

MINUTES

MEETING OF  
ARKANSAS RIVER COMPACT ADMINISTRATION

Prowers County Courthouse  
Lamar, Colorado  
September 12, 1949

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Attendance:

Brig.-Gen. Hans Kramer, San Francisco, California; Federal Representative and  
Chairman of the Administration.

For Colorado--

Harry B. Mendenhall, Rocky Ford, Colorado; Chairman of Colorado Representatives.  
Harry C. Nevius, Lamar, Colorado; Administration Secretary.  
Clifford H. Stone, Denver.

For Kansas--

Geo. S. Knapp, Topeka, Kansas; Chairman of Kansas Representatives.  
W. E. Leavitt, Garden City, Kansas.

Absent--

Roland H. Tate, Garden City, Kansas

Others Attending:

Ray E. Peterson, Denver; acting secretary for meeting.  
John S. Sharer, Caddoa, Colorado; Reservoir Manager, John Martin Dam.

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MORNING SESSION

Meeting called to order at 9:30 a.m. by Chairman Kramer.

At the request of Secretary Nevius, Ray E. Peterson of Denver was asked to  
assist the secretary by taking and preparing the minutes.

The minutes of July 22, 1949 were reviewed; corrections were ordered  
changing the word "Commissioner" to "Representative", and the word "Commission"  
to "Administration", wherever they appeared in the record; the Kramer Committee  
Chart was included in toto in the minutes, and re-phrasing of the section per-  
taining to executive sessions was agreed upon.

It was moved and seconded that the minutes of the July  
22, 1949 meeting, as corrected, be approved. On vote  
being taken, the motion was unanimously carried.

Rep. Leavitt reported Rep. Tate of Kansas was still unable to take part in Administration meetings and Committee assignments, but that Rep. Tate expected to take an active role later in the year.

Rep. Stone reported that there was "no report" regarding contacts to be made in Washington to have the United States Senate Hearings on the Arkansas River Compact printed as a Federal document, and made available for inclusion in Compact negotiation records.

Rep. Knapp reported there were no new developments in the Kansas assignment of indexing and binding of the Arkansas River Compact Records and Minutes. Instructions were issued that Colorado send all copies of mimeographed minutes handled by Colorado to Rep. Knapp.

Secretary Nevius was instructed to assemble one complete unbound set of the Compact Records (Meetings Nos. 1-17), for office file and reference.

Rep. Stone, reporting for the Administrative and Legal Committee, submitted a preliminary draft of proposed by-laws for the Administration as follows:

PRELIMINARY DRAFT

BY-LAWS

OF

ARKANSAS RIVER COMPACT ADMINISTRATION

ARTICLE I

THE ADMINISTRATION

1. The Arkansas River Compact Administration is herein referred to as "the Administration".

2. Membership of the Administration shall consist of three representatives from each of the States of Colorado and Kansas, designated or appointed as provided by the Arkansas River Compact and the law of each of such States, and, if designated by the President, one representative of the United States of America. If a representative is so designated, he shall be an ex-officio member of the Administration.

3. The credentials of each such representative shall be filed with the Secretary of the Administration.

4. Each representative shall advise in writing the Secretary of the Administration as to his address, to which all official notices and other communications of the Administration shall be sent and shall further promptly advise in writing the Secretary as to any change in such address.

## ARTICLE II

### OFFICERS

1. The officers of the Administration shall be:

Chairman  
Vice-Chairman  
Secretary  
Treasurer

2. The representative of the United States of America shall be the Chairman of the Administration. The Chairman shall preside at meetings of the Administration. His duties shall be such as are usually imposed on such officers and such as may be assigned to him by these by-laws or by the Administration from time to time.

3. The Vice-Chairman shall be a member of the Administration, representing a State. He shall be elected at the annual meeting of the Administration, and shall hold office until the next annual meeting and until his successor is elected. In the case of a vacancy in the office of Vice-Chairman, the Administration at its next meeting, whether regular or special, shall elect a Vice-Chairman to serve for the unexpired term; and the election of a Vice-Chairman may be made at any meeting of the Administration prior to the holding of its first meeting. The Vice-Chairman shall perform all duties of the Chairman when the latter is unable for any reason to act or when, for any reason, there is a vacancy in the office of the Chairman. In addition, the Vice-Chairman shall perform such other duties as may be assigned to him by these by-laws or by the Administration from time to time.

4. The Secretary shall be a member of the Administration representing a State. He shall be elected by the Administration at its annual meeting and shall serve until the next annual meeting and until his successor is elected, except that he may be elected at any meeting of the Administration prior to the holding of the first annual meeting and hold office until such annual meeting. In the case of a vacancy in the office of Secretary, the Administration shall, at its next meeting, whether regular or special, elect a Secretary to serve for the unexpired term. The Secretary shall perform such duties as are usually imposed on such an officer and such as may be assigned to him by these by-laws or by the Administration from time to time. He shall furnish a bond for the faithful performance of his duties if the Administration shall so direct. The cost of such bond shall be paid by the Administration.

5. The Treasurer may or may not be a member of the Administration; and the office of Secretary and Treasurer may be held by the same person if directed by the Administration. He shall be elected at the annual meeting of the Administration and shall hold office until his successor is elected and shall have qualified, except a treasurer may be selected prior to the first annual meeting of the Administration and hold office until such annual meeting. He shall receive, hold, and disburse all funds of the Administration; and he shall furnish a bond for the faithful performance of his duties in such amount as the Administration may direct. The cost of such bond shall be paid by the Administration. In the case of a vacancy in the office of the Treasurer, the Administration shall appoint a successor to serve for the unexpired term.

6. The Administration may employ such engineering, legal, clerical and other personnel as, in its judgment, may be necessary. They shall receive such compensation and perform such duties as may be fixed by the Administration.

### ARTICLE III

#### PRINCIPAL OFFICE

1. The principal office and place of business of the Administration shall be located in the City of Lamar, Colorado.

2. The principal office shall be open for business on such hours and days as the Administration may from time to time direct.

3. All books and records of the Administration shall be kept in the principal office of the Administration.

### ARTICLE IV

#### MEETINGS

1. The annual meeting of the Administration shall be held on the \_\_\_\_\_ of \_\_\_\_\_ of each year.

2. The Administration shall hold a regular meeting on the \_\_\_\_\_ of each year.

3. Special meetings of the Administration may be called by the Chairman or, in case of a vacancy in the office of Chairman, by the Vice-Chairman. Upon the written request of \_\_\_\_\_ or more representatives, it shall be the duty of the Chairman, or Vice-Chairman, as the case may be, to call such a meeting.

4. Notices of all meetings of the Administration shall be sent by the Secretary, or in the case of a vacancy in the office of Secretary, or the inability of the Secretary to act, by the Chairman or Vice-Chairman, as the case may be, to all members of the Administration by ordinary mail at least ten days in advance of such meetings, the notice here required may be waived by unanimous consent of all of the members of the Administration.

5. Unless otherwise agreed to in advance by not less than \_\_\_\_\_ representatives of the Administration, all annual and regular meetings of the Administration shall be held at the principal office of the Administration. Special meetings shall be held at the office of the Administration unless the notice of any such special meeting shall designate some other place for the meeting. No meeting of the Administration shall be held other than in the State of Colorado or the State of Kansas, or in Washington, D. C., unless at least \_\_\_\_\_ representatives of the Administration have consented in writing to some other place for the meeting in advance of the transmittal of notices as herein required.

6. The Administration shall keep a record of the proceedings of all its meetings. The minutes of such proceedings shall be preserved in a suitable manner as directed by the Administration. Minutes of proceedings not approved by the Administration shall not be official and shall be furnished only to members of the Administration, its employees, and committees.

7. A quorum for any meeting of the Administration and the casting of votes by representatives on the Administration shall be in accord with Sub-section D of Article VIII of the Arkansas River Compact; and any action by the Administration shall be determined by a concurrent vote as required by such Sub-section D of Article VIII of the Compact. The Federal Representative on the Administration shall not be entitled to a vote.

8. At each meeting of the Administration, the order of business, unless agreed otherwise, shall be as follows:

- Call to order;
- Reading of minutes of last meeting;
- Approval of minutes of last meeting;
- Report of Chairman;
- Report of Secretary;
- Report of Treasurer;
- Report of Committees;
- Unfinished business;
- New business;
- Adjournment.

9. All meetings of the Administration, except executive sessions, shall be open to the public.

10. Any meeting of the Administration may be adjourned or continued from time to time and from the place set for the meeting to another place: provided that, without the written consent of \_\_\_\_\_ representatives of the Administration, no adjournment or continuance shall be for more than thirty days or to a place other than that set for the meeting so adjourned or continued.

11. Public notice of all annual, regular, and special meetings shall be given in an appropriate manner, determined by the Administration, except in cases where the Administration determines to hold a special executive session.

## ARTICLE V

### COMMITTEES

1. There shall be the following standing committees:

Administrative and Legal Committee  
Engineering Committee  
Operations Committee

2. Each of such committees shall be made up of two representatives of the Administration and the Chairman shall be ex-officio member of all committees. In all committee action a vote shall be taken by States with each State having one vote.

3. The standing committees shall have the following duties:

- (a) The Administrative and Legal Committee shall advise the Administration with respect to budgets and accounting, office personnel, equipment, records, and legal matters.
- (b) The Engineering Committee shall advise the Administration on all engineering matters that may be referred to it.
- (c) The Operations Committee shall advise the Administration concerning, and shall have general supervision over, the releases of water from John Martin Reservoir and such other Arkansas River interstate administration and operations between the States of Colorado and Kansas as come within the purview of the Arkansas River Compact, subject at all times to the provisions of such compact and the directives of the Administration. This committee shall be responsible for maintaining appropriate relations, under direction of the Administration, with the officers of each of the States of Colorado and Kansas charged with administration of water

rights, and with interested Federal agencies. The Operations Committee shall also be responsible, under directives and orders of the Administration, for supervision over the employees of the Administration engaged in the interstate administration of the water of the Arkansas River pursuant to the Arkansas River Compact.

4. The Chairman of each Committee shall be designated by the Administration.

5. The Administration may, from time to time, create special committees composed of such members of the Administration and others and assign to such committees such tasks as the Administration may determine.

6. Each committee shall make a formal report to the Administration at each annual and regular meeting and shall make such further reports as may be directed by the Administration. All such reports shall be in writing and filed with the Secretary of the Administration.

## ARTICLE VI

### RULES AND REGULATIONS

1. So far as consistent with the Arkansas River Compact, the Administration may adopt Rules and Regulations.

2. All proposals for Rules and Regulations, or for changes in them, must be presented to the Administration in writing and shall not be acted on at the meeting when first presented, but shall go over for action at a designated subsequent meeting of the Administration.

3. Following the presentation to the Administration, public notice of all proposed Rules and Regulations and changes in Rules and Regulations shall be given by two publications, at least one week apart, in some newspaper of general circulation in the area of each State affected by the Arkansas River Compact. The representatives on the Administration from each State shall designate the newspaper in his State in which such publication shall be made. No Rule or Regulation and no change in any Rule or Regulation shall be effective until a date specifically stated in the published notice, which date shall be at least ten days after the last publication.

4. The provisions for Rules and Regulations and notice thereof shall not be effective in the case of any notice which is otherwise required under the Arkansas River Compact or in any case where, in the judgment of the Administration, effective administration, under the Arkansas River Compact, required more expeditious action.

5. It shall be the duty of the Secretary to see that the necessary notices are published as herein required.

6. When directed by the Administration, it shall be the duty of the Secretary to compile the Rules and Regulations of the Administration and shall prepare copies for distribution to the public under such terms and conditions as the Administration may prescribe.

## ARTICLE VII

### FISCAL

1. All funds of the Administration shall be received by the Treasurer and deposited by him in a depository or depositories designated by the Administration.

2. Disbursement of Administration funds shall be made by check by the Treasurer upon vouchers signed by \_\_\_\_\_.

3. On or before December 1 of each year, the Administration shall adopt and transmit to the Governors of the States of Colorado and Kansas a budget covering an estimate of its expenses for the following year, and the amount thereof payable to the Administration by each of the States of Colorado and Kansas under the provisions of the Arkansas River Compact.

4. The payment of expenses of the Administration and its employees shall not be subject to the audit and accounting procedures of either the State of Colorado or Kansas.

5. All receipts and disbursements of the Administration shall be audited yearly by a qualified, independent public accountant to be selected by the Administration, and the report of the audit shall be included and become a part of the annual report of the Administration.

6. The Secretary shall prepare and keep up to date an inventory of all of the property of the Administration.

7. The fiscal year of the Administration shall begin July 1 of each year and end June 30 of the next succeeding year.



ARTICLE VIII

ANNUAL REPORT

1. The year referred to in this Article for the making of the annual report shall commence on April 1 and end on the succeeding March 31.

2. The Administration shall make and transmit annually on or before April 1 to the Governors of the States of Colorado and Kansas and to the President of the United States a report covering the activities of the Administration for the preceding year. The annual report shall include, among other things, the following:

(a) The receipts and expenditures of all funds of the Administration and all pertinent financial data.

(b) All hydrologic data which the Administration deems pertinent.

(c) Estimates, if any, of the Administration's forecasting water run-off.

(d) Statements as to cooperative studies of water supplies made during the preceding year, including cooperative studies and activities with any Federal agency.

(e) All findings of fact made by the Administration during the preceding year.

(f) Such other pertinent matters as the Administration may deem advisable.

ARTICLE IX

SEAL

1. The seal of the Administration shall be circular in form with the words "Arkansas River Compact Commission" imprinted around the border and the word "Seal" in the center thereof.

2. The Secretary of the Administration shall have custody of the seal of the Administration.

ARTICLE X

MISCELLANEOUS

1. The Administration and its Secretary shall make available to the Governor of each of the States of Colorado and Kansas any information within its possession at any time, and shall always provide free access to its records by the Governors of such States, or their representatives, or by any authorized representatives of the United States of America.

2. All contracts or other instruments in writing required to be signed for and on behalf of the Administration, except matters relating to the receipt and disbursement of funds, shall be signed by the Chairman or Vice-Chairman and Secretary. The seal of the Administration shall be affixed thereto.

ARTICLE XI

AMENDMENTS TO BY-LAWS

1. Amendments to the By-Laws may be made at any meeting of the Administration, provided notice of the proposed amendment shall have been given in the notice of the meeting.

The Administration completed a careful review of all Articles of the proposed by-laws, making tentative approval of some sections and revising other sections.

The meeting recessed for noon, to be reconvened at 2 o'clock.

AFTERNOON SESSION

The session was called to order at 2 o'clock by Chairman Kramer.

It was moved and seconded that the report of the Administrative and Legal Committee on by-laws, be received, and that the preliminary draft be re-referred to the Administrative and Legal Committee for redrafting in accordance with the revisions made in the forenoon discussion. On vote being taken, the motion was carried.

The report of the Engineering Committee, on gaging station data, was submitted and read by Rep. Knapp, with additional informal comments and explanations. The report of the Engineering Committee, as submitted, was as follows:

THE ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado

Your committee on Compact Gaging Stations Data submits herewith the following report:

1. On August 9, 1949 the Committee, accompanied by representatives of the State Engineer of Colorado, the District Engineer, Corps of Engineers, the U. S. Geological Survey and by Chairman Kramer made a trip to examine these gaging stations.

- a. The Arkansas River at Holly
- b. The Holly drain at the State line, which now includes Cheyenne Creek and Wild Horse Creek
- c. The Arkansas River below John Martin Dam
- d. The Arkansas River at Las Animas
- e. The Purgatoire River at the Las Animas highway bridge
- f. The Purgatoire River at the Highland Dam

The committee also examined the Frontier ditch east of the state line and the Arkansas river at the Coolidge bridge.

2. It is the conclusion of the Committee that new stateline gaging stations be established, one on the Frontier ditch about one-half mile east of the state line and one on the Arkansas River at or near the river bridge south of Coolidge. The Committee finds that the Arkansas River stations now below the dam and at Las Animas are well located and should be retained, and that the station on the Purgatoire at the Las Animas bridge should be designated the Compact Station on that stream.

3. Before they can be operated for Compact purposes the proposed new stations on the Frontier ditch and on the Arkansas at Coolidge must be supplied with telephone service such as to assure prompt reports to those administering the river and those operating the gates at the dam. Until the new stateline stations have been in operation a sufficient time to demonstrate their accuracy and that communication lines are dependable, the present stateline stations should be retained.

4. The U. S. Geological Survey has made an estimate of the cost of improvements and operation of the Compact stations as follows:

<u>Station</u>	<u>Improvements</u>	<u>Operation</u>
Arkansas River at Las Animas	\$ 3,500	\$ 1,000
Purgatoire River near Las Animas	3,000	1,000
Arkansas River at Caddoa	6,000	1,000
Arkansas River at State Line	5,000	2,000
Total	\$ 17,500	\$ 5,000

This can be used as a basis for the request of federal funds to finance the Compact stations.

Respectfully submitted,

Harry C. Nevius  
Geo. S. Knapp

Demar, Colorado  
September 12, 1949

Chairman Kramer inquired if the recommendations in the Engineering Report, regarding gaging stations, had been reviewed and concurred in by the Colorado State Engineer's department and the U. S. District Engineers at Albuquerque, The Chairman recommended that these clearances be obtained before contacts are made for Federal financial participation.

It was moved and seconded that the report of the Engineering Committee be received, but that any action thereon be deferred until copies of the Engineering Report, plus copies of the USGS report on stream gaging requirements dated Aug. 22, 1949, have been submitted to the Colorado State Engineer and the District Engineer at Albuquerque, N. M., for comments and clearance. On vote being taken, the motion was unanimously adopted.

Rep. Mendenhall submitted a verbal report of the activities of the Operations Committee. He said that a conference had been held in Denver with M. C. Hinderlider, State Engineer, to discuss possible employment of the water commissioner of District 67 (a state employee) to serve part-time for the Administration. Mr. Hinderlider agreed to make inquiries of the State Controller and the Attorney General, as to any state employment restrictions on such hiring of the district water commissioner by the Administration. No contact has been made with the District 67 commissioner, until state regulations have been ascertained, and there is no information as to whether he would be receptive to the arrangement.

Rep. Stone, who participated in the conference with the State Engineer, called attention to the State Engineer's desire to have the Administration establish a "clear definition" of the respective responsibilities and jurisdiction in regard to Arkansas River waters, as between the State Engineer's office and the Administration. It was decided to prepare a statement of such a delineation of responsibility and then to consider rules and regulations to carry out the responsibility resting on the Administration, and finally to set up the personnel to carry out the arrangement.

On motion, duly seconded, and voted upon, the oral report of the Operations Committee was received, and the Committee was further instructed to present in written form at the next meeting a detailed statement and definition of the responsibilities devolving upon the Administration, the Corps of Engineers, and the State Engineer as a result of the Arkansas River Compact.

Rep. Stone stated he would provide a sketch outline for the proposed statement, suggesting items necessary for a legal approach, to which the Operations Committee could make further revisions and improvements to fit the circumstances involved.

Rep. Nevius presented the Secretary's report. He reported that a copy of the USGS report of August 22, 1949, which contained information which was included in the gaging stations data report by the Engineering Committee, had been received from F. M. Bell, District USGS Engineer, Denver, and made part of the Administration files. Likewise, the letter of H. C. Hinderlider, State Engineer, of August 4, 1949, addressed to Judge Stone and other members of the Administration, is also in the Secretary's files.

The Secretary announced that the Prowers County Commissioners had granted the Administration's request for office space in the Prowers County courthouse, and had assigned a room on the third floor for that purpose. The Secretary said that operation of the office would entail some expense, such as equipment and supplies, and perhaps some personnel. The Secretary was directed to prepare a budget estimate of such expenses. The Secretary was instructed to write a letter of appreciation to the Prowers County Commissioners, thanking them for the arrangements for locating the Administration in the Prowers County Courthouse.

It was moved and seconded that, until further action of the Administration, the Secretary and Treasurer of the Administration be a combined office, and that Harry C. Nevius serve in that dual capacity. On vote, the motion was unanimously passed, and declared adopted.

Motion was made, and seconded, that a bond of \$10,000 be provided by the Secretary-Treasurer, the cost of which shall be paid by the Administration. On vote, the motion was unanimously carried, and declared adopted.

Motion was made, and seconded, that the First National Bank of Lamar be designated as the depository of Administration funds. On vote being taken, the motion was unanimously carried, and declared adopted.

It was agreed that the Administration would bill each of the States of Colorado and Kansas for an initial payment into the Administration treasury, such initial payment to be \$1,200 for Colorado and \$800 for Kansas on a 60-40 per cent basis.

Rep. Stone presented and moved for the adoption of the following resolution:

RESOLUTION

WHEREAS, Article VIII E(1) of the Arkansas River Compact provides that, except for salaries and personal expenses for members of the Administration paid by each State, all expenses incident to the administration of the Compact, which are not paid by the United States, shall be borne by the two States on the basis of 60 per cent by Colorado and 40 per cent by Kansas; and

WHEREAS, it has become necessary to make funds available to the Administration pursuant to said Article VIII E(1) to pay expenses incident to the administration of the Compact; and

WHEREAS, Harry C. Nevius has been appointed by the Administration as Secretary-Treasurer of the Administration, and upon filing of a bond required by the Administration, he is entitled to receive and disburse the funds of the Administration pursuant to the Arkansas River Compact and in accordance with the directives of the Administration; now, therefore, be it

RESOLVED, by the Arkansas River Compact Administration that Harry C. Nevius as such Secretary-Treasurer be and he is hereby directed to call upon and bill each of the States of Colorado and Kansas for the amounts of money as follows:

Colorado . . . . .	\$1,200.00
Kansas . . . . .	800.00

The motion for the adoption of the resolution was seconded, and on being put to vote, was unanimously carried, and the resolution declared adopted.

It was agreed that the next meeting of the Administration be held at Lamar, Colorado, on Monday, November 14, 1949, at 9:30 a.m.

John S. Sharer, Reservoir Manager at John Martin Dam, presented a brief, oral report on water storage in John Martin Dam, citing the figure for Sept. 11 as 163,750 feet. He said that only minor difficulties had been encountered in water measurements, and these had been satisfactorily adjusted. He predicted more water to go into winter storage than a year ago, when the storage was 100,000 feet.

The meeting adjourned at 4:14 p.m.

Ray E. Peterson  
Recorder

Harry C. Nevius  
Administration Secretary

(These Minutes were approved by action of the Arkansas River Compact Administration on Monday, November 14, 1949.)

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