

# ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chairman and Federal Representative

For Kansas

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

James T. Rizzuto, La Junta

David Barfield, Manhattan  
Randy Hayzlett, Lakin  
Hal Scheuerman, Deerfield

## RESOLUTION 2017 - 02

### Regarding the Special Engineering Committee for 2018 and 2019

**WHEREAS**, pursuant to Bylaw Article V.5., the Arkansas River Compact Administration (“ARCA”) by Resolution No. 2005-01 created the “Special Engineering Committee” (“Committee” or “SEC”) at its December 2005 Annual Meeting to resolve four categories of “assigned tasks,” including 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**, ARCA has extended the existence of the SEC each subsequent year, most recently in 2015 for a term expiring Dec. 31, 2017; and

**WHEREAS**, the Committee has resolved disputed issues placed before it during its term, and assigned tasks still remain before it with the potential for further agreement;

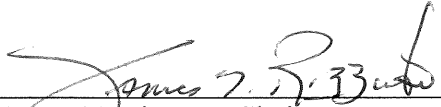
**NOW THEREFORE, BE IT RESOLVED** that ARCA does hereby extend the term of the Committee for two full years to expire on December 31, 2019. And further ARCA hereby revises the Special Provisions of the 2005 Resolution as set forth on the attached Exhibit 1;

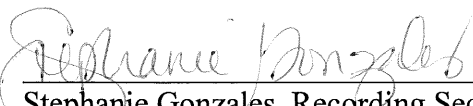
**BE IT FURTHER RESOLVED** that the SEC will meet at least once before June 30, 2018. The SEC will consider the following prioritized subjects at meetings authorized by this resolution:

1. A dedicated discussion on flood/spill issues in the first quarter of 2018, preferably no later than February.
2. Working issues identified in 7) of the Permanent Pool Agreement for 2017 (23 March 2017):

- a. Establish a methodology to annually determine LAWMA's projected depletions, projected replacements, and the amount and sources of water committed to the Offset Account
  - b. Allow the use of the Highland Canal Water as a source of water for the Permanent Pool when the Offset Account is full. When the Offset Account is full, paragraph 2.a of Appendix A.4 of the decree entered in Kansas v. Colorado, No. 105, Original provides that there is no obligation to deliver replacement water to the Offset Account under Appendix A.4.
  - c. Determine what replacement credit is allowed for transit losses on Highland Canal Water deliveries to the Offset Account and Permanent Pool.
  - d. Examine the potential for exchange from Fort Lyon and Lamar Canal augmentation stations to the Offset Account in lieu of direct delivery to the Stateline, including how the evaporative losses on those exchanged credits are charged.
  - e. Explore how augmentation station deliveries of Granada Irrigation Company shares could be managed to facilitate replacement of in-state and Stateline depletions.
3. Winter inflow split
  4. Colorado multipurpose account
  5. Determine which issues must be resolved to begin the approval process of past Operations Secretary Reports.
  6. Establish a process for the Administration to make findings pursuant to Article V.H.
    - a. Discuss the request presented at the 2017 Operations Committee meeting by Arkansas Valley Farms.

**ADOPTED** by the Arkansas River Compact Administration at its 2017 Annual Meeting on December 7, 2017 in Lamar, Colorado.

  
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James T. Rizzuto, Chair  
Arkansas River Compact Administration

  
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Stephanie Gonzales, Recording Secretary  
Arkansas River Compact Administration

2 of 4 originals

## 2017 Revised Special Provisions for ARCA Special Engineering Committee

- 1. Members of Committee:** Each State shall designate two members to serve on the Special Engineering Committee ("SEC"), one which must be the Colorado State Engineer and one which must be the Kansas Chief Engineer. The Federal Representative and Chairman of ARCA shall be an ex-officio member of the Committee.
- 2. Extension of Term:** ARCA may extend the SEC term by Resolution adopted at any regular or special ARCA meeting.
- 3. Meeting procedures:** The Special Engineering Committee shall establish its own procedures for conducting its business. To the extent possible, notice of meetings shall be provided to all members of ARCA pursuant to the By-laws. It is expressly agreed that the Committee may meet in private and without notice, and that no written record of its activities is required. A quorum for meeting purposes shall consist of two members, one from each state, and the Federal Representative need not be in attendance.
- 4. Recommendations:** The function of the Special Engineering Committee shall be to develop recommendations to ARCA which upon adoption will reduce or eliminate disputes between the States. The Committee may package its recommendations as "all or none" or in any other combination that protects the respective mutual benefits that each State has obtained through the Committee process. No agreement reached by the Committee shall be effective until adopted by resolution of ARCA.
- 5. Assigned Tasks:** The Special Engineering Committee is hereby assigned the following tasks:
  1. A dedicated discussion on flood/spill issues in the first quarter of 2018, preferably no later than February.
  2. Working issues identified in 7) of the Permanent Pool Agreement for 2017 (23 March 2017):
    - a. Establish a methodology to annually determine LAWMA's projected depletions, projected replacements, and the amount and sources of water committed to the Offset Account
    - b. Allow the use of the Highland Canal Water as a source of water for the Permanent Pool when the Offset Account is full. When the Offset Account is full, paragraph 2.a of Appendix A.4 of the decree entered in *Kansas v. Colorado*, No. 105, Original provides that there is no obligation to deliver replacement water to the Offset Account under Appendix A.4.

- c. Determine what replacement credit is allowed for transit losses on Highland Canal Water deliveries to the Offset Account and Permanent Pool.
  - d. Examine the potential for exchange from Fort Lyon and Lamar Canal augmentation stations to the Offset Account in lieu of direct delivery to the Stateline, including how the evaporative losses on those exchanged credits are charged.
  - e. Explore how augmentation station deliveries of Granada Irrigation Company shares could be managed to facilitate replacement of in-state and Stateline depletions.
3. Winter inflow split
4. Colorado multipurpose account
5. Determine which issues must be resolved to begin the approval process of past Operations Secretary Reports.
6. Establish a process for the Administration to make findings pursuant to Article V.H.
  - a. Discuss the request presented at the 2017 Operations Committee meeting by Arkansas Valley Farms.
7. Provide recommendations on any other accounting, operation, or interpretation issue as may be referred to the SEC by any standing ARCA Committee.