

APPENDIX A

Operating Principle Versions and Amendments Since 1996

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT

AMENDED 2004

Preamble

The Trinidad Dam and Reservoir Project as reported in House Document No. 325, 84th Congress, 2d Session, and as authorized by the Flood Control Act of 1958, will be operated in such a manner as to secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact. The objectives and principles governing the operation of the Trinidad Dam and Reservoir Project to secure such benefits are contained within the following articles.

- Article I - OBJECTIVES
- Article II - DEFINITION OF TERMS
- Article III - FLOOD CONTROL
- Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL
- Article V - FISHERY AND RECREATION
- Article VI - REVIEW AND AMENDMENT

Article I - OBJECTIVES

The operation of the Trinidad Dam and Reservoir involves the regulation of the flows of the Purgatoire River for flood control, irrigation use, municipal and industrial use and recreation, including a permanent fishery pool. The project plan provides for:

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.
2. Optimum beneficial use of the available water for irrigation and municipal and industrial uses (municipal and industrial hereinafter abbreviated M&I) within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:
 - (a) Transfer of the storage decree of The Model Land & Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.
 - (b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam, which would otherwise spill from John Martin Reservoir.

- (c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.
- 3. The maintenance of a minimum pool for enhancement of recreation and fishery values.
- 4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood Control.....	51,000 acre-feet
Irrigation and M&I.....	20,000 acre-feet
Permanent fishery pool	15,967 acre-feet
Joint use *	<u>39,000</u> acre-feet
Total capacity.....	125,967 acre-feet

* For irrigation, M&I and sediment accumulation.

Article II – DEFINITION OF TERMS

Definition of terms as used herein:

- 1. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.
- 2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M&I use. The District shall also be the agency responsible for the regulation of irrigation and M&I water supplies within the District boundaries in the manner set forth therein.
- 3. "District Irrigable Area" means only 19,499 acres of the contracted lands lying within the District Boundaries.
- 4. "District Storage Right" means those rights under which the District may store water in the irrigation capacity for use within the District.
- 5. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District, and which may be used to replace evaporation and seepage from the permanent fishery pool if rights to water stored in the irrigation capacity are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose.

6. "Flood Control" means the temporary storage of flood waters at any reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.
7. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying initially above m.s.l. reservoir elevation 6,229.6.
8. "Irrigation Capacity" means the 20,000 acre-feet of reservoir capacity allocated to irrigation and M&I use plus the unsedimented portion of the joint use capacity, and which may be used to replace evaporation and seepage from the permanent fishery pool if rights to water stored in the irrigation capacity are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose. Use of the irrigation capacity to replace evaporation and seepage from the permanent fishery pool shall not diminish the payment of the annual construction charge by the District pursuant to Contract No. 7-07-70-W0095, as amended, between the District and the United States.
9. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District irrigable area, less those lands removed from irrigation, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.
10. "Non-Irrigation Season" means that period of the year other than the irrigation season.
11. "Operating Agency" means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.
12. "Permanent Fishery Pool" means the quantity of water stored in the Permanent Fishery Pool Capacity.
13. "Permanent Fishery Pool Capacity" means the 15,967 acre-feet of reservoir capacity allocated to fishery and recreation.
14. "Removed from irrigation" means District irrigable area for which the associated consumptive use has been changed from irrigation to another type of use by decree or approval of the State Engineer.
15. "Reservoir" means the reservoir presently planned and authorized for construction on the Purgatoire River above the City of Trinidad, Colorado.

16. "Reservoir Inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the reservoir comprising of measured flows at the inflow gaging stations and other unmeasured inflows entering the reservoir, less such flow of water as may be acquired and imported into the Arkansas River Basin by the State of Colorado for filling and maintaining the permanent fishery pool.
17. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of reservoir capacity allocated to joint use but unoccupied by sediment at any given time.

Article III - FLOOD CONTROL

Trinidad Reservoir shall be operated for flood control benefits in accordance with regulations prescribed by the Secretary of the Army and the following operating principles:

1. All potentially damaging flood inflows shall be temporarily detained as necessary to limit the flow insofar as possible to a non-damaging flow, currently estimated to be 5,000 c.f.s., downstream from the Trinidad Reservoir.
2. All flood water stored in the flood control capacity shall be released at the maximum non-damaging rate insofar as practicable.
3. Any inflow, other than that stored for irrigation and M&I and permanent fishery pool use, temporarily retained below the bottom of the flood control capacity for flood control purposes, shall be released by the operating agency at such a rate, time, and quantity as may be ordered by the Colorado State Engineer, but within non-damaging flow in the channels below the reservoir.

ARTICLE IV- IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the irrigation capacity in Trinidad Reservoir and the distribution of water to the District irrigable area, to M&I uses within the District, and to replace evaporation and seepage from the permanent fishery pool if rights to water stored in the irrigation capacity are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these operating principles. Agreements, satisfactory to the Secretary of the Interior, shall be entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District irrigable area, to M&I uses within the District, and to replace evaporation and seepage from the permanent fishery pool if rights to water stored in the irrigation capacity are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, are contained in the following four parts of this Article:

“Water Rights,” “Limits of Land and Water Use,” “District Water Supply,” and “Operation and Exercise of Water Rights.”

A. Water Rights

Accomplishment of the following conditions is necessary under the laws of the State of Colorado to provide the District with the right to regulate the flows of the Purgatoire River in the manner described herein:

1. The water users within the District shall assign the right to the exercise of all the decreed direct flow water rights within the District boundaries to the District for administration by the District at such times and to the degree outlined in these principles. The right to the exercise of the following water rights, all in Water District No. 19, shall be so assigned.

Direct Flow Rights
Water Division No. 2

<u>Number</u>	<u>Priority Date</u>	<u>Contracted Amount (cfs)</u>	<u>Contracting User</u>
3	11/30/1861	4.00	Baca
3	11/30/1861	2.00	Chicosa, Lujan & Northside
5	03/20/1862	4.00	Johns Flood
7	04/30/1862	7.00	Chilili
8	11/15/1862	1.55	El Moro Water Users
8	11/15/1862	2.18	El Moro
9	01/01/1863	1.28	Johns Flood
9	01/01/1863	4.72	Hoehne
12	06/30/1863	0.50	Enlarged South Side
13	01/01/1864	1.25	Johns Flood
13	01/01/1864	3.75	R. Lacy
15	04/10/1864	5.10	Johns Flood
15	04/10/1864	0.80	Hoehne
15	04/10/1864	0.847	R. Lacy
19	06/01/1865	4.00	R. Lacy
20	10/07/1865	7.35	Johns Flood
20	10/07/1865	16.65	Hoehne
21	01/01/1866	3.25	R. Lacy
22	02/01/1866	1.34	R. Lacy
27	05/31/1866	2.25	Johns Flood
27	05/31/1866	0.75	R. Lacy
40	04/30/1868	1.40 ¹	Enlarged South Side

¹ 0.77 cfs abandoned, 0.63 cfs remains

<u>Number</u>	<u>Priority Date</u>	<u>Contracted Amount (cfs)</u>	<u>Contracting User</u>
64	04/01/1873	2.40	Johns Flood
73	11/01/1875	6.00	Enlarged South Side
74	02/17/1876	34.00	Enlarged South Side
75	12/25/1876	4.00	Enlarged South Side
77	03/11/1877	1.30	El Moro
77	03/11/1877	2.70	El Moro Water Users
80	04/07/1877	18.60	Enlarged South Side
93	12/15/1882	4.00	Enlarged South Side
95	11/04/1883	14.39	Chicosa, Lujan & Northside
96	11/23/1883	16.84	Enlarged South Side
98	04/30/1884	60.00	Enlarged South Side
103	06/21/1886	14.73	Chicosa, Lujan & Northside
104	10/21/1886	10.00	R. Lacy
106	03/12/1887	15.00	Chicosa, Lujan & Northside
108	02/15/1888	9.70	Enlarged South Side
109	03/01/1888	8.00	Enlarged South Side
145	10/20/1902	100.00	Johns Flood
168	01/22/1908	200.00	Model
242 ½	06/12/1920	45.56	Chicosa, Lujan & Northside

2. Waters of the Purgatoire River shall be stored by the District in the irrigation capacity of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the **District storage right**, include:
- a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, which right shall, by appropriate statutory proceedings be transferred from the place of storage as originally decreed to the site of the reservoir; and
 - b) Such other rights to store water in the reservoir as the District may lawfully acquire by appropriation or purchase.

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation, and M&I uses within the District, and to replace evaporation and seepage from the permanent fishery pool if rights to water stored in the irrigation capacity are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District water supply shall be limited to the District irrigable area, less those lands removed from irrigation. The District irrigable area shall be composed as nearly as practicable of the acreage identified in contracts with the District under individual ditches:

Picketwire	2,414.7 acres
Baca	319.6 acres
Chilili	300.0 acres
El Moro	176.9 acres
Johns Flood	2,170.7 acres
Model	7,028.8 acres
Enlarged South Side	6,299.6 acres
Hoehne	1,200.0 acres
Burns & Duncan	229.7 acres
Lewelling & McCormick	467.9 acres

a total of 20,607.9 contract acres.

2. The District shall provide notice each year, prior to June 1, to the State of Kansas, the Bureau of Reclamation, and other parties making a written request, of lands expected to be irrigated. Such notice shall include a map and a tabulation of said lands, both showing tracts, their acreage and location. Any interested party may conduct field inspections related to the District irrigable Area, and the District shall cooperate with the party in the conduct of such inspections.

The District shall implement substantive procedures to verify each year that no more than the District Irrigable Area, less lands removed from irrigation, are irrigated in that year. The District shall prepare a report each year including a tabulation showing tracts, acreage and location of lands irrigated in that year. The District shall provide the report to the State of Kansas, the Bureau of Reclamation, and other parties making a written request, by February 1 of the following year.

3. All water deliveries to the District irrigable area, less those lands removed from irrigation, will be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District. Allowance for

canal and lateral losses on the individual ditch systems will be determined by the District.

4. Water deliveries may be diverted or stored for M&I or permanent fishery pool purposes with the following limitations:

(a) Conditions applicable to the City of Trinidad:

(1) Only water attributable to the historic consumptive use on acreage removed from irrigation, limited to 948 acres under the Johnss Flood Ditch system and 373.7 acres under The Model Land & Irrigation Company system may be made available for M&I storage or permanent fishery pool storage. Water deliveries shall be limited to the following volumes, which shall not include the volumes retained in storage for later release to maintain historic delayed return flow patterns to the Purgatoire River:

	Maximum Monthly Water Deliveries (acre-feet)
Apr	220
May	345
Jun	565
Jul	685
Aug	620
Sep	345
Oct	160
Nov - Mar	0
Annual Total	2802

(2) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River. Such return flows, which shall include non-irrigation season return flows, shall be equal to at least 35 percent of the water available to acreage removed from irrigation.

(3) Removal of District irrigable land from irrigation to enable water to be diverted or stored for M&I or permanent fishery pool purposes shall correspondingly reduce the number of acres allowed to be irrigated from the District water supply. Prior to April 1 each year, the City of Trinidad shall provide notice to the

Arkansas River Compact Administration and the State of Kansas of the acreage to be removed each year corresponding to the amount of water for the Johnss Flood Ditch and the Model ditch to be stored in Trinidad Reservoir for that year. The report shall include a map indicating the specific acreage to be removed from irrigation.

- (4) Any Colorado state court or administrative approval of the City of Trinidad's water use covered by these Operating Principles shall require compliance herewith.
- (b) Conditions applicable to the State of Colorado, Department of Natural Resources, Colorado Division of Parks and Outdoor Recreation:
- (1) Only water attributable to the historic consumptive use on acreage removed from irrigation, limited to 805.46 acres under The Model Land and & Irrigation Company system, may be made available from the irrigation capacity for replacement of evaporation and seepage from the permanent fishery pool. Water deliveries shall be limited to the following volumes, which shall not include the volumes retained in storage for later release to maintain historic delayed return flow patterns to the Purgatoire River:

	Maximum Monthly Water Deliveries (acre-feet)
Apr	135
May	210
Jun	345
Jul	420
Aug	380
Sep	210
Oct	95
Nov - Mar	0
Annual Total	1,708

- (2) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River. Such return flows, which shall include non-irrigation season return flows,

shall be equal to at least 35 percent of the water available to acreage removed from irrigation.

- (3) Removal of District irrigable land from irrigation to enable water from the irrigation capacity to be used for replacement of evaporation and seepage from the permanent fishery pool shall correspondingly reduce the number of acres allowed to be irrigated from the District water supply. Prior to April 1 each year, the Colorado Division of Parks and Outdoor Recreation shall provide notice to the District, the Arkansas River Compact Administration and the State of Kansas of the acreage to be removed each year corresponding to the amount of water for the Model Ditch to be stored in Trinidad Reservoir for that year. The report shall include a map indicating the specific acreage to be removed from irrigation.
 - (4) Any Colorado state court or administrative approval of the State of Colorado, Department of Natural Resources, Colorado Division of Parks and Outdoor Recreation water use covered by these Operating Principles shall require compliance herewith.
5. No water deliveries for irrigation of the District irrigable area, less those lands removed from irrigation, will be made during the non-irrigation season. Water may be released during the non-irrigation season for M&I use or to maintain historic return flow patterns for lands removed from irrigation.

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District, and to replace evaporation and seepage from the permanent fishery pool if rights to water stored in the irrigation capacity are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, defined as the District water supply, consists of:
 - (a) The water stored under the District storage right in the irrigation capacity.
 - (b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District irrigable area, less those lands removed from irrigation, for irrigation use through the District's exercise of the water rights listed in IV.A.1.
 - (c) That portion of the reservoir inflow at Trinidad Dam which is available to the District through the District's exercise of the water rights listed in IV.A.1.

2. The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area, less those lands removed from irrigation, an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate.

D. Operation and Exercise of Water Rights

The principles governing operation of the irrigation capacity and the District's exercise of the assigned direct flow water rights listed under IV.A.1. and the District storage right are hereinafter set forth as they apply to operations during the entire year as well as to operations during either the non-irrigation season or irrigation season.

1. Non-interference with Downstream Water Rights

- (a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied; but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.
- (b) Reservoir inflow in excess of the amount stored under the transferred Model right may be detained in the reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District storage right and become part of the District water supply. Such detained water which does not become a part of the District water supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact C.R.S., 1953, 148-9-1.
- (c) Except as provided by paragraph (b) above, any water temporarily detained in the reservoir as a result of the reservoir inflow exceeding the design outlet capacity of the reservoir shall be released as soon as possible.
- (d) All releases from the reservoir as set forth in (a), (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

2. District Operation, Non-Irrigation Season

- (a) During the non-irrigation season the District may provide an annual allowance for stock watering purposes of not more than 1,200 acre feet measured at the headgates of Project ditches. If the stream gains below the Trinidad Dam are insufficient to fulfill this allowance, water may be released from the reservoir at any rate within the parameters of the Water Control Manual as needed to efficiently satisfy stock water demands within the allowance. Any water accumulated but not released for stock watering purposes as of April 1 shall be accounted as part of the annual District storage right.
- (b) During the non-irrigation season, the District shall release water stored by the City of Trinidad as designated by the City of Trinidad for:
 - (1) M&I purposes;
 - (2) Winter return flows.
- (c) During the non-irrigation season, the District shall release water controlled by the Colorado Division of Parks and Outdoor Recreation as designated by the Colorado Division of Parks and Outdoor Recreation for winter return flows.
- (d) During the non-irrigation season, the District will exercise the direct flow water rights and the District storage right only at such times and to the degree as necessary to assure:
 - (1) That the maximum possible storage of reservoir inflow is accrued.
 - (2) The stock water allowance is distributed in a manner determined equitable by the District.

3. District Operation - Irrigation Season

- (a) During the irrigation season, except at such times as provided for in IV.D.3.(c) below, the District shall exercise the direct flow water rights and the District storage right only at such times and to the degree necessary to assure:
 - (1) That stream gains to the river below Trinidad Dam which are divertible to the District irrigable area, less those lands removed from irrigation, and such reservoir inflow which is available to the District for irrigation and M&I use, and to replace evaporation and seepage from the permanent fishery pool if rights to water

stored in the irrigation capacity are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, will be equitably allocated to the District irrigable area, less those lands removed from irrigation, as part of the District water supply.

- (2) That the District storage right can be fully exercised to store reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a) (1) above.
- (b) During the irrigation season, water stored in the irrigation capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District irrigable area, less those lands removed from irrigation, or as designated by the City of Trinidad, made available for M&I purposes or the permanent fishery pool as provided in paragraph IV.B.4.(a) above, or as designated by the Colorado Division of Parks and Outdoor Recreation, used for replacement of evaporation and seepage from the permanent fishery pool as provided in paragraph IV.B.4.(b) above.
- (c) During the irrigation season, when the irrigation capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water right provided that if the reservoir inflow and stream gains below Trinidad Dam which are divertible to the District irrigable area, less those lands removed from irrigation, exceed the irrigation requirement and such excess is storable under the District storage right, the District will resume the exercise of the direct flow rights and exercise of the District storage right as in D.3.(a) (2) above.

4. Evaporation and Seepage Losses

In the accounting for water in storage, evaporation and seepage losses due to water stored in the irrigation capacity shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

Article V - FISHERY AND RECREATION

The permanent fishery pool shall be operated in accordance with the following principles:

1. Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District water supply or without interference to usable Stateline flows, or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated

to the permanent fishery pool pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:

- (a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;
- (b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;
- (c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at the Las Animas gaging station;
- (d) Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the Colorado State Engineer, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

The Colorado State Engineer will report and account contemporaneously and annually to the Arkansas River Compact Administration on the initial filling and replacement of evaporation and seepage in the permanent fishery pool.

2. The State of Colorado, Department of Natural Resources, Colorado Division of Parks and Outdoor Recreation, may acquire the rights to and use water stored in the irrigation capacity for the purpose of permanent fishery pool so long as the requirements of paragraph IV.B.4.(b) above are followed.
3. In the accounting for water in storage, evaporation and seepage losses due to the permanent fishery pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.
4. There shall never be any release or transfer of water from the permanent fishery pool excepting by necessity of dam safety or flood emergency operations as determined by the Corps of Engineers, District Engineer.

Article VI - REVIEW AND AMENDMENT

These Operating Principles may be subject to review and amendment not more than once a year at the request of any of the parties' signatory; provided, that at least one review shall be accomplished within the first 10 years following completion of the Trinidad Dam and at least one review shall be accomplished every 10 years thereafter. The primary object of such reviews will be obtaining optimum beneficial use of water as conditions change, operating experience is gained, and more technical data become available.

FIVE CONDITIONS

State of Kansas

1. All inflows over established Colorado water rights (1,156.05 c.f.s.) be designated flood flows and released as promptly as downstream conditions permit. The only time water so designated may be stored in the conservation pool will be when John Martin Reservoir does not have the capacity to store additional water.
2. Any subsequent amendment of the Operating Principles should be subject to review and approval of the same interests as provided for in the original procedure.
3. Assurances that there will be no significant increase in water use, which would result in a depletion of water yield to other Colorado and Kansas water users.
4. That 5 years after beginning operation of the Trinidad Reservoir for irrigation purposes, the Operating Principles be reviewed to determine the effect, if any, the operation has had on other Colorado and Kansas water users and the principles amended as necessary. Each 10 years thereafter, reviews should be provided with amendments as needed.
5. All operating records be open for inspection by any qualified representative of the Arkansas River Compact Administration.

The Bureau of Reclamation concurs fully with the "Operating Principles" as set forth above, and further agrees with the five conditions noted and suggested by the State of Kansas, also stated above.

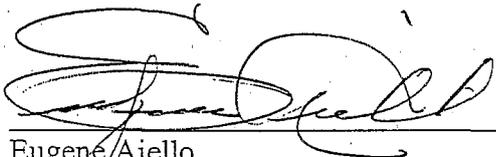
OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
2004 AMENDMENTS APPROVED

Robin Jennison
Chairman
Arkansas River Compact Administration

Date

Kathleen Sebelius
Governor
State of Kansas

Date



Eugene Aiello
President
Purgatoire Water Conservancy District

11/22/04
Date

Todd Wang
Lieutenant Colonel, U.S. Army
District Engineer
U.S. Army Corps of Engineers

Date

Maryanne Bach
Regional Director
Great Plains Region
U.S. Bureau of Reclamation

Date

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
2004 AMENDMENTS APPROVED



Robin Jennison
Chairman
Arkansas River Compact Administration

11/30/04

Date

Kathleen Sebelius
Governor
State of Kansas

Date

Eugene Aiello
President
Purgatoire Water Conservancy District

Date

Todd Wang
Lieutenant Colonel, U.S. Army
District Engineer
U.S. Army Corps of Engineers

Date

Maryanne Bach
Regional Director
Great Plains Region
U.S. Bureau of Reclamation

Date

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Robin Jennison
Chairman
Arkansas River Compact Administration

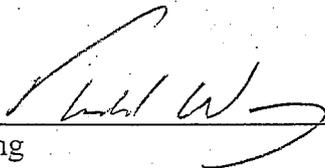
Date

Kathleen Sebelius
Governor
State of Kansas

Date

Eugene Aiello
President
Purgatoire Water Conservancy District

Date



Todd Wang
Lieutenant Colonel, U.S. Army
District Engineer
U.S. Army Corps of Engineers

11/24/04
Date

Maryanne Bach
Regional Director
Great Plains Region
U.S. Bureau of Reclamation

Date

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
2004 AMENDMENTS APPROVED

Robin Jennison
Chairman
Arkansas River Compact Administration

Date

Kathleen Sebelius
Governor
State of Kansas

Date

Eugene Aiello
President
Purgatoire Water Conservancy District

Date

Todd Wang
Lieutenant Colonel, U.S. Army
District Engineer
U.S. Army Corps of Engineers

Date

Maryanne C. Bach

Maryanne C. Bach
Acting Regional Director
Great Plains Region
U.S. Bureau of Reclamation

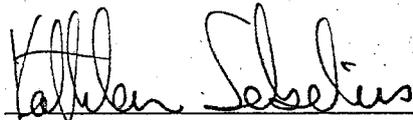
Date

12/3/04

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
2004 AMENDMENTS APPROVED

Robin Jennison
Chairman
Arkansas River Compact Administration

Date



Kathleen Sebelius
Governor
State of Kansas

12/10/04
Date

Eugene Aiello
President
Purgatoire Water Conservancy District

Date

Todd Wang
Lieutenant Colonel, U.S. Army
District Engineer
U.S. Army Corps of Engineers

Date

Maryanne Bach
Regional Director
Great Plains Region
U.S. Bureau of Reclamation

Date

WATER RESOURCES
RECEIVED

**RESOLUTION OF THE
ARKANSAS RIVER COMPACT ADMINISTRATION
DECEMBER 10, 2002**

[CONCERNING AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE
TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING
DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION]

Whereas, the Arkansas River Compact Administration ["Administration"] is a signatory party to the Operating Principles Trinidad Dam and Reservoir Project ["Operating Principles"] and any amendment of the Operating Principles is subject to review and approval by the Administration and each of the other four signatory parties; and

Whereas, the Administration approved prior temporary amendments to the Operating Principles related to winter stock water releases on December 8, 1998 and December 11, 2001, and the December 2001 amendment will expire on December 31, 2002; and

Whereas, due to scheduling conflicts caused by ongoing litigation in the US Supreme Court the Administration is unable to conduct a full Annual Meeting at this time and has rescheduled the completion of the Annual Meeting to May 22, 2003; and

Whereas, the Administration has determined that the delay in completing its Annual Meeting should not cause undue hardship to livestock operators in the Trinidad area; and

NOW THEREFORE BE IT RESOLVED, that the Administration approves the following amendment to the Operating Principles and recommends that the other signatory parties indicate their individual approval of the amendment by signing separately below:

I. Article IV.D.2(a), of the Operating Principles, is temporarily amended to read as follows:

2. District Operation. Non-irrigation Season

(a) During those periods of the non-irrigation season in 2002 and 2003 the District will ~~provide an allowance for stock watering purposes of not more than 1,200 acre-feet~~ measured at the headgates of the ditches diverting water for stock watering purposes. If the stream gains below the Trinidad Dam are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow may be released to satisfy stock water demands within the allowance; provided, the stock water allowance shall not be used for irrigation purposes. The maximum daily quantity released may be up to, but shall not exceed, the total reservoir inflow on the previous day and shall not count as water stored under the District Storage Right. No other diversions by Project ditches shall be allowed prior to April 1, 2003.

A report of reservoir releases and diversions for stock watering operations by the Colorado State Engineer will be provided within 30 days of the end of the non-irrigation season, and upon request, reports on specific operations, to the Water Commissioner of the Garden City field office of the Division of Water Resources, Kansas Department of Agriculture.

II. Insert at the end of the last paragraph of Article IV.B.1. of the Operating Principles, the following additional paragraph:

The District shall continue to implement substantive procedures to verify, on an ongoing basis, that no more than 19,717 acres of the District Irrigable Area are irrigated in 2002 and 2003 ("acreage limitation"). The procedures shall be sufficient to allow the other

signatories to the Operating Principles to identify the particular parcels under irrigation and to determine compliance with the acreage limitation from documentation that shall be provided by the District.

III. Notwithstanding the provisions of Article VI of the Operating Principles, the signatory parties agree that the Operating Principles may be amended more than one time in each of the calendar years covered by this amendment, to wit 2002 and 2003.

The provisions of this Amendment shall not be effective until the date the Amendment has been approved by each and all of the five signatories to the Operating Principles, as demonstrated by the respective signatures to be attached to this Resolution, and confirmation of the effective date being provided to all other signatory parties by the US Bureau of Reclamation. The provisions of Section I of this amendment shall terminate and revert to those provisions of the Operating Principles related to winter stock water releases in effect prior to December 11, 2001 on April 1, 2003. The provisions of Sections II and III of this amendment shall terminate and revert to those provisions in effect prior to December 11, 2001 on December 31, 2003.

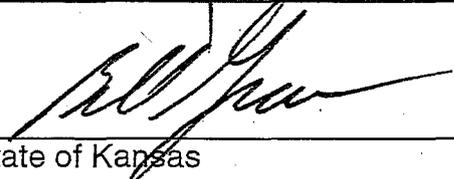
No precedent for future action by the Administration with regards to the Trinidad Project, the Operating Principles, nor specifically the stock watering provisions thereof shall be inferred from this action.

Approved and adopted by the Arkansas River Compact Administration at its December 10, 2002 Annual Meeting.



Robin Jemison, Federal Representative and Chairman
Arkansas River Compact Administration

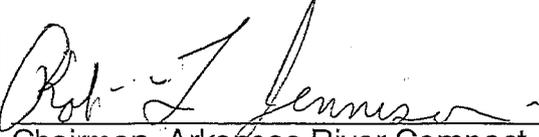
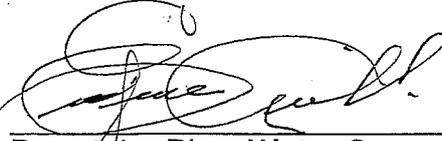
**APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE
TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING
DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION,
DECEMBER 10, 2002.**

 _____ Chairman, Arkansas River Compact Administration	Date 12/16/02
_____ Purgatoire River Water Conservancy District	Date
_____ U.S. Bureau of Reclamation	Date
 _____ State of Kansas	12/19/02 Date
_____ U.S. Army Corps of Engineers	Date

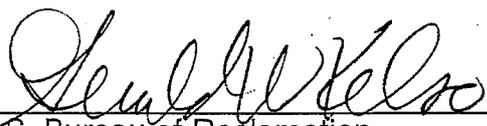
**APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE
TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING
DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION,
DECEMBER 10, 2002.**

 _____ Chairman, Arkansas River Compact Administration	Date 12/16/02
_____ Purgatoire River Water Conservancy District	Date
_____ U.S. Bureau of Reclamation	Date
_____ State of Kansas	Date
 _____ U.S. Army Corps of Engineers	Date 12/26/02

**APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE
TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING
DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION,
DECEMBER 10, 2002.**

 Chairman, Arkansas River Compact Administration	Date 12/16/02
 Purgatoire River Water Conservancy District	Date 12/27/02
_____ U.S. Bureau of Reclamation	Date
_____ State of Kansas	Date
_____ U.S. Army Corps of Engineers	Date

**APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE
TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING
DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION,
DECEMBER 10, 2002.**

 _____ Chairman, Arkansas River Compact Administration	Date 12/10/02
_____ Purgatoire River Water Conservancy District	Date
 _____ U.S. Bureau of Reclamation	Date 1/3/03
_____ State of Kansas	Date
_____ U.S. Army Corps of Engineers	Date

DECEMBER 11, 2001 RESOLUTION OF THE ARKANSAS RIVER COMPACT ADMINISTRATION

[CONCERNING AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE
TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING
DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION]

The Operating Principles Trinidad Dam and Reservoir Project are hereby amended as follows:

I. Paragraph 2(a) of Article IV. D. is temporarily amended to read as follows:

2. District Operation. Non-irrigation Season

(a) During those periods of the non-irrigation season in 2001 and 2002 the District will provide an allowance for stock watering purposes of not more than 1,200 acre-feet measured at the headgates of the ditches diverting water for stock watering purposes. If the stream gains below the Trinidad Dam are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow may be released to satisfy stock water demands within the allowance; provided, the stock water allowance shall not be used for irrigation purposes. The maximum daily quantity released may be up to, but shall not exceed, the total reservoir inflow on the previous day and shall not count as water stored under the District Storage Right. No other diversions by Project ditches shall be allowed prior to April 1 of 2002 or after Oct. 15, 2002.

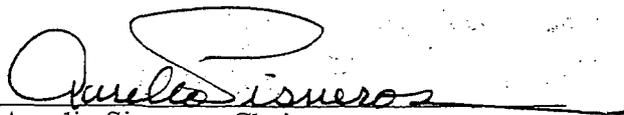
A report of reservoir releases and diversions for stock watering operations by the Colorado State Engineer will be provided within 30 days of the end of the non-irrigation season, and upon request, reports on specific operations, to the Water Commissioner of the Garden City field office of the Division of Water Resources, Kansas Department of Agriculture.

II. Insert at the end of the last paragraph of Article IV.B.1. the following additional paragraph:

The District shall implement substantive procedures to verify, on an ongoing basis, that no more than 19,717 acres of the District Irrigable Area are irrigated in 2002 ("acreage limitation"). The procedures shall be sufficient to allow the other signatories to the Operating Principles to identify the particular parcels under irrigation and to determine compliance with the acreage limitation from documentation that shall be provided by the District.

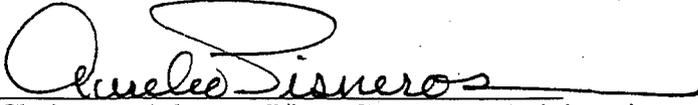
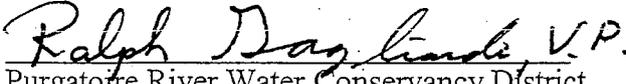
The provisions of this Amendment shall not be effective until the date the Amendment has been approved by each and all of the five signatories to the Operating Principles, as demonstrated by the respective signatures to be attached to this Resolution, and confirmation of the effective date being provided to all other signatory parties by the US Bureau of Reclamation. The provisions of this amendment shall terminate and revert to those provisions in effect prior to December 11, 2001 on December 31, 2002, or sooner if subsequently amended by all of the signatory parties.

Approved and adopted by the Arkansas River Compact Administration at its December 11, 2001 Annual Meeting.

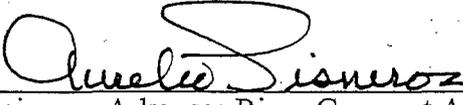
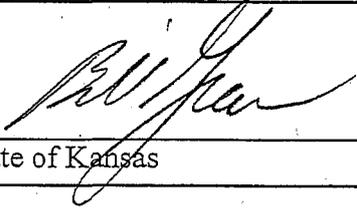


Aurelio Sisneros, Chairman
Arkansas River Compact Administration

APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION, DECEMBER 2001.

 Chairman, Arkansas River Compact Administration	12/20/01 Date
 Purgatoire River Water Conservancy District	12/21/01 Date
 U.S. Bureau of Reclamation	12/28/01 Date
_____ State of Kansas	_____ Date
_____ U.S. Army Corps of Engineers	_____ Date

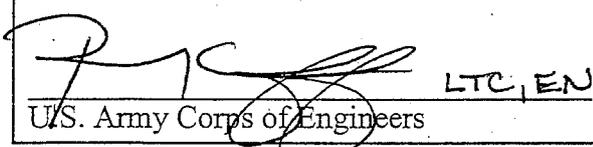
APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION, DECEMBER 2001.

 Chairman, Arkansas River Compact Administration	12/20/01 Date
Purgatoire River Water Conservancy District	Date
 U.S. Bureau of Reclamation	Date 1/2/02
 State of Kansas	12/28/01 Date
U.S. Army Corps of Engineers	Date

WATER RESOURCES
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APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION, DECEMBER 2001.

 <u>Chairman, Arkansas River Compact Administration</u>	<p>12/20/01</p> <p>Date</p>
<p><u>Purgatoire River Water Conservancy District</u></p>	<p>Date</p>
<p><u>U.S. Bureau of Reclamation</u></p>	<p>Date</p>
<p><u>State of Kansas</u></p>	<p>Date</p>
 <u>U.S. Army Corps of Engineers</u>	<p>12/27/01</p> <p>Date</p>

Amendment to the Operating Principles -
Trinidad Dam & Reservoir Project
Amended 1997

Delete: Article IV, D, 2, (a)

Substitute the Following:

Article IV, D, 2, (a)

During the non-irrigation season, the District will provide an allowance for stock watering purposes of not more than 1,200 acre-feet measured at the ditch headgates. If the stream gains below the Trinidad Dam are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow may be released to satisfy stock water demands within the allowance; provided the stockwater allowance shall not be used for irrigation purposes. The maximum daily rate of release may be up to but may not exceed the corresponding daily rate of reservoir inflow and will not count as stored water. No other diversions by Project ditches will be allowed prior to April 1, 1999.

An annual report of reservoir releases and diversions for stockwater operations will be provided in April each year to the Kansas Division of Water Resources in Garden City, Kansas by the State of Colorado.

This amendment is temporary in response to emergency conditions and expires on April 1, 1999.

The State of Colorado will closely monitor these diversions and deliveries and report the results to Kansas immediately.

Further, this action will not serve as a precedent for any other amendments to the principles.

Colorado and Kansas pledge their cooperation in the development and adoption of amendments to the operating principles for the verification and reporting of irrigated acreage for the project.

APPROVED:



Larry E. Trujillo, Sr., Chairman
Arkansas River Compact
Administration

12/8/98

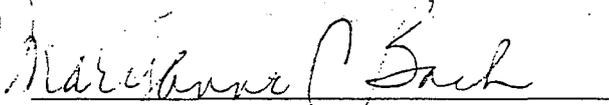
Date



State of Kansas

Effective January 1, 1999

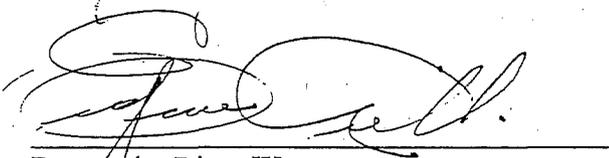
Date



US Bureau of Reclamation

Effective Jan 1, 1999

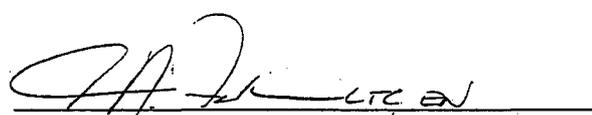
Date



Purgatoire River Water
Conservancy District

DEC 8, 1998

Date



US Army Corps of Engineers

DEC 30 1998

Date

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
Amended 1997

Preamble

The Trinidad Dam and Reservoir Project as reported in House Document No. 325, 84th Congress, 2d Session, and as authorized by the Flood Control Act of 1958, will be operated in such a manner as to secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact. The objectives and principles governing the operation of the Trinidad Dam and Reservoir Project to secure such benefits are contained within the following articles.

Article I	-	OBJECTIVES
Article II	-	DEFINITION OF TERMS
Article III	-	FLOOD CONTROL
Article IV	-	IRRIGATION, MUNICIPAL AND INDUSTRIAL
Article V	-	FISHERY AND RECREATION
Article VI	-	REVIEW AND AMENDMENT

Article I - OBJECTIVES

The operation of the Trinidad Dam and Reservoir involves the regulation of the flows of the Purgatoire River for flood control, irrigation use, municipal and industrial use and recreation, including a permanent fishery pool. The project plan provides for:

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.
2. Optimum beneficial use of the available water for irrigation and municipal and industrial uses (municipal and industrial hereinafter abbreviated M&I) within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:

(a) Transfer of the storage decree of the Model Land and Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.

(b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam which would otherwise spill from John Martin Reservoir.

(c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.

3. The maintenance of a minimum pool for enhancement of recreation and fishery values.

4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood control	51,000 acre-feet
Irrigation and M&I.	20,000 acre-feet
Permanent fishery pool.	15,967 acre-feet
Joint use*.	39,000 acre-feet
Total Allocated Capacity	<u>125,967 acre-feet</u>
*For irrigation, M&I and sediment accumulation	

Article II - DEFINITION OF TERMS

Definition of terms as used herein:

1. "Reservoir" means the reservoir presently planned and authorized for construction on the Purgatoire River above the City of Trinidad, Colorado.

2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M&I use. The District shall also be the agency responsible for the regulation of irrigation and M&I water supplies within the District boundaries in the manner set forth therein.

3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of reservoir capacity allocated to joint use but unoccupied by sediment at any given time.

4. "Irrigation Capacity" means the 20,000 acre-feet of reservoir capacity allocated to irrigation and M&I use plus the unsedimented portion of the joint use capacity.
5. "Permanent Fishery Pool Capacity" means the 15,967 acre-feet of reservoir capacity allocated to fishery and recreation.
6. "Permanent Fishery Pool" means the quantity of water stored in the permanent fishery pool capacity.
7. "Flood Control" means the temporary storage of flood waters at any reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.
8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying initially above m.s.l. reservoir elevation 6229.6.
9. "Reservoir Inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the reservoir, comprising measured flows at the inflow gaging stations and other unmeasured inflows entering the reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the permanent fishery pool.
10. "District Irrigable Area" means only the 19,717 acres of Class 1, 2 and 3 irrigable lands to be served lying within District boundaries.
11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District irrigable area, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.
12. "Nonirrigation Season" means that period of the year other than the irrigation season.
13. "District Storage Right" means those rights under which the District may store water in the irrigation capacity for use within the District.
14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District.

15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.

16. "Operating Agency" means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.

Article III - FLOOD CONTROL

Trinidad Reservoir shall be operated for flood control benefits in accordance with regulations prescribed by the Secretary of the Army and the following operating principles:

1. All potentially damaging flood inflows shall be temporarily detained as necessary to limit the flow insofar as possible to a non-damaging flow, currently estimated to be 5,000 c.f.s., downstream from the Trinidad Reservoir.

2. All flood waters stored in the flood control capacity shall be released at the maximum non-damaging rate insofar as practicable.

3. Any inflow, other than that stored for irrigation and M&I and Permanent Fishery Pool use, temporarily retained below the bottom of the flood control capacity for flood control purposes, shall be released by the operating agency at such a rate, time, and quantity as may be ordered by the Colorado State Engineer, but within non-damaging flow in the channels below the reservoir.

Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the Irrigation capacity in Trinidad Reservoir and the distribution of water to the District irrigable Area and to M&I uses within the District will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these operating principles. Agreements, satisfactory to the Secretary of the Interior, shall be entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District irrigable area and to M&I uses within the District are contained in the following four parts of this Article: "Water Rights," "Limits of Land and Water Use," "District Water Supply," and "Operation and Exercise of Water Rights."

A. Water Rights

Accomplishment of the following conditions is necessary under the laws of the State of Colorado to provide the District with the right to regulate the flows of the Purgatoire River in the manner described herein:

1. The water users within the District shall assign the right to the exercise of all the decreed direct flow water rights within the District boundaries to the District for administration by the District at such times and to the degree outlined in these principles. The right to the exercise of the following water rights, all in Water District No. 19, shall be so assigned.

Direct Flow Rights
Water Division No. 2

<u>Number</u>	<u>Priority</u> <u>Date</u>	<u>Amount</u> <u>(cfs)</u>	<u>Name of Ditch</u>
3	11/30/61	6.00	Baca
5	3/20/62	4.00	Johns Flood
7	4/30/62	7.00	Chilili
8	11/15/62	2.82	Baca
8	11/15/62	1.18	El Moro
9	1/1/63	1.28	Johns Flood
9	1/1/63	4.72	Hoehne
12	6/30/63	0.50	South Side
13	1/1/64	1.25	Johns Flood
13	1/1/64	3.75	Lewelling & McCormick
15	4/10/64	5.10	Johns Flood
15	4/10/64	0.80	Hoehne
15	4/10/64	2.54	Salas
19	6/1/65	4.00	Lewelling & McCormick
20	10/7/65	7.35	Johns Flood
20	10/7/65	16.65	Hoehne
21	1/1/66	6.00	Burns & Duncan
22	2/1/66	4.00	Salas
27	5/31/66	2.25	Johns Flood
27	5/31/66	0.75	Salas
40	4/30/68	1.40	South Side
64	4/1/73	2.40	Johns Flood
73	11/1/75	6.00	South Side
74	2/17/76	34.00	South Side
75	12/25/76	4.00	South Side
77	3/11/77	1.30	El Moro
77	3/11/77	2.70	Baca
80	4/7/77	18.60	South Side
93	12/15/82	4.00	South Side

<u>Number</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>	<u>Name of Ditch</u>
95	11/4/83	14.38	Baca
96	11/23/83	16.84	South Side
98	4/30/84	60.00	South Side
103	6/21/86	14.73	Baca
104	10/21/86	10.00	Lewelling & McCormick
106	3/12/87	15.00	Baca
108	2/15/88	9.70	South Side
109	3/1/88	8.00	South Side
137	11/23/97	2.00	V. Florez
145	10/20/02	100.00	Johns Flood
152	12/31/03	2.00	V. Florez
168	1/22/08	200.00	Model
242½	6/12/20	45.56	Baca

2. Waters of the Purgatoire River shall be stored by the District in the irrigation capacity of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the District storage right, include:

(a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, which right shall, by appropriate statutory proceedings be transferred from the place of storage as originally decreed to the site of the reservoir; and

(b) Such other rights to store water in the reservoir as the District may lawfully acquire by appropriation or purchase.

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation and M&I use within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District water supply shall be limited to the 19,717 acres classified as 1, 2 and 3 irrigable land lying within the District boundaries. These 19,717 acres of the District irrigable area shall be composed as nearly as practicable of the following acreages under individual ditches:

Baca	2,428 acres
Chilili	114 acres
El Moro	160 acres
Johns Flood	1,854 acres
Modelds	6,177 acres
South Side.	6,359 acres
Victor Florez	22 acres
Hoehne	1,742 acres
Burns & Duncan	322 acres
Lewelling & McCormick	378 acres
Salas	161 acres
Total	<u>19,717 acres</u>

2. All water deliveries to the 19,717 acres of the District irrigable area will be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.

3. Water deliveries may be diverted or stored for M&I or permanent fishery pool purposes with the following limitations:

(a) Only water attributable to the historic consumptive use on acreage removed from irrigation, limited to 948 acres under the Johns Flood Ditch system and 373.7 acres under the Model Land and Irrigation Company system, may be made available for M&I storage or permanent fishery pool storage. Water deliveries shall be limited to the following volumes, which shall not include the volumes retained in storage for later release to maintain historic delayed return flow patterns to the Purgatoire River:

	Maximum Monthly Water Deliveries (acre-feet)
Apr	220
May	345
Jun	565
Jul	685
Aug	620
Sep	345
Oct	160
Nov - Mar	0
Annual Total	2,802

(b) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River. Such return flows, which shall include

non-irrigation season return flows, shall be equal to at least 35 percent of the water available to acreage removed from irrigation.

(c) Removal of District irrigable land from irrigation to enable water to be diverted or stored for M&I or Permanent Fishery Pool purposes shall correspondingly reduce the number of acres allowed to be irrigated from the District Water Supply. Prior to April 1 each year, the City of Trinidad shall provide notice to the Arkansas River Compact Administration and the State of Kansas of the acreage to be removed each year corresponding to the amount of water for the Johns Flood Ditch and the Model Ditch to be stored in Trinidad Reservoir for that year. The report shall include a map indicating the specific acreage to be removed from irrigation.

(d) Any Colorado state court or administrative approval of the City of Trinidad's water use covered by these Operating Principles shall require compliance herewith.

4. No water deliveries for irrigation of the 19,717 acres of the District irrigable area will be made during the non-irrigation season. Water may be released during the non-irrigation season for M&I use or to maintain historic return flow patterns for lands removed from irrigation.

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District, defined as the District water supply consists of:

(a) The water stored under the District storage right in the irrigation capacity.

(b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District irrigable area for irrigation use through the District's exercise of the rights listed in IV.A.1.

(c) That portion of the reservoir inflow at Trinidad Dam which is available to the District through the District's exercise of the water rights listed in IV.A.1.

2. The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate.

D. Operation and Exercise of Water Rights

The principles governing operation of the irrigation capacity and the District's exercise of the assigned direct flow water rights listed under IV.A.1. and the District storage right are hereinafter set forth as they apply to operations during the entire year as well as to operations during either the non-irrigation season or irrigation season.

1. Non-interference with Downstream Water Rights

(a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied; but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.

(b) Reservoir inflow in excess of the amount stored under the transferred Model right may be detained in the reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District storage right and become part of the District water supply. Such detained water which does not become a part of the District water supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact, C.R.S., 1953, 148-9-1.

(c) Except as provided by paragraph (b) above, any water temporarily detained in the reservoir as a result of the reservoir inflow exceeding the design outlet capacity of the reservoir shall be released as soon as possible.

(d) All releases from the reservoir as set forth in (a), (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

2. District Operation, Non-Irrigation Season

(a) During the non-irrigation season the District will provide an allowance for stock watering purposes of not more than a daily mean flow of five second-feet or its volume equivalent measured at a gage to be located near and above

the Baca River headgate. If the stream gains from the Trinidad Dam to said gage are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow will be released to satisfy stock water demands within the allowance.

(b) During the non-irrigation season, the District shall release water stored by the City of Trinidad as designated by the City of Trinidad for:

- (1) M&I purposes;
- (2) Winter return flows;

(c) During the non-irrigation season, the District will exercise the direct flow water rights and the District storage right only at such times and to the degree as necessary to assure:

(1) That the maximum possible storage of reservoir inflow is accrued.

(2) The stock water allowance is distributed in a manner determined equitable by the District.

3. District Operation - Irrigation Season

(a) During the irrigation season, except at such times as provided for in IV.D.3.(c) below, the District shall exercise the direct flow water rights and the District storage right only at such times and to the degree necessary to assure:

(1) That stream gains to the river below Trinidad Dam which are divertible to the District irrigable area and such reservoir inflow which is available to the District for irrigation and M&I use will be equitably allocated to the District irrigable area as part of the District water supply.

(2) That the District storage right can be fully exercised to store reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a)(1) above.

(b) During the irrigation season water stored in the irrigation capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District irrigable area or, as designated by the City of Trinidad, made available for M&I purposes or the permanent fishery pool as provided in paragraph B.3. above.

(c) During the irrigation season, when the irrigation capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the reservoir inflow and stream gains below Trinidad Dam which are divertible to the District irrigable area exceed the irrigation requirement and such excess is storable under the District storage right, the District will resume the exercise of the direct flow rights and exercise of the District storage right as in D.3.(a)(2) above.

4. Evaporation and Seepage Losses

In the accounting for water in storage, evaporation and seepage losses due to water stored in the irrigation capacity shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

Article V - FISHERY AND RECREATION

The permanent fishery pool shall be operated in accordance with the following principles:

1. Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District water supply or without interference to usable Stateline flows, or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated to the permanent fishery pool pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:

(a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;

(b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;

(c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at the Las Animas gaging station;

(d) Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the Colorado State Engineer, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

The Colorado State Engineer will report and account contemporaneously and annually to the Arkansas River Compact Administration on the initial filling and replacement of evaporation and seepage in the permanent fishery pool.

2. In the accounting for water in storage, evaporation and seepage losses due to the permanent fishery pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

3. There shall never be any release or transfer of water from the permanent fishery pool excepting by necessity of dam safety or flood emergency operations as determined by the Corps of Engineers, District Engineer.

Article VI - REVIEW AND AMENDMENT

These Operating Principles may be subject to review and amendment not more than once a year at the request of any of the parties' signatory; provided, that at least one review shall be accomplished within the first 10 years following completion of the Trinidad Dam and at least one review be accomplished every 10 years thereafter. The primary object of such reviews will be obtaining optimum beneficial use of water as conditions change, operating experience is gained, and more technical data become available.

FIVE CONDITIONS
State of Kansas

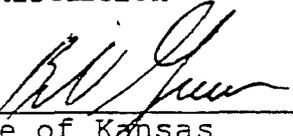
1. All inflows over established Colorado water rights (1,156.05 c.f.s.) be designated flood flows and released as promptly as downstream conditions permit. The only time water so designated may be stored in the conservation pool will be when John Martin Reservoir does not have the capacity to store additional water.
2. Any subsequent amendment of the Operating Principles should be subject to review and approval of the same interests as provided for in the original procedure.
3. Assurances that there will be no significant increase in water use which would result in a depletion of water yield to other Colorado and Kansas water users.
4. That 5 years after beginning operation of the Trinidad Reservoir for irrigation purposes, the Operating Principles be reviewed to determine the effect, if any, the operation has had on other Colorado and Kansas water users and the principles amended as necessary. Each 10 years thereafter, reviews should be provided with amendments, as needed.
5. All operating records be open for inspection by any qualified representative of the Arkansas River Compact Administration.

The Bureau of Reclamation concurs fully with the "Operating Principles" as set forth above, and further agrees with the five conditions noted and suggested by the State of Kansas, also stated above.

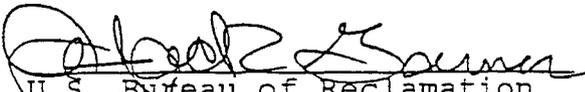
APPROVED:


Larry E. Trujillo, Sr., Chairman
Arkansas River Compact
Administration

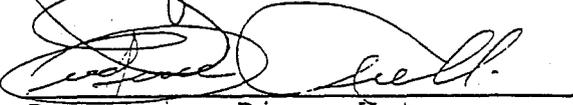
12/13/97
Date


State of Kansas

2/17/98
Date


U.S. Bureau of Reclamation

4/22/98
Date


Purgatoire River Water
Conservancy District

2/27/98
Date


U.S. Army Corps of Engineers

30 April 98
Date

RESOLUTION
OF THE
ARKANSAS RIVER COMPACT ADMINISTRATION
CONCERNING

AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE TRINIDAD DAM
AND RESERVOIR PROJECT RECOGNIZING THE ENLARGED PERMANENT POOL

WHEREAS, Article IV-D of the Arkansas River Compact provides: "This Compact is not intended to impede or prevent the future beneficial development of the Arkansas river basin in Colorado and Kansas by federal or state agencies, by private enterprise, or by combinations thereof, which may involve construction of dams, reservoirs and other works for the purposes of water utilization and control, as well as the improved or prolonged functioning of existing works: Provided, that the waters of the Arkansas river, as defined in Article III, shall not be materially depleted in usable quantity or availability for use to the water users in Colorado and Kansas under this compact by such future development or construction;" and

WHEREAS, Article III of the Compact specifically excludes "waters brought into the Arkansas River basin from other river basins" from the definition of "waters of the Arkansas river;" and

WHEREAS, in P.L. 85-500, dated July 3, 1958, Congress authorized the Trinidad Project "substantially in accordance with the recommendations" in a Review Report by the U.S. Army Corps of Engineers ("Army Corps") dated June 30, 1953, published as House Document No. 325, 84th Congress; and

WHEREAS, Kansas by letter from Gov. William H. Avery dated December 30, 1966 approved proposed Operating Principles for the Trinidad Project subject to five additional conditions; and

WHEREAS, the Arkansas River Compact Administration (the "Administration") reviewed and approved the Trinidad Project Operating Principles, including the Five Kansas Conditions, by resolution dated June 6, 1967; and

WHEREAS, the U.S. Bureau of Reclamation ("Reclamation") and the Purgatoire River Conservancy District ("PRWCD") approved the Operating Principles, including the additional five Kansas Conditions; and

WHEREAS, the 1964 Irrigation Report for the Trinidad Project, prepared by Reclamation, states that the project will serve the functions of flood control, irrigation, and fish and wildlife with an initial space allocation of 4,500 acre-feet from the total reservoir volume of 114,500 acre-feet to the fish and recreation pool. The 1964 report further states that "water stored in the permanent fishery pool is to be furnished by the State of Colorado;" and

WHEREAS, the Trinidad Project was constructed by the Army Corps and was substantially completed by January 1, 1977; and

WHEREAS, a 1986 resurvey of the as-constructed reservoir determined that it in fact contained a total of 125,967 acre-feet of capacity with an additional 11,467 acre-feet of space

that was not allocated to any use or purpose by existing agreements, contracts, or the Operating Principles, and

WHEREAS, the State of Colorado owns and operates Trinidad Lake State Park at Trinidad Reservoir and is vitally interested in the preservation and enhancement of the permanent fishery and recreation pool at Trinidad Reservoir; and

WHEREAS, the Army Corps conducted an Environmental Assessment ("EA") of the proposed reallocation of the excess space consistent with the requirements of the national environmental Policy Act ("NEPA"); and

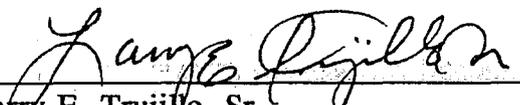
WHEREAS, following the NEPA review, the Army Corps assigned the unallocated space to the permanent fishery pool, thereby increasing the pool to 15,967 acre-feet, as set out in the Final EA, dated September 1994; and

WHEREAS, the Operating Principles, as currently approved, define the capacity of the permanent fishery pool as being 4,500 acre-feet of a total reservoir capacity of 114,500 acre-feet; and

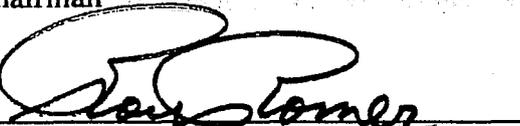
WHEREAS, Kansas Condition No. 2 of the Operating Principles states: "Any subsequent amendment of the Operating Principles should be subject to the review and approval of the same interests as provided for in the original procedure;" and

NOW, THEREFORE, BE IT RESOLVED that the Administration hereby approves, subject to the approvals provided for below, the proposed amendment to the Operating Principles for the Trinidad Dam and Reservoir Project, as set forth in the attached Exhibit "A," increasing the size of the permanent fishery pool to 15,967 acre-feet.

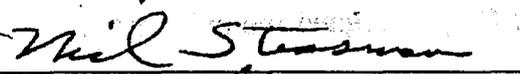
Entered this 26th day of January, 1996, at a special telephonic meeting of the Arkansas River Compact Administration.


Larry E. Trujillo, Sr.
Chairman

2-14-96
DATE


State of Colorado

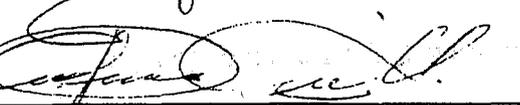
3/20/96
DATE


State of Kansas

4/4/96
DATE


U.S. Bureau of Reclamation

5/30/96
DATE


Purgatoire River Water
Conservancy District

3/14/1996
DATE


U.S. Army Corps of Engineers

22 Mar 96
DATE

EXHIBIT "A"

TO RESOLUTION OF THE ARKANSAS RIVER COMPACT ADMINISTRATION

DATED JANUARY 26, 1996

AND AMENDMENT TO THE OPERATING PRINCIPLES FOR THE TRINIDAD RESERVOIR PROJECT RECOGNIZING THE ENLARGED PERMANENT POOL

1. On page 2, Article I - OBJECTIVES, number 4: change the capacity of the Permanent Fishery Pool from "4,500" to "15,967" acre-feet.
2. On page 2, Article I - OBJECTIVES, number 4: change the "~~Total Capacity 114,500~~" to "Total Allocated Capacity 125,967" acre-feet.
3. On page 3, Article II - DEFINITION OF TERMS, number 5: change "4,500" to "15,967" acre-feet.
4. On page 11, Article V - FISHERY AND RECREATION, number 1: revise to read as follows:

Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District water supply and without interference to usable Stateline flows, or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated to the permanent fishery pool pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:

1. All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;
2. Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;
3. For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at Las Animas gaging station;

4. Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the Colorado State Engineer, using the "Livingston method" or other suitable means, to assure that a "one for one" exchange is accomplished.

The Colorado State Engineer will report and account contemporaneously and annually to the Arkansas River Compact Administration on the initial filling and replacement of evaporation and seepage in the permanent fishery pool.

5. On p. 11, Article V - FISHERY AND RECREATION, number 3: revise to read as follows:

There shall never be any release or transfer of water from the permanent fishery pool excepting by necessity of dam safety or flood emergency operations as determined by the Corps of Engineers, District Engineer.