

Resolution No. 2006 - 04
Arkansas River Compact Administration

Section II Account Spill Volume

Be it resolved that Arkansas River Compact Administration hereby approves the attached recommendation of the Special Engineering Committee with respect to the Section II Account Spill Volume. Be it further resolved that ARCA directs that this recommendation be implemented immediately for all subsequent operations and that this recommendation will be incorporated by future amendment of the Resolution Concerning an Operating Plan for John Martin Reservoir, adopted April 24, 1980 as amended.

Entered this ____ day of December 2006, at the ARCA Annual meeting.

Robin Jennison, Chairman
Arkansas River Compact
Administration

Stephanie Gonzales, Recording Secretary
Arkansas River Compact
Administration

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Recommendation D
Special Engineering Committee
October 2006

Section II Account Spill Volume

The Arkansas River Compact Administration (ARCA) created a Special Engineering Committee by means of Resolution No. 2005-1 and directed said committee to develop recommendations to ARCA which will reduce or eliminate disputes between the States.

Pursuant to said Resolution, Rod Kuharich and Hal Simpson, for Colorado; David Brenn and David Pope, for Kansas; and Robin Jennison, Federal member, ex-officio, were appointed members of the Special Engineering Committee.

Clear and unambiguous authority to limit the total volume of water spilled from Section II accounts to the amount contained in those accounts at the inception of their spill is not found in the Resolution Concerning an Operating Plan for John Martin Reservoir, adopted April 24, 1980 as subsequently amended (referred to as the 1980 Operating Plan).¹ It is noted that without such a limitation, it is possible that a simultaneous spill from Section II accounts and release into such accounts as prescribed by Section II B (3) may preclude the spill of water from either the transit loss account or from conservation storage, which is otherwise provided for in Section II G.

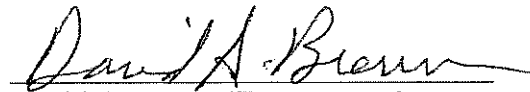
Therefore, it is the recommendation of the Special Engineering Committee that ARCA determine that the total volume of water spilled from Section II accounts shall be limited to the amount contained in those accounts at the inception of the Section II spill

Further, it is recommended that ARCA incorporate these recommendations through amendments to the 1980 Operating Plan.

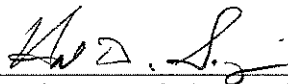
Special Engineering Committee Approval



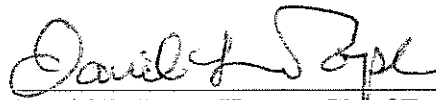
Rod Kuharich, Colorado member



David A. Brenn, Kansas member



Hal Simpson, Colorado State Engineer



David L. Pope, Kansas Chief Engineer

Date: October 19, 2006

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¹ This issue has been referenced as Issue #54 in the "Water Issues Matrix" document, JMR Accounting Issues, dated April 2005