

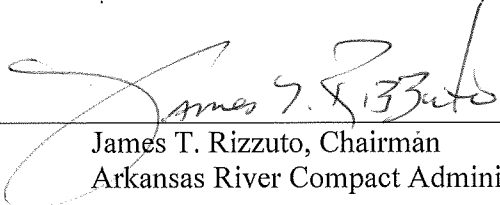
# ARKANSAS RIVER COMPACT ADMINISTRATION

## SPECIAL MEETING

February 14, 2019

VIA  
TELEPHONIC CONFERENCE CALL  
Thursday, February 14, 2019  
08:30 A.M. MDT (09:30 A.M. CDT)  
[Summary of Recorded Meeting]

The following meeting summary is the official minutes of the Arkansas River Compact Administration's February 14, 2019, Special Meeting, as signed by the Chairman of the Administration, pursuant to Administration approval given on December \_\_, 2019 at its Annual Meeting held in La Junta, Colorado.



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James T. Rizzuto, Chairman  
Arkansas River Compact Administration

### List of Summary Attachments

- A. Notice and Agenda
- B. Signed Resolution 2019-01

### Notes

Pursuant to its by-laws, the Administration instructed staff to prepare a written summary in lieu of a verbatim transcript, and to preserve for the record an electronic copy of the audio recording for this meeting.

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

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**1. Call to order & roll call**

Jim Rizzuto called the Special Meeting of the Arkansas River Compact Administration (ARCA) to order at 08:32 A.M. (MDT) pursuant to the Notice attached hereto as Attachment A. A roll call was taken, and a quorum was present.

The following ARCA representatives participated in the conference call:

Jim Rizzuto, Chairman, Federal Representative;

For Colorado:

Rebecca Mitchell, CWCB Director and CO Representative;

Lane Malone, CO Representative;

Scott Brazil, CO Representative;

For Kansas:

David Barfield, Kansas Chief Engineer and KS Representative;

Troy Dumler, KS Representative; and

Randy Hayzlett, KS Representative and Vice-Chairman.

Others in attendance who announced themselves:

Kevin Rein, Colorado State Engineer;

Mike Sullivan, Colorado Deputy State Engineer;

Andrew Rickert, Colorado Water Conservation Board;

Amy Louise, US Army Corps of Engineers;

Trevor Ahring, SW Kansas Groundwater Management District #3;

Brett Ackerman, Colorado Parks and Wildlife;

Rena Brand, Colorado Parks and Wildlife;

City of Lamar Water Wastewater;

Christian Burney, La Junta Tribune-Democrat

Phil Reynolds, Colorado Division of Water Resources, Division 2;

Lonnie Spady, Colorado Division of Water Resources, Division 2;

Garrett Markus, Southeastern Colorado Water Conservancy District

Brent Newman, Colorado Water Conservation Board;

Mike Valentine, City of Trinidad;

Chris Beightel, Kansas Division of Water Resources;

Steve Witte, retired Colorado Division of Water Resources;

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

Dan Steuer, Colorado Attorney General Office;

Steve Kastner, Purgatoire River Water Conservancy District;

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

Rachel Duran, Kansas Division of Water Resources;

Scott Lorenz, Colorado Springs Utilities;

**2. Approval of agenda**

Jim Rizzuto asked for approval of the agenda (as shown in Attachment A):

David Barfield, Kansas, moved approval of the agenda.

Rebecca Mitchell, Colorado, seconded the motion.

Mr. Rizzuto called the question: Kansas voted aye, and Colorado voted aye.  
Motion was approved.

### **3. Meeting protocol and preparation of minutes/summary**

Jim Rizzuto suggested that instead of a verbatim transcript the Administration approve a written summary instead. Jim Rizzuto asked for any objections; Kansas no objections, and Colorado no objections.

### **4. Introduction and explanation of Permanent Pool agreement**

Bill Tyner provided that the resolution would allow for a new source for the John Martin Permanent Pool. This would be the first source added to help maintain the pool in 40 years. An agreement between the States of Kansas and Colorado would allow for the Highland Canal water rights to be used as a source for the Permanent Pool. The Highland Canal water rights are owned by the Lower Arkansas Water Management Association (LAWMA). LAWMA and Colorado Parks and Wildlife (CPW) had worked together to approach the Administration several years ago to begin discussions regarding use of the Highland Canal water rights as a source for the Permanent Pool. The Permanent Pool Agreement that is the basis for the proposed resolution had been approved for two pilot years in 2017 and 2018, allowing the States to evaluate the operations and improve understanding of how the future permanent use of the Highland Canal as a source could be best managed. The proposed resolution references the Permanent Pool Agreement which will be signed by the Colorado State Engineer and the Kansas Chief Engineer. Agreement allows delivery to the Permanent Pool during the season from March 1<sup>st</sup> through November 15<sup>th</sup>. The Agreement includes methodology to ensure that LAWMA could sustain deliveries to the Offset Account. Approval of resolution will allow for LAWMA and CPW to proceed with the filing of a change case in Colorado Water Court. The two approvals that had occurred under 2017 and 2018 were under Substitute Water Supply Plans (SWSP).

Bill Tyner, Rebecca Mitchell, and David Barfield all expressed appreciation to all parties that had put work into this effort to see it to fruition.

### **5. Discussion**

Jim Rizzuto asked for discussion of the resolution. There was no further discussion.

### **6. Consideration of Resolution 2019-01**

Rebecca Mitchell, Colorado, moved Adoption of Resolution 2019-01.

David Barfield, Kansas, seconded the motion.

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

Motion was approved, and the Resolution was adopted. See Attachment B.

### **7. Presentation on JMR EAC table implementation**

Kevin Salter provided a presentation on the John Martin Reservoir Elevation Area Capacity Table (EAC) implementation. Survey of JMR was completed in December 2017 and will be implemented on November 1, 2019. A new method for surveying reservoir was used for this past survey which resulted in a gain in both the area and

capacity. In the past the adjustment to the reservoir had been done on a date certain and was done pro rata between the accounts that had water on that date. The States have been discussing a new method of adjustment to reservoir storage that would be applied more fairly. The method would involve applying adjustments to all accounts in the reservoir pro rata on a monthly basis. This new method for this EAC update will be used for this EAC update and documented for use with future resurveys.

Kevin asked the Administration to think if there were any concerns with the States implementing the EAC table by this different methodology. Randy Hayzlett commented that this method seems like it would be a fair and accurate way to make the adjustments to the reservoir. No objections were heard concerning applying the new methodology with this EAC update.

## **8. Adjournment**

Jim Rizzuto asked if there was a motion to adjourn:  
David Barfield, Kansas, moved adjournment of the Special Meeting; and  
Rebecca Mitchell, Colorado, seconded the motion.

Meeting was adjourned at 8:55 A.M., MDT.

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# **Attachment A**

**Special Meeting**

**February 14, 2019**

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# ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chair and Federal Representative

For Kansas

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

James T. Rizzuto, Swink

David Barfield, Manhattan  
Randy Hayzlett, Lakin  
Troy Dumler, Garden City

## NOTICE & AGENDA SPECIAL TELEPHONIC MEETING ARKANSAS RIVER COMPACT ADMINISTRATION THURSDAY, FEBRUARY 14, 2019 8:30 A.M. (MDT) / 9:30 A.M. (CDT)

The Arkansas River Compact Administration ("ARCA") will meet at the time noted above via telephonic conference call to consider Resolution 2019-01 Regarding John Martin Reservoir Permanent Pool. This resolution would authorize the delivery of Highland Canal water rights into the John Martin Permanent Pool on a permanent basis. This authorization would be pursuant to a Memorandum of Agreement between the Colorado State Engineer and the Kansas Chief Engineer. Copies of that agreement and the draft Resolution 2019-01 should be provided prior to the meeting.

Meetings of the Administration are open to the public and operated in compliance with the Federal Americans with Disabilities Act. If you wish to participate in the Special Meeting you may do so at the following listening stations or you may call in using the information provided below:

1. Kansas Div. Water Resources, 2508 Johns St., Garden City, KS 67846;  
Host: Kevin Salter, [kevin.salter@ks.gov](mailto:kevin.salter@ks.gov), 620-276-2901
2. ARCA Office, 112 West Elm Street, Lamar, CO 81052;  
Host: Stephanie Gonzalez, see below
3. Colorado Div. of Water Resources, 310 East Abriendo, Suite B, Pueblo, CO 81004  
Host: Wendy Hunker, [wendy.hunker@state.co.us](mailto:wendy.hunker@state.co.us), 719-542-3368 x2105
4. Colorado Water Conservation Board, 1313 Sherman St. #721, Denver, CO 80203  
Host: Andrew Rickert, see above
5. Use Zoom to call in remotely  
<https://kansasag.zoom.us/j/818160412>  
(669)900-6833 OR (646)558-8656  
**Meeting ID: 818 160 412**

Please contact the listening station host prior to the meeting date to confirm details and seat availability. If you need a special accommodation as a result of a disability please contact Stephanie Gonzales by email at [arca.co.ks@gmail.com](mailto:arca.co.ks@gmail.com) or phone at 719-336-3850 at least three days before the meeting.

## SPECIAL MEETING AGENDA February 14, 2019

1. Call to order & roll call .....Jim Rizzuto
2. Approval of agenda .....Jim Rizzuto
3. Meeting protocol and preparation of minutes/summary .....Jim Rizzuto
4. Introduction and explanation of Permanent Pool agreement..... Bill Tyner
5. Discussion .....Jim Rizzuto
6. Consideration of Resolution 2019-01 .....Jim Rizzuto
7. Presentation on JMR EAC table implementation .....Kevin Salter
8. Adjournment .....Jim Rizzuto

February 8, 2019

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# **Attachment B**

**Special Meeting**

**February 14, 2019**

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<b>ARKANSAS RIVER COMPACT ADMINISTRATION</b>		
Lamar, Colorado 81052		
For Colorado	Chair and Federal Representative	For Kansas
Rebecca Mitchell, Denver	James Rizzuto, Swink, CO	David Barfield, Topeka
Lane Malone, Holly	Randy Hayzlett, Lakin	
Scott Brazil, Vineland	Troy Dumler, Garden City	

**Arkansas River Compact Administration  
Resolution No. 2019-01**

**Regarding John Martin Reservoir Permanent Pool**

**WHEREAS**, Section 204 of the Flood Control Act of 1965 authorized a “permanent pool for fish and wildlife and recreational purposes” at John Martin Reservoir (“JMR”); and

**WHEREAS**, Section 204 of the Flood Control Act of 1965 required that the State of Colorado “purchase and make available any water rights necessary under State law to establish and thereafter maintain the permanent pool”; and

**WHEREAS**, Section 204 of the Flood Control Act of 1965 required that the Arkansas River Compact Administration (“ARCA”) approve “written terms and conditions . . . [for] establishing, maintaining, and operating the permanent pool”; and

**WHEREAS**, by the Resolution Concerning John Martin Reservoir Permanent Pool (“1976 Resolution”) adopted on August 14, 1976, ARCA “approve[d] the creation in [JMR] of a permanent pool . . . and adopt[ed] the criteria . . . as procedures for the operation of [JMR]”; and

**WHEREAS**, the 1976 Resolution further provided that “water deliveries from other valid water rights owned or controlled by the State of Colorado may be added to the permanent pool water supply subject to the approval of [ARCA]”; and

**WHEREAS**, The Resolution Concerning an Operating Plan for John Martin Reservoir (Apr. 24, 1980, as amended) (“1980 Operating Plan”) recognizes the permanent pool authorized by the 1976 Resolution and makes the operation of the permanent pool subject to the terms of the 1980 Operating Plan; and

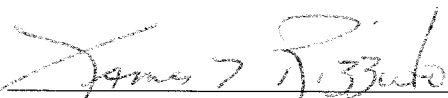
**WHEREAS**, pursuant to a Water Management Agreement between the Colorado Division of Parks and Wildlife and the Lower Arkansas Water Management Association (“LAWMA”), LAWMA will allow use of its Highland Canal water rights located in District 17 upstream of JMR and diverting from the Purgatoire River as a source of water supply for the permanent pool; and

**WHEREAS**, the States of Colorado and Kansas have agreed to the delivery of fully consumable water from LAWMA's Highland Canal water rights under certain conditions ;

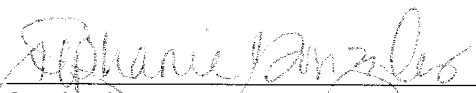
**NOW THEREFORE, BE IT RESOLVED** that pursuant to the terms of its 1976 Resolution the Arkansas River Compact Administration hereby approves the use of the Highland Canal water rights, formerly diverted from the Purgatoire River in District 17, as an additional source of water supply for the permanent pool at JMR so long as the States of Colorado and Kansas maintain a written agreement between them which allows such use and sets forth any applicable terms and conditions of that use.

**ADOPTED** by the Arkansas River Compact Administration at the Special Meeting held telephonically on February 14, 2019.

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

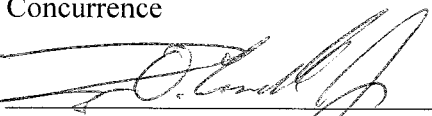
  
\_\_\_\_\_  
Jim Rizzuto, Chairman  
Arkansas River Compact Administration

2/15/2019  
Date

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

2/21/2019  
Date

Concurrence

  
\_\_\_\_\_  
Lt. Col Dale Caswell, Jr.  
Commander and District Engineer,  
Albuquerque District, U.S. Army Corps of Engineers  
Duly Authorized Representative of the Chief of Engineers,  
U.S. Army Corps of Engineers

8 MAR 19  
Date

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