

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 Rizzuto, Swink, CO

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

Arkansas River Compact Administration Resolution No. 2018-01

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 conditions provided by the document entitled “**Permanent Pool Agreement for 2018**,” attached to this Resolution as Exhibit 1; and

WHEREAS, a clerical error in the Permanent Pool Agreement for 2018, paragraph no. 5 has been found. ARCA acknowledges that the reference to *paragraph no. 3*) should be a reference to *paragraph no. 4*), and both Kansas and Colorado agree to such.

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 through March 31, 2019, subject to the terms and conditions as described in the “**Permanent Pool Agreement for 2018**.”

ADOPTED by the Arkansas River Compact Administration at the Special Meeting held telephonically on March 20, 2018.

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

Date

Stephanie Gonzales, Recording Secretary,
Arkansas River Compact Administration

Date

Concurrence

Lt. Col. James L. Booth,
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

Date

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