

MINUTES OF DEFERRED MEETING OF  
ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado  
Friday, August 4, 1950

Attendance:

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

For Colorado:

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

For Kansas:

George S. Knapp, Topeka; Chairman of Kansas Representatives.  
Roland H. Tate, Garden City.  
William E. Leavitt, Garden City.

Others Attending:

Ray E. Peterson, Denver; recorder.  
R. M. Gildersleeve, Denver, Chief Engineer, Colorado Water Conservation Board  
F. M. Bell, Denver, District Engineer USGS.  
Ross W. Moor, Lamar, Engineer USGS.  
Guy M. Vincent, Garden City, Kansas; Associate Engineer, Kansas State  
Division of Water Resources.  
Roger Smith, Lamar, Hydraulic Engineer USGS.  
John Latta, Garden City, Kansas; Garden City County Agricultural Supt.  
Arthur C. Gordon, Lamar, Attorney.  
R. J. McGrath, Water Commissioner, Colorado Water District #67.

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The meeting was called to order at 10:15 o'clock in the Court Room of the  
Prowers County Courthouse by Chairman Kramer.

This meeting of the Arkansas River Compact Administration was scheduled for  
Tuesday, July 25, 1950, as provided in the Administration by-laws, but was de-  
ferred to Friday, August 4, 1950, by consent of the members of the Administration.

Minutes of the deferred meeting of the Administration of March 24, 1950 were  
reviewed and minor changes and improvements, suggested by Chairman Kramer and  
Representative Knapp, were accepted for inclusion. On vote, the minutes of the  
March 24, 1950 meeting of the Administration, as edited and revised, were approved  
as official.

Chairman Kramer, as chairman, reported to the Administration that he had prepared and submitted a communication to Colonel Charles H. McNutt, District Engineer, Corps of Engineers, at Albuquerque, New Mexico, confirming in writing the authority granted to the Secretary of the Administration to act for the Administration in arranging releases of water from the John Martin Reservoir. The communication was ordered placed in the minutes.

The communication referred to is as follows:

220 Bush Street  
San Francisco, California

March 28, 1950

Colonel Charles H. McNutt, C. E.  
District Engineer, Corps of Engineers Office  
P. O. Box 1538  
Albuquerque, New Mexico

My dear Colonel:

In confirmation of the oral proceedings at the meeting of the Arkansas River Compact Administration at Lamar, Colorado on March 24, 1950, in which you participated, the following is furnished for your official information and guidance:

(1). Under the Rules and Regulations adopted by the Arkansas River Compact Administration, March 24, 1950, to be effective April 15, 1950, requests for releases and for reduction in releases from John Martin Reservoir will be made upon the Reservoir Manager by the Secretary of the Administration acting under the direct supervision of its Operations Committee. This means that Mr. Nevius, as Secretary of the Administration will normally make such requests. However, in his absence or under other special circumstances, such requests may be made by members of the Operations Committee which consists of Mr. Mendenhall, the chairman, Mr. Leavitt and myself as ex-officio member.

(2). By motion duly made and passed the Arkansas River Compact Administration also made the above procedure applicable to the interim period prior to the effective date of the Rules and Regulations, i.e., prior to April 15, 1950.

Your effective cooperation and that of the Reservoir Manager in assisting the Administration toward getting its first season's operations started on a working basis are greatly appreciated.

Sincerely yours,

Hans Kramer  
Chairman and Representative of the United States  
Arkansas River Compact Administration

cc:  
Mr. Harry C. Nevius, Secretary  
Mr. Harry B. Mendenhall  
Mr. William E. Leavitt  
Judge Clifford H. Stone

The Chairman reported his attendance at meetings of the Operations Committee of the Administration, held at Lamar, on April 18, and June 2, 1950.

He announced that results of a silt survey made in June by the District Engineer had been tabulated and made available for Administration files and reference.

The Chairman reported an interchange of correspondence between Arthur C. Gordon, Lamar, attorney for the Fort Lyon Ditch Company, and himself, regarding Mr. Gordon's inquiries and questions relating to proper interpretation of the Rules and Regulations for the operation of John Martin Reservoir, as adopted by the Administration. Chairman Kramer said he had invited Mr. Gordon to make a personal appearance before the whole Administration, at the current meeting. The Chairman asked that the file of correspondence, which he referred to, be included as a part of the minutes of the meeting.

The two letters of the correspondence referred to are as follows:

THE FORT LYON CANAL COMPANY

Las Animas, Colorado

June 16, 1950

Hans Kramer, Brigadier General  
U. S. Army, Retired  
220 Bush Street  
San Francisco, California

Dear General Kramer:

I am sorry that I was out of Lamar the last time you were here and did not have an opportunity to talk to you. There are several

matters in connection with the administration of the Arkansas River Compact which I would like to discuss with you.

Unless conditions change, the time is approaching when the water in the John Martin Reservoir will be exhausted and I presume that the administrative board, of which you are chairman, will have a meeting prior to that date.

There seems to be some misunderstanding among some water users as to a proper interpretation of some of the provisions of the compact. Under the rules and regulations promulgated and published this spring, I do not see how there can be any misunderstanding or misinterpretation, but there seems to be an idea on the part of some water users that the administrative board can fix a date after which the river will be administered on a decree basis, irrespective of the quantity of water still remaining in the John Martin Reservoir.

As I interpret the Compact, as long as there is water available in the reservoir for release, the ditches below the reservoir cannot call for their decreed priorities until it is apparent that the water in the reservoir will be exhausted, and unless water is passed by the upper ditches, there will be a "lag" in the delivery of water to the lower ditches. If there is water in the river in excess of the amount required to satisfy the decreed priorities of the ditches above the reservoir, whenever it becomes apparent that the reservoir will become exhausted and water will not reach the reservoir in time to enable the lower ditches to obtain their senior decrees, then it will be the duty of the State Engineer to take over and administer the river.

Whenever the administrative board has a meeting to determine the questions arising out of such a situation, which may be at sometime in the not far distant future, the Fort Lyon Canal Company would like to be able to participate in the discussion. As you know, the Fort Lyon Canal Company will be vitally concerned and will be affected if any erroneous interpretation is made of the Compact. The Fort Lyon Canal Company desires to cooperate fully with the board and also appreciates the benefits it has received from the construction and use of the John Martin Reservoir and wishes to avoid any trouble arising over the administration of the water impounded in the reservoir.

We are still encountering a most unfortunate season. The quantity of water derived from snow is less than anticipated and will undoubtedly be exhausted in the not far distant future. The supply of water in the reservoir is being exhausted and I anticipate that the river will be on decrees sometime during the latter part of July, if not before that time.

Sincerely yours,

/s/ Arthur C. Gordon

ACG:vhs/lb

Representative of United States  
HANS KRAMER, Brig. Gen. USA. Retired  
Chairman

220 Bush Street  
San Francisco, Calif.

ARKANSAS RIVER COMPACT ADMINISTRATION  
Principal Office - Court House  
Lamar, Colorado

June 20, 1950

Mr. Arthur C. Gordon  
Attorney for The Fort Lyon Canal Company  
Lamar, Colorado

My dear Mr. Gordon:

I have your letter of June 16, 1950, and I am sorry, too, that your absence from Lamar at the time of my last visit there prevented us from discussing the point you have raised regarding the interpretation of Article VF of the Arkansas River Compact.

At the last meeting in Lamar on June 2, 1950, of the Operations Committee of the Arkansas River Compact Administration, the potentiality of conditions which would require invoking the provisions of Article VF of the Compact and the administrative procedure to be followed thereunder were carefully considered. It was concluded by that Committee that in the event administrative action under Article VF becomes necessary, such action will be taken by the Administration acting as an official body - and in a special meeting, if necessary - rather than by its Operations Committee or by the Secretary.

I am confident that if and when action under Article VF actually faces the Administration, its interpretation will be entirely sound and proper. The Administration is well aware of the special concern of the Fort Lyon Canal Company and others that divert above John Martin Reservoir. Nevertheless, I would deem it advisable and desirable for you to present your legal views on this matter to the Administration in session.

The next regular meeting of the Administration is scheduled to be held in Lamar on Tuesday, July 25, 1950, and I expect to be present for that meeting. If circumstances dictate that a special meeting of the Administration is necessary, it will be called in my absence during July by Vice Chairman, W. E. Leavitt of Garden City. I am sending Mr. Leavitt and Secretary Nevius a copy of this correspondence so that they will be apprised of your interest and so that they can notify you in case a special meeting of the Administration is called.

Water supply conditions for the Arkansas River are certainly on the slim side this year. Perhaps more of the irrigators should get on the right side of the Great Rainmaker.

Mr. Arthur C. Gordon

June 20, 1950

I appreciate the cooperative spirit of your letter and shall look forward to seeing you during the course of my next visit to Lamar next month.

Sincerely yours,

HANS KRAMER  
Chairman and Representative of the United States  
Arkansas River Compact Administration

cc: Mr. Wm. E. Leavitt  
Mr. Harry C. Nevius

Secretary Nevius reported that public notice of the Rules and Regulations was published in the Garden City, Kansas, and Lamar, Colorado, newspapers, following approval of the Rules and Regulations at the March 24, 1950 meeting of the Administration. He announced that 1,000 copies of the Rules and Regulations had been printed in booklet form, and given appropriate distribution in Colorado and Kansas.

He announced receipt of a communication from the Associated Ditches of Kansas, naming William E. Leavitt and Guy M. Vincent, as Kansas individuals having the authority to notify the Administration Secretary regarding releases or curtailment of releases of water for Kansas.

The letter announcing the Kansas appointments was made a part of the minutes of the meeting, as follows:

THE FINNEY COUNTY WATER USERS ASSOCIATION

HELEN M. STOWELL  
Secretary-Treasurer  
P. O. Box 622  
Garden City, Kansas

April 26, 1950.

Mr. Harry Nevius,  
Secretary-Treasurer,  
John Martin Dam,  
Lamar, Colorado.

Dear Mr. Nevius:

The Associated Ditches held a meeting yesterday, and appointed W. E. Leavitt and Guy M. Vincent, who is the Water

Bailiff for the state of Kansas, these two gentlemen have been given the authority for the Associated Ditches to notify you for water or to cut it off for Kansas.

The Associated Ditches,

By H. P. Winget, President,

By Helen M. Stowell  
Secretary-Treasurer.

In response to financial statements sent to the two states of Colorado and Kansas, the Secretary reported receipt of payments to the Administration treasury of \$800.00 by the State of Colorado and \$533.33 by the State of Kansas.

The Secretary announced the employment of W. R. Patterson to make daily readings of the Holly Drain gage at \$1.50 per day. Mr. Patterson's employment was made by the Operations Committee, acting under authority granted by the Administration for that purpose.

Secretary Nevius reported that all Colorado ditches in District 67 had filed distribution agreements with the Administration and the State Engineer. He said Mr. C. Hinderlider, State Engineer, was furnished with copies of letters to each of the ditches, stating acceptance of the distribution agreements by the Administration.

The Administration ordered the verbatim text of all agreements included in the minutes of the meeting. These agreements are as follows:

#### AGREEMENT

WHEREAS, the sovereign states of Colorado and Kansas have heretofore entered into a Compact with respect to the waters of the Arkansas River, and pursuant thereto the respective Legislatures of the states of Colorado and Kansas did ratify said Compact and subsequent thereto, by Senate Bill 1448 of the 81st Session of Congress, the Compact entered into between the states was duly approved and ratified by the United States Congress; and

WHEREAS, for several years prior to the final approval and adoption of said Compact, the various canals and ditches drawing water and having priorities in the Arkansas River, with headgates located East of and below the said John Martin Reservoir, situate in Bent County, Colorado, did, by Interim Agreement, agree upon the demands for water to be made pending the completion of said dam, and,

WHEREAS, the said dam has been completed and the Arkansas River Compact Administration, established under Article VIII of said Compact, has been duly organized and is acting under the terms thereof in the distribution of water to the canals and ditches lying East of said John Martin Reservoir, such distribution having been made in accordance with the terms of an Interim Agreement upon the following basis of distribution:

Fort Bent Ditch Company	9.9%
Kessee Ditch	2.3%
Amity Canal	50.2%
Lamar Canal	21.1%
Hyde Ditch	1.3%
Marvel Ditch	2.9%
X Y and Graham Ditches	5.1%
Buffalo Canal	6.0%
Sisson-Stubbs Ditch	1.2%
Total	100.0%

NOW, THEREFORE, in accordance with the authority contained in Paragraph V F, providing for distribution agreements at such times as water is available in the conservation pool for release under the terms of said Compact, and in consideration of the above premises, and without in any way releasing or waiving any rights the undersigned may have in and to its priorities duly established by Decrees of Court or otherwise, the undersigned does hereby agree to limit its demand upon the Arkansas River Compact Administration and the State Engineer, at such times as the maximum withdrawals permitted under said Compact have been reached to a 2.3 percentage of the total water to be delivered from the river within the State of Colorado to Colorado ditches and canals; and does authorize the Administration and State Engineer at such time, to limit the demands of the undersigned to the amounts stated in this paragraph.

It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado this 23 day of March, 1950.

By Kessee Ditch  
C. . Hopkins

#### AGREEMENT

WHEREAS, the sovereign states of Colorado and Kansas have heretofore entered into a Compact with respect to the waters of the Arkansas River, and pursuant thereto the respective Legislatures of the states of Colorado and Kansas did ratify said Compact and subsequent thereto, by Senate Bill 1448 of the 81st Session of Congress, the Compact entered into between the states was duly approved and ratified by the United States Congress; and



WHEREAS, for several years prior to the final approval and adoption of said Compact, the various canals and ditches drawing water and having priorities in the Arkansas River, with headgates located East of and below the said John Martin Reservoir, situate in Bent County, Colorado, did, by Interim Agreement, agree upon the demands for water to be made pending the completion of said dam, and,

WHEREAS, the said dam has been completed and the Arkansas River Compact Administration, established under Article VIII of said Compact, has been duly organized and is acting under the terms thereof in the distribution of water to the canals and ditches lying East of said John Martin Reservoir, such distribution having been made in accordance with the terms of an Interim Agreement upon the following basis of distribution:

Fort Bent Ditch Company	9.9%
Kessee Ditch	2.3%
Amity Canal	50.2%
Lamar Canal	21.1%
Hyde Ditch	1.3%
Manvel Ditch	2.9%
X Y and Graham Ditches	5.1%
Buffalo Canal	6.0%
Sisson--Stubbs Ditch	1.2%
Total	100.0%

NOW, THEREFORE, in accordance with the authority contained in Paragraph VF, providing for distribution agreements at such times as water is available in the conservation pool for release under the terms of said Compact, and in consideration of the above premises, and without in any way releasing or waiving any rights the undersigned may have in and to its priorities duly established by Decrees of Court or otherwise, the undersigned does hereby agree to limit its demand upon the Arkansas River Compact Administration and the State Engineer, at such times as the maximum withdrawals permitted under said Compact have been reached to a 9.9 percentage of the total water to be delivered from the river within the State of Colorado to Colorado ditches and canals; and does authorize the Administration and State Engineer at such time, to limit the demands of the undersigned to the amounts stated in this paragraph.

It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado this 12th day of December, 1949.

THE FORT BENT DITCH COMPANY

Attest: John Alexander  
Secretary

By Ray Strain  
President

## AGREEMENT

WHEREAS, the sovereign states of Colorado and Kansas have heretofore entered into a Compact with respect to the waters of the Arkansas River, and pursuant thereto the respective Legislatures of the states of Colorado and Kansas did ratify said Compact and subsequent thereto, by Senate Bill 1448 of the 81st Session of Congress, the Compact entered into between the states was duly approved and ratified by the United States Congress; and

WHEREAS, for several years prior to the final approval and adoption of said Compact, the various canals and ditches drawing water and having priorities in the Arkansas River, with headgates located East of and below the said John Martin Reservoir, situate in Bent County, Colorado, did, by Interim Agreement, agree upon the demands for water to be made pending the completion of said dam, and,

WHEREAS, the said dam has been completed and the Arkansas River Compact Administration, established under Article VIII of said Compact, has been duly organized and is acting under the terms thereof in the distribution of water to the canals and ditches lying East of said John Martin Reservoir, such distribution having been made in accordance with the terms of an Interim Agreement upon the following basis of distribution:

Fort Bent Ditch Company	9.9%
Kessee Ditch	2.3%
Amity Canal	50.2%
Lamar Canal	21.1%
Hyde Ditch	1.3%
Manvel Ditch	2.9%
X Y and Graham Ditches	5.1%
Buffalo Canal	6.0%
Sisson-Stubbs Ditch	1.2%
Total	100.0%

NOW, THEREFORE, in accordance with the authority contained in Paragraph V. F, providing for distribution agreements at such times as water is available in the conservation pool for release under the terms of said Compact, and in consideration of the above premises, and without in any way releasing or waiving any rights the undersigned may have in and to its priorities duly established by Decrees of Court or otherwise, the undersigned does hereby agree to limit its demand upon the Arkansas River Compact Administration and the State Engineer, at such times as the maximum withdrawals permitted under said compact have been reached to a 50.2 percentage of the total water to be delivered from the river within the State of Colorado to Colorado ditches and canals; and does authorize the Administration and State Engineer at such times, to limit the demands of the undersigned to the amounts stated in this paragraph.

It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado this 12th day of December 1949 .

THE AMITY MUTUAL IRRIGATION COMPANY,

By /s/ H. C. Nevius  
President.

Attest:

/s/ Riley  
Secretary

Mr. H. C. Nevius, Secretary  
Arkansas River Compact Administration  
Lamar, Colorado

#### AGREEMENT

WHEREAS, the sovereign states of Colorado and Kansas have heretofore entered into a Compact with respect to the waters of the Arkansas River, and pursuant thereto the respective Legislatures of the state of Colorado and Kansas did ratify said Compact and subsequent thereto, by Senate Bill 1448 of the 81st Session of Congress, the Compact entered into between the states was duly approved and ratified by the United States Congress; and

WHEREAS, for several years prior to the final approval and adoption of said Compact, the various canals and ditches drawing water and having priorities in the Arkansas River, with headgates located East of and below the said John Martin Reservoir, situate in Bent County, Colorado, did, by Interim Agreement, agree upon the demands for water to be made pending the completion of said dam, and,

WHEREAS, the said dam has been completed and the Arkansas River Compact Administration, established under Article VIII of said Compact, has been duly organized and is acting under the terms thereof in the distribution of water to the canals and ditches lying East of said John Martin Reservoir, such distribution having been made in accordance with the terms of an Interim Agreement upon the following basis of distribution:

Manville Ditch	2.9%
Fort Bent Ditch Company	9.9%
Kessee Ditch	2.3%
Amity Canal	50.2%
Lamar Canal	21.1%
Hyde Ditch	1.3%
X Y & Graham Ditches	5.1%
Buffalo Canal	6.0%
Sisson-Stubbs Ditch	1.2%
Total	<u>100.0%</u>

NOW, THEREFORE, in accordance with the authority contained in Paragraph V F, providing for distribution agreements at such times as water is available in the conservation pool for release under the terms of said Compact, and in consideration of the above premises, and without in any way releasing or waiving any rights the undersigned may have in and to its priorities duly established by Decrees of Court or otherwise, the undersigned does hereby agree to limit its demand upon the Water Commissioner and the Arkansas River Compact Administration at such times as the maximum withdrawals permitted under said compact have been reached to a 21.1 percentage of the total water to be delivered within the State of Colorado to Colorado ditches and canals; and does authorize the Administration and State Engineer at such times, to limit the demands of the undersigned to the amounts stated in this paragraph.

It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado, this 22 day of November, 1949.

LAMAR CANAL & IRRIGATION COMPANY

By /s/ J. H. Bressler  
President

#### AGREEMENT

WHEREAS, the sovereign states of Colorado and Kansas have heretofore entered into a Compact with respect to the waters of the Arkansas River, and pursuant thereto the respective Legislatures of the states of Colorado and Kansas did ratify said Compact and subsequent thereto, by Senate Bill 1448 of the 81st Session of Congress, the Compact entered into between the states was duly approved and ratified by the United States Congress; and

WHEREAS, for several years prior to the final approval and adoption of said Compact, the various canals and ditches drawing water and having priorities in the Arkansas River, with headgates located East of and below the said John Martin Reservoir, situate in Bent County, Colorado, did, by Interim Agreement, agree upon the demands for water to be made pending the completion of said dam, and

WHEREAS, the said dam has been completed and the Arkansas River Compact Administration, established under Article VIII of said Compact, has been duly organized and is acting under the terms thereof in the distribution of water to the canals and ditches lying East of said John Martin Reservoir, such distribution having been made in accordance with the terms of an Interim Agreement upon the following basis of distribution:

Fort Bent Ditch Company	9.9%
Kessee Ditch	2.3%
Amity Canal	50.2%
Lamar Canal	21.1%
Hyde Ditch	1.3%
Manvel Ditch	2.9%
X Y and Graham Ditches	5.1%
Buffalo Canal	6.0%
Sisson-Stubbs Ditch	1.2%
Total	100.0%

NOW, THEREFORE, in accordance with the authority contained in Paragraph V F, providing for distribution agreements at such times as water is available in the conservation pool for release under the terms of said Compact, and in consideration of the above premises, and without in any way releasing or waiving any rights the undersigned may have in and to its priorities duly established by Decrees of Court or otherwise, the undersigned does hereby agree to limit its demand upon the Arkansas River Compact Administration and the State Engineer, at such times as the maximum withdrawals permitted under said Compact have been reached to a 1.3 percentage of the total water to be delivered from the river within the State of Colorado to Colorado ditches and canals; and does authorize the Administration and State Engineer at such time, to limit the demands of the undersigned to the amounts stated in this paragraph.

It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado this 12th day of December, 1949.

THE MUTUAL HYDE DITCH COMPANY  
By /s/ R. Clark Jones, Secretary  
-13- /s/ H. C. Nevius, Pres.

### AGREEMENT

WHEREAS, the sovereign states of Colorado and Kansas have heretofore entered into a Compact with respect to the waters of the Arkansas River, and pursuant thereto the respective Legislatures of the states of Colorado and Kansas did ratify said Compact and subsequent thereto, by Senate Bill 1448 of the 81st Session of Congress, the Compact entered into between the states was duly approved and ratified by the United States Congress; and

WHEREAS, for several years prior to the final approval and adoption of said Compact, the various canals and ditches drawing water and having priorities in the Arkansas River, with headgates located East of and below the said John Martin Reservoir, situate in Bent County, Colorado, did, by Interim Agreement, agree upon the demands for water to be made pending the completion of said dam, and,

WHEREAS, the said dam has been completed and the Arkansas River Compact Administration, established under Article VIII of said Compact, has been duly organized and is acting under the terms thereof in the distribution of water to the canals and ditches lying East of said John Martin Reservoir, such distribution having been made in accordance with the terms of an Interim Agreement upon the following basis of distribution:

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Kessee Ditch	2.3%
Amity Canal	50.2%
Lamar Canal	21.1%
Hyde Ditch	1.3%
Marvel Ditch	2.9%
X Y and Graham Ditches	5.1%
Buffalo Canal	6.0%
Sisson-Stubbs Ditch	1.2%
Total	<u>100.0%</u>

NOW, THEREFORE, in accordance with the authority contained in Paragraph V F, providing for distribution agreements at such times as water is available in the conservation pool for release under the terms of said Compact, and in consideration of the above premises, and without in any way releasing or waiving any rights the undersigned may have in and to its priorities duly established by Decrees of Court or otherwise, the undersigned does hereby agree to limit its demand upon the Arkansas River Compact Administration and the State Engineer, at such times as the maximum withdrawals permitted under said Compact have been reached to a 2.9 percentage of the total water to be delivered from the river within the State of Colorado to Colorado ditches and canals; and does authorize the Administration and State Engineer at such times, to limit the demands of the undersigned to the amounts stated in this paragraph.

It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado this 20th day of March, 1950.

MANVEL CANAL CO.

By /s/ C. G. Cruikshank - Pres.

#### AGREEMENT

WHEREAS, the sovereign states of Colorado and Kansas have heretofore entered into a Compact with respect to the waters of the Arkansas River, and pursuant thereto the respective Legislatures of the states of Colorado and Kansas did ratify said Compact and subsequent thereto, by Senate Bill 1448 of the 81st Session of Congress, the Compact entered into between the states was duly approved and ratified by the United States Congress; and

WHEREAS, for several years prior to the final approval and adoption of said Compact, the various canals and ditches drawing water and having priorities in the Arkansas River, with headgates located East of and below the said John Martin Reservoir, situate in Bent County, Colorado, did, by Interim Agreement, agree upon the demands for water to be made pending the completion of said dam, and,

WHEREAS, the said dam has been completed and the Arkansas River Compact Administration, established under Article VIII of said Compact, has been duly organized and is acting under the terms thereof in the distribution of water to the canals and ditches lying East of said John Martin Reservoir, such distribution having been made in accordance with the terms of an Interim Agreement upon the following basis of distribution:

Fort Bent Ditch Company	9.9%
Kessee Ditch	2.3%
Amity Canal	50.2%
Lamar Canal	21.1%
Hyde Ditch	1.3%
Manvel Ditch	2.9%
X Y and Graham Ditches	5.1%
Buffalo Canal	6.0%
Sisson-Stubbs Ditch	1.2%
Total	<u>100.0%</u>

NOW, THEREFORE, in accordance with the authority contained in Paragraph V F, providing for distribution agreements at such times as water is available in the conservation pool for release under the terms of said Compact, and in consideration of the above premises, and without in any way releasing or waiving any rights the undersigned may have in and to its priorities duly established by Decrees of Court or otherwise, the undersigned does hereby agree to limit its demand upon the Arkansas River Compact Administration and the State Engineer, at such times as the maximum withdrawals permitted under said Compact have been reached to a 6 percentage of the total water to be delivered from the river within the State of Colorado to Colorado ditches and canals; and does authorize the Administration and State Engineer at such times, to limit the demands of the undersigned to the amounts stated in this paragraph.

It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado this 21st day of March, 19 50.

THE BUFFALO MUTUAL CANAL COMPANY

By /s/ C. H. Denham  
President

ATTEST:

/s/ Ione McMurtry  
Secretary.

AGREEMENT

WHEREAS, the sovereign states of Colorado and Kansas have heretofore entered into a Compact with respect to the waters of the Arkansas River, and pursuant thereto the respective Legislatures of the states of Colorado and Kansas did ratify said Compact and subsequent thereto, by Senate Bill 1448 of the 81st Session of Congress, the Compact entered into between the states was duly approved and ratified by the United States Congress; and

WHEREAS, for several years prior to the final approval and adoption of said Compact, the various canals and ditches drawing water and having priorities in the Arkansas River, with headgates located East of and below the said John Martin Reservoir, situate in Bent County, Colorado, did, by Interim Agreement, agree upon the demands for water to be made pending the completion of said dam, and,



WHEREAS, the said dam has been completed and the Arkansas River Compact Administration, established under Article VIII of said Compact, has been duly organized and is acting under the terms thereof in the distribution of water to the canals and ditches lying East of said John Martin Reservoir, such distribution having been made in accordance with the terms of an Interim Agreement upon the following basis of distribution:

Fort Bent Ditch Company	9.9%
Kessee Ditch	2.3%
Amity Canal	50.2%
Lamar Canal	21.1%
Hyde Ditch	1.3%
Manvel Ditch	2.9%
X Y and Graham Ditches	5.1%
Buffalo Canal	6.0%
Sisson-Stubbs Ditch	1.2%
Total	<u>100.0%</u>

NOW, THEREFORE, in accordance with the authority contained in Paragraph V F, providing for distribution agreements at such times as water is available in the conservation pool for release under the terms of said Compact, and in consideration of the above premises, and without in any way releasing or waiving any rights the undersigned may have in and to its priorities duly established by Decrees of Court or otherwise, the undersigned does hereby agree to limit its demand upon the Arkansas River Compact Administration and the State Engineer, at such times as the maximum withdrawals permitted under said Compact have been reached to a 5.1 percentage of the total water to be delivered from the river within the State of Colorado to Colorado ditches and canals; and does authorize the Administration and State Engineer at such time, to limit the demands of the undersigned to the amounts stated in this paragraph.

It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado this 21 day of March, 19 50.

By /s/ Calvin Flint X Y

Graham ( W. N. Wilson )  
( Harry Free ) /s/ by W.N.W.  
( I. R. Romer )

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It is Further Agreed that this Agreement shall be in effect until the undersigned shall by written notice revoke the same, which revocation shall be in writing to the aforementioned Administration and the State Engineer of Colorado and each of the other ditches herein named, not later than 30 days after the end of the summer irrigation season, that is to say, December 1st, of any year; and nothing herein shall be so construed as to permit the revocation after said date for the next succeeding irrigation season.

Dated at Lamar, Colorado this 17th day of March, 1950.

SISSON-STUBBS DITCH

C. F. Augustine and Joe Dorenkamp

By /s/ C. F. Augustine

The Secretary also reported attendance at the meetings of the Operations Committee, April 18 and June 2, in Lamar.

He reported on contacts with Administration members, to postpone the July 25 meeting of the Administration, and of the members' approval of August 4 as the acceptable date for the deferred meeting.

As required in the by-laws the Secretary submitted figures of a proposed budget for the Administration for the fiscal year July 1, 1950 to June 30, 1951. Budget figures were reviewed and adjusted by the Administration, and the budget for the 1950-51 fiscal year was set up as follows:

BUDGET ARKANSAS RIVER COMPACT ADMINISTRATION

	<u>July 1, 1950 to 1951</u>
Office Supplies	\$ 300.00
Office Equipment	300.00
Telephone and Telegraph	600.00
Printing	500.00
Audit	150.00
Bond, Treasurer	50.00
Official Publications	100.00
Secretary Salary	1200.00
Gauge Reports	800.00
Typing and Mailing	200.00
Investigation and Inspection	600.00
Contingencies	<u>200.00</u>
Total:	\$ 5000.00

It was moved by Rep. Mendenhall, and seconded by Rep. Nevius, that the Administration formally approve the budget estimates, as adjusted by the Administration, calling for \$5,000 for each fiscal year (\$10,000 for the biennium), and that the fiscal year budget be submitted to the Governors of the States of Colorado and Kansas, with itemized breakdown of budget items, and that each of the States be called upon to provide for a biennium payment into the Administration treasury on the basis of 60 per cent for Colorado (\$6,000) and 40 per cent for Kansas (\$4,000).

On vote, the motion carried unanimously, and the budget was declared adopted.

Chairman Kramer directed the Secretary to transmit copies of the approved budget to the Governors of the respective states.

Rep. Nevius, as Treasurer of the Administration, submitted the following statement of Administration finances, which was approved by the Administration, and included in the official minutes of the meeting:

REPORT OF H. C. NEVIUS, TREASURER  
ARKANSAS RIVER COMPACT ADMINISTRATION

On hand, First National Bank in Lamar, March 24, 1950		\$1632.21
Received State of Colorado	\$800.00	
Received State of Kansas	<u>533.33</u>	
		1333.33
		<u>2965.54</u>
 <u>Disbursements</u>		
Voucher #6 April 17 Garden City Telegram	\$ 244.77	
#7 April 17 Lamar Daily News	100.00	
#8 May 2 Lamar Daily News	10.25	
#9 June 1 Secretary Salary April & May	200.00	
#10 June 1 W. R. Patterson	61.50	
#11 May 29 Peerless Printing Company	50.00	
#12 June 5 Mtn. States T. & T. Company	19.70	
#13 July 15 Mtn. States T. & T. Company	27.40	
#14 July 15 Secretary Salary June	100.00	
#15 July 15 W. R. Patterson	45.00	
#16 August 2 Western Union	3.80	
#17 August 2 Mtn. States T & T Company	28.10	
#18 August 2 W. R. Patterson	46.50	
#19 August 2 Secretary Salary July	<u>100.00</u>	
		<u>1047.02</u>
Balance On Hand August 4, 1950 - - - - -		\$1918.52

Chairman Kramer issued instructions that the tabulations of finances of the Administration should be maintained in a cumulative, continuing report showing all receipts and disbursements in order of occurrence. He asked that such a report be prepared for review at the next meeting of the Administration, and that the tabulation be made a part of the annual reports of the Administration.

The Administrative and Legal Committee announced it had no report to make. Chairman Kramer reminded the Administrative and Legal Committee of its assignment, under the by-laws, to prepare the text and content of the Administration's annual report, and he said he was alerting the Committee to this duty, in hopes that a preliminary text could be made available for study and analysis by Administration members, in advance of the formal consideration of the report at the annual meeting.

Rep. Knapp, as chairman of the Engineering Committee, submitted an outline of data intended to be included in the Administration's second annual report, expanding and improving upon information contained in the first annual report. He explained that statistics for Items 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 were being secured from Colorado sources, and the information for Items 5 and 13 would be secured in Kansas. It was announced that no decision had been reached on a satisfactory method of computation for Item 14, and that until such agreement was reached it would not be possible to plan to include Item 14 in the next annual report.

The outline of engineering data proposed for inclusion in the annual report, as submitted by Rep. Knapp, was as follows:

Outline of Engineering Data  
Proposed to be Prepared for Inclusion in the 2nd Annual Report  
of the  
Arkansas River Compact Administration  
for the Fiscal Year 1950

1. Daily discharges, Arkansas River at Pueblo, corrected for transmountain water.
2. Daily discharges, Arkansas River at Las Animas. No correction for transmountain water at that location is needed.
3. Daily discharges, Purgatoire River at Las Animas.
4. Daily discharges, Arkansas River at the Colorado-Kansas State Line.
5. Daily discharges, Arkansas River at Garden City.
6. Inflow into John Martin Reservoir. A table of daily discharges constituting the sum of items 2 and 3.

7. Outflow from John Martin Reservoir. It is assumed that these figures would come from the gaging station located just below John Martin Reservoir.
8. Demands by Colorado for water.
9. Demands by Kansas for water.
10. Releases to Kansas on days of Kansas demand.
11. Diversions by ditches in Colorado Water Districts 14 and 17.
12. Diversions by ditches in Colorado Water District 67.
13. Diversions by ditches in Kansas, State Line to Garden City. As to all ditch diversion data, it was agreed, I believe, that it should be shown by individual ditches and in monthly quantities in acre feet.
14. A report on the computed benefits from the operation of John Martin Reservoir.

The Administration recessed at noon, to reconvene at 1:30 o'clock.

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Afternoon Session  
Friday, August 4, 1950

The Administration resumed its session at 1:30 o'clock.

Chairman Kramer reported that a noon-hour conference on Item 14 of the outline of proposed engineering data for the annual report had failed to reach agreement on a satisfactory method of computation. He stated that further consideration of the problem might be arranged, probably in a conference at Topeka. He stated that if details of Item 14 were not included in the annual report, the Administration could, at its discretion, issue a supplementary report on that matter, augmenting the official annual report.

F. M. Bell, Denver, District Engineer, USGS, reported that the gaging program was progressing. A gaging station at the Colorado-Kansas state line was taken over from the Army Engineers as of July 1. During the approaching winter months, he said, work will be done upriver in the Arkansas Valley to improve gaging stations for the next water year.

Mr. Bell said that Federal funds apparently would be available for financing the gaging program, but there was no present indication of the exact amount to be made available.

Rep. Knapp announced the Engineering Committee had received a report on the re-survey of the lower pool, John Martin Reservoir, made in June, but that no complete study or analysis of the report had been made.

The Secretary submitted figures for the information of the Administration, showing 61,481 acre-feet of water in the John Martin Reservoir, as of the current date, August 4, 1950.

Rep. Mendenhall, as Chairman of the Operations Committee, submitted a report on the committee meeting held May 18 as follows for inclusion in the minutes:

Administration of John Martin Reservoir:

Gentlemen:

On April the 18th, 1950, a meeting of the operations committee was held in the administration's office in the court house at Lamar, Colorado, with the following present:

Hans Kramer  
William E. Leavitt  
Harry C. Nevius  
H. B. Mendenhall - members of the operations  
committee  
John Sharer, Manager of the reservoir  
Messrs. Moor of U.S.G.S. and Smith of the dam  
R. J. McGrath, Water Commissioner of District No. 67

Operation of the reservoir to date was reviewed. It was determined that at the present rate of release that the supply of water in the reservoir would probably be exhausted by approximately July the 5th. It was felt that members of the operating committee should call a meeting of the water users under John Martin Reservoir to acquaint them with the status of their water and the seriousness of the situation. Accordingly such a meeting was called for the evening of April the 22d in the district court room in Lamar, Colorado.

This meeting was well attended by both Kansas and Colorado water users and with a full attendance of the operations committee, as well as Messrs. Sharer, Moor, Smith and R. J. McGrath. The members of the operation committee explained in detail the status of and quantity of water in the reservoir and explained to the users what they might expect if there was no additional inflow. After remarks were made by Messrs. Kramer, Nevius, Sharer and Mendenhall it was then suggested that the water users should go into session for a discussion of their problems.

This was accordingly done with William Wilson of Holly presiding. With few exceptions there was a general disposition to cut the demands for water thereby extending the life of the conservation pool. The results of this meeting was evidenced in a gradual reduction of demands for water.

The operations committee again met in the administration's office in Lamar court house June the 2d with Messrs. Kramer, Nevius and Mendenhall of the operations committee in attendance. There was also present Messrs. John Sharer of the reservoir, Moor, Smith and McGrath. The operation of the reservoir to date was reviewed. The Army Engineers were urged to make a siltation survey and largely through the efforts of General Kramer this report was received June the 19th. The data furnished indicated that a called meeting of the administration would probably be necessary around June the 30th to comply with Article 5F of the compact to give legal notice to the State Engineer in regard to the exhaustion of waters from John Martin Reservoir. Precipitation above and below the dam during the week of June the 11th provided some additional water that enabled the committee to close the gates of the dam for a period of twenty hours. Reduced demands for water resulted from this precipitation, which delayed the necessity of the administration's meeting.

Rep. Nevius reported that, as a result of the meetings on May 18 and June 2, there had been fine, cooperative response resulting in conservation of water in the lower Arkansas Valley.

There was a general discussion of possible water needs. Rep. Mendenhall said he believed there was enough water in the John Martin Reservoir to take care of expectable needs for the remainder of the season, but Rep. Nevius cautioned that a continued dry spell, and drawing of water at the rate of possibly 750 a. f. daily would limit the available supply to only 40 or 50 days, far short of the three months remaining in the 1950 season. Rep. Leavitt warned that Kansas may need water in August and September, and that a possible water crisis was still to be considered.

In further discussion of water releases, Chairman Kramer emphasized that the Administration itself is responsible for any invoking of the provisions of Article V F of the Arkansas River Compact, and that this authority as outlined in Article V F should not, and could not, be delegated to either the Secretary nor the Operations Committee to act in behalf of the Administration. Chairman Kramer declared any action invoking provisions of Article V F should be taken by the Administration, in full session. He commented, however, that the necessity for such action had not yet developed.

Mr. Arthur C. Gordon, Lamar, attorney for the Fort Lyon Ditch Company, appeared and was granted audience by the Administration to present his views and questions on the proper interpretation of the Rules and Regulations.

Mr. Gordon said he had read published Rules and Regulations in the newspapers, and that he, in behalf of the Fort Lyon Canal Company, had no immediate quarrel with the provisions, especially the provisions of 4 (a), if the section "means what it says". Mr. Gordon was assured that the meaning of the article was exactly as worded.



The attorney said he and his company only expected the Administration to act reasonably and promptly, considering all the circumstances involved. Chairman Kramer emphasized that the Administration does not possess power or authority to ration water, but that the Administration can decide when there shall be a change in the system of administering water under the Compact. It was pointed out that the Administration Secretary has daily contact with water needs, and these needs are closely checked for both Colorado and Kansas.

Chairman Kramer declared it would be the policy of the Administration to exercise reasonable judgment in carrying out its Compact assignments.

Mr. Gordon warned of probable silt conditions in the John Martin Reservoir. Rep. Mendenhall assured him that the Operations Committee was already cognizant of the expected problem, and was watching developments in that respect. Mr. Gordon was informed that the Administration did not have a "fixed floor" for the water level in the Reservoir.

Chairman Kramer suggested that the Operations Committee arrange a meeting with C. W. Beach, Pueblo, Irrigation Division Engineer of the state engineer's staff, and water commissioners of the upstream area for a discussion of timing and other factors in use of water. It was considered this meeting could be held in Pueblo on September 15, in connection with the Ditch Association meeting.

In further discussion of the necessity of changing the system of administration of water, under the Compact, Chairman Kramer pointed out that the first duty involves a second duty for the Administration, namely, that the Administration must take the action to change systems, and must also take action to change back again.

Chairman Kramer called attention to the date of the next meeting of the Administration, scheduled for December 12, 1950. He suggested that it would be appropriate and advisable for the Administration to hold a special meeting in October or November, to do preliminary work on the Administration's second annual report.

It was decided that such a meeting will be held in Garden City, Kansas, with the date tentatively selected as Friday, October 20, 1950. The date will be made final if Administration members, in checking their calendars, find no conflict of engagements.

It was also agreed that, in the event an emergency meeting appeared necessary prior to the Garden City meeting, such session would be held in Lamar, Colorado, on call to be issued by William E. Leavitt, vice chairman of the Administration.

The Administration adjourned at 3:15 o'clock.

Harry C. Nevius  
Secretary

Ray E. Peterson  
Recorder

(These minutes were approved by action of the Arkansas River Compact Administration on Friday, October 20, 1950)