliveries into the permanent pool or deliveries of Other Water as subsequently defined herein.
- D. “Conservation Storage” is water stored in the Conservation Pool that, but for the adoption of this resolution, would have comprised the benefits arising from the construction of John Martin Reservoir.
- E. “Other Water” for regulation by John Martin Reservoir is water delivered into the accounts established in Section III, herein, and delivered under the authority of pre-Compact Colorado water rights. Deliveries of Other Water are permitted to gain increased utilization and greater beneficial use.

- F. "Compact Year" is the water accounting year of the Administration; it commences on November 1 of each year and extends to and includes the next succeeding October 31.
- G. "Section" and "Subsection" refer to Sections and Subsections of this resolution, respectively.
- H. Except as provided herein, all words and terms used in this resolution have the meaning prescribed in Compact Article III.

II. Operating Principles:

A. Period of Winter Storage –

All Inflows into John Martin Reservoir during a Period of Winter Storage shall accrue to Conservation Storage. Conservation Storage shall be released into the accounts specified in Subsection II D beginning at the first request for release after March 31 of account water by a Colorado Water District 67 ditch or by Kansas or beginning at 8:00 a.m. on April 7, whichever occurs first. Such transfers from Conservation Storage shall continue until Conservation Storage is exhausted or November 1, whichever occurs first.

B. Summer Storage Season –

- (1) When a runoff event occurs during the Summer Storage Season, such that Inflows into John Martin Reservoir are expected to exceed then existing irrigation requirements of the Ditches of Colorado Water District 67 by at least 1,000 acre-feet, then the gates on John Martin Reservoir shall be closed commencing Conservation Storage except for releases of account water pursuant to Subsection II E.
- (2) The Ditches of Colorado Water District 67 will be removed from the Colorado priority system when the sum of the flows of the Arkansas River at the Las Animas gaging station and the Purgatoire River at the Las Animas gaging station, exclusive of separate deliveries of Other Water under Section III, indicates that Conservation Storage will occur.
- (3) All Inflows entering said reservoir during a period of Conservation Storage in the Summer Storage Season shall accrue to Conservation Storage. Conservation Storage shall be released into the accounts specified in Subsection II D beginning at the first request for release of account water by a Colorado Water District 67 ditch or by Kansas or beginning 48 hours after commencement of Conservation Storage, whichever occurs first.

Such transfers from Conservation Storage shall continue until Conservation Storage is exhausted or November 1, whichever occurs first.

C. Exhaustion of Conservation Storage –

- (1) For the purposes of Compact Article V F, the Conservation Pool shall be deemed exhausted whenever Conservation Storage has been completely released into the accounts. When this occurs, Colorado shall administer the decreed rights of water users in Colorado Water District 67 as against each other and against all rights now or hereafter decreed to water users diverting upstream from John Martin Dam on the basis of relative priorities in the same manner in which their respective priority rights were administered before John Martin Reservoir began to operate and as though John Martin Dam had not been constructed. However, during these times, Inflows shall, to the extent practical, be measured and released from the reservoir without temporary storage or averaging flows, and Conservation Storage may not be accumulated nor may storage in the accounts be increased except by deliveries of Other Water under Section III.
- (2) Administration in Colorado under decreed priorities shall be initiated so that ditches upstream from John Martin Reservoir shall deliver to the priorities of Colorado Water District 67 ditches water at the Arkansas River at the Las Animas gaging station coincident with the exhaustion of the Conservation Storage when taking the flow of all waters, including that of the Purgatoire River, into appropriate consideration.

D. Release into the Accounts –

- (1) When Conservation Storage is being released into the accounts according to the provisions of Subsection II A or II B, it shall be released at the total rate of 1,000 cfs. However, when Conservation Storage exceeds 20,000 acre-feet, it shall be released at the total rate of 1,250 cfs.
- (2) Releases of Conservation Storage shall be into accounts and said releases shall be apportioned 60 percent for the accounts of the Colorado Water District 67 ditches and 40 percent for the Kansas account.
- (3) The releases for the Colorado Water District 67 ditches shall be distributed into individual accounts according to the following percentages:

Fort Bent	9.90 percent
Keesee	2.30 percent
Amity	49.50 percent
Lamar	19.80 percent
Hyde	1.30 percent
Manvel	2.40 percent
X-Y and Graham	5.10 percent
Buffalo	8.50 percent
Sisson – Stubbs	1.20 percent

- (4) In the event that any Conservation Storage has not been released into accounts as of November 1 of any year, further release shall be suspended until such time as provided for according to Subsection II A.

E. Releases Out of Accounts –

- (1) Kansas and the various Colorado ditches may demand the release of water contained in their respective accounts, including those established in Section III, at any time at whatever rates they desire.
- (2) Releases of water from the accounts, including those established in Section III, may be made simultaneously with releases from Conservation Storage into the accounts. However, such simultaneous releases cannot create deficits in those accounts.
- (3) All such releases of account water from John Martin Reservoir to Colorado water users are subject to transit losses between John Martin Dam and the point of diversion from the Arkansas River, as determined by the Colorado Division Engineer, and the transit losses shall be borne by such releases.
- (4) Releases of Kansas account water shall be measured at the Stateline as provided in Compact Article V E (3) allowing appropriate travel times. Water available within the Kansas transit loss account may be released concurrently with a release from the Kansas account in a manner consistent with agreements between Colorado and Kansas officials governing such releases, for the purpose of preventing transit losses. If transit losses occur, those losses shall be determined by the Colorado Division Engineer and a representative of the Kansas Division of Water Resources and shall be replenished from the Kansas transit loss account to the Kansas account. In the event that such losses at the end of the delivery are greater than the

total remaining in the Kansas transit loss account, then the deficit shall be made up to the Kansas account from the next available transfers of Other Water under Subsection III D.

- (5) The water users and the responsible officials of both Colorado and Kansas shall do their utmost to achieve maximum beneficial use including calling for deliveries of Kansas account water during reasonable and favorable river conditions. When transit losses are deemed by the Colorado Division Engineer to be excessive, he shall so advise the receiving entity. Conversely, when river conditions are favorable for a delivery to Kansas, he shall so advise the Kansas Water Commissioner.

F. Evaporation losses shall be prorated among Flood Control Storage and Conservation Storage, including all accounts established herein or otherwise established by the Administration, according to the amounts in them using formulas and procedures approved by the Colorado Division Engineer and a representative of the Kansas Division of Water Resources.

G. In the event that runoff conditions occur in the Arkansas River basin upstream from John Martin Reservoir that cause water to spill from said reservoir, then water stored in the permanent pool in excess of 10,000 acre-feet shall spill before water stored in the accounts established in Subsections III A, III B, III C, and III E (1); which shall spill before the water stored in the Offset Account established by the Administration in the Resolution Concerning an Offset Account in John Martin Reservoir for Colorado Pumping as amended March 30, 1998; which shall spill before the accounts established in Section II and Subsection III E (2); which shall spill before the Kansas transit loss account; all of which shall spill before Conservation Storage. The amount of spill from the accounts spilling at the same time shall be prorated among them according to the amounts in them at the inception of their spill. The total volume of water spilled from Section II accounts shall be limited to the combined amount contained in those accounts at the inception of spill from Section II accounts. During times of spill, the permanent pool shall occupy Flood Control Storage as provided in the Administration's Resolution Concerning John Martin Reservoir Permanent Pool dated August 14, 1976, and Public Law 89-298.

III. Other Water for Regulation by John Martin Reservoir:

- A. The Amity may store such water as it could otherwise divert from the Arkansas River for storage in the Great Plains Reservoir system in its account granted in Section II. This water will be in addition to water released into the Amity account under Section II.

- B. An account for the Fort Lyon Canal is hereby granted in John Martin Reservoir for agricultural purposes only. The Fort Lyon Canal may deliver water into said account under an approved Pueblo winter water storage plan subject to the limitations that total quantity in the account at any time cannot exceed 20,000 acre-feet and that the delivery cannot include water that otherwise would have accumulated in Conservation Storage. The Fort Lyon may use water in this account for exchange with existing priorities. However, this account shall not be used in any manner to increase the permanent pool, either by exchange, transfer, change of use, or otherwise. In the event that water accumulated in this account has not been completely released by the end of the Compact Year, then that water shall become Conservation Storage controlled by Subsection II A.
- C. An account for the Las Animas Consolidated Canal Company is hereby granted in John Martin Reservoir for agricultural purposes only. The Las Animas Consolidated Canal Company may deliver water into said account under an approved Pueblo winter water storage plan subject to the limitations that total quantity in the account at any time cannot exceed 5,000 acre-feet and that the delivery cannot include water that otherwise would have accumulated in Conservation Storage. The Las Animas Consolidated may use water in this account for exchange with existing priorities. However, this account shall not be used in any manner to increase the permanent pool, either by exchange, transfer, change of use, or otherwise. In the event that water accumulated in this account has not been completely released by the end of the Compact Year, then that water shall become Conservation Storage controlled by Subsection II A.
- D. Thirty-five percent of all water deliveries to John Martin Reservoir, under Subsections III A, III B, and III C, during any Compact Year shall be transferred into the accounts for Kansas transit losses, for Kansas, and for Colorado Water District 67 ditches at the time of delivery, except as provided in Subsection III E (2), in the following manner: First, transfers from deliveries shall make up deficits, if any, which result from Subsection II E (4), and then fill the Kansas transit loss account to the amount of 1,700 acre-feet. Then, of all such water delivered in excess of this specified amount, 11 percent of those deliveries shall be transferred to the Kansas account and 24 percent of those deliveries shall be transferred to the accounts of the Colorado Water District 67 ditches. Transfers into the accounts for Colorado Water District 67 ditches shall be distributed according to the percentages in Subsection II D (3); except the Amity shall not share in distributions of deliveries under Subsection III A.
- E. There is hereby established in John Martin Reservoir during the period commencing on November 15 and continuing to, and including, the next succeeding March 15 of each Compact Year:

- (1) A winter water holding account to allow temporary storage of water delivered under the Pueblo winter water storage plan solely for the purpose of distribution to the Subsections III A, III B and III C accounts in accordance with the limitations set forth in Section III. All water accumulated in this holding account shall be completely released to the Subsections III A, III B and III C accounts on March 15.
 - (2) A District 67 winter water holding account to allow temporary storage of the portion of the Subsection III D waters delivered under the Pueblo winter water storage plan owed to the Colorado Water District 67 Section II accounts. All water accumulated in this holding account shall be completely distributed to the Section II accounts on March 15.
- IV. A permanent pool for fish, wildlife and recreational purposes has been authorized by the August 14, 1976 Resolution of the Administration. For purposes of the Resolution, this permanent pool shall be considered a separate account and deliveries made to it are not subject to the transfers provided in Subsection III D. The permanent pool shall, however, stand its prorated-by-content share of evaporation losses as provided in the Administration's Resolution of August 14, 1976, consistent with the provisions of Subsection II F.
- V. In the event of injury either to entities in Colorado or to Kansas, there shall be restitution from the first account water thereafter available from the entity receiving improper benefits. The Engineering Committee of the Administration shall quantify such injury, subject to the approval of the Administration.
- VI. Adoption of this resolution does not prejudice the ability of Kansas or of any Colorado ditch to object or to otherwise represent its interest in present or future cases or controversies before the Administration or in a court of competent jurisdiction.
- VII. This agreement shall be, and continue to be, in full force and effect from and after the date of execution of this resolution until March 31, 1981, and year to year thereafter subject to the following provisions:
 - A. Not later than December 1 of each year, the Colorado Division Engineer shall make an accounting of the operation under this resolution for the previous Compact Year available to the Operations Committee of the Administration and to interested parties. Either Colorado or Kansas, through its Compact delegation, may then terminate this resolution on the next succeeding March 31 by giving written notice to the Administration by February 1 of the same Compact Year.
 - B. In the event this resolution is so terminated, then entities storing water in accounts prior to such termination may utilize such water during the next

irrigation season under the provisions of this resolution. Water not utilized by the following November 1 shall revert to Conservation Storage.

VIII. This resolution supersedes in its entirety the agreement of December 12, 1978, concerning Amity-Great Plains water and the Resolution concerning an Interim Operating Plan for John Martin Reservoir entered into on March 21, 1980. All water delivered into the accounts established under the authorities of these two resolutions shall be forwarded and credited, without deductions, to the accounts for the same entities that are established in this operating plan.

Adopted April 24, 1980; with revisions approved on May 10, 1984; December 11, 1984; and February 11, 2010.

Chairman
Arkansas River Compact
Administration

Secretary
Arkansas River Compact
Administration

Colorado Member
Arkansas River Compact
Administration

Kansas Member
Arkansas River Compact
Administration

Approved

District Engineer,
Albuquerque District
Duly Authorized Representative of
the Chief of Engineers
U.S. Army Corps of Engineers

Date: _____

____ of 4 originals