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Colorado Water Conservation Board

**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

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.

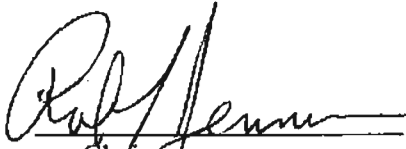
- B. An account for the Fort Lyon Canal is hereby granted in John Martin Reservoir for agricultural purposes only. The Fort Lyon Canal may deliver water into said account under an approved Pueblo winter water storage plan subject to the limitations that total quantity in the account at any time cannot 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:

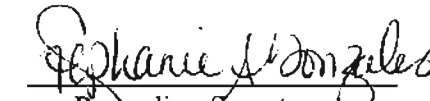
- (1) A winter water holding account to allow temporary storage of water delivered under the Pueblo winter water storage plan solely for the purpose of distribution to the Subsections III A, III B and III C accounts in accordance with the limitations set forth in Section III. All water accumulated in 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

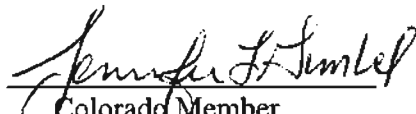
irrigation season under the provisions of this resolution. Water not utilized by the following November 1 shall revert to Conservation Storage.

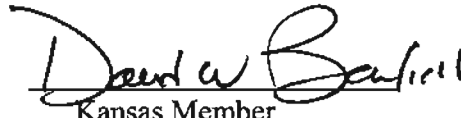
VIII. This resolution supersedes in its entirety the agreement of December 12, 1978, concerning Amity-Great Plains water and the Resolution concerning an Interim Operating Plan for John Martin Reservoir entered into on March 21, 1980. All water delivered into the accounts established under the authorities 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.

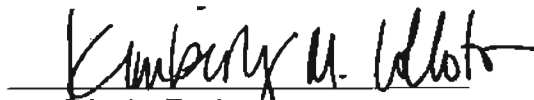

Chairman
Arkansas River Compact
Administration


Recording 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: 3/23/10

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