

MINUTES OF SPECIAL MEETING OF  
ARKANSAS RIVER COMPACT ADMINISTRATION

Garden City, Kansas  
Friday, October 20, 1950

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 Repre-  
sentatives.

Harry C. Nevius, Lamar, Colorado; 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, Colo.; recorder.

John S. Sharer, Corps of Engineers, Caddoa, Colorado.

Francis M. Bell, District Engineer USGS, Denver, Colorado.

O. A. Schoff, Garden City Ditch Co., Holcomb, Kansas.

L. L. Jones, Garden City.

Charles Bentrup, Kearny County, Kansas.

F. M. Carter, Hamilton County, Kansas.

E. R. McCue, Kearny County, Kansas.

William T. Murray, Amazon Ditch, Deerfield, Kansas.

Edward D. Keyser, Amazon Ditch, Deerfield, Kansas.

Guy M. Vincent, Kansas State Division of Water Resources, Garden City.

R. W. Blackwood, Finney County Water Users Assn., Garden City.

Helen M. Stowell, Associated Ditches, Garden City.

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The meeting was called to order at 11 o'clock (CST) in the court room  
at the courthouse in Garden City, Kansas, by Chairman Kramer.

Minutes of the August 4, 1950 meeting of the Administration, held at  
Lamar, Colorado, were edited by the Administration, and minor corrections  
made. The minutes were approved as edited.

The Chairman, in his report, reviewed his participation in a meeting of the Operations Committee at Pueblo, Colorado, on September 15, 1950, and his attendance at a meeting of the Executive Committee of the Arkansas Valley Ditch Association in Pueblo on the same date.

The Chairman submitted for the record a copy of a communication which he, as Chairman of the Administration, had prepared for the Arkansas-White-Red Basins Inter-Agency Committee, outlining the Administration's interest in the development of the Arkansas River basin, and also the acknowledgement received from Col. Louis W. Prentiss, Chairman of the Inter-Agency Committee.

The communication and acknowledgement are as follows:

"Colonel Louis W. Prentiss, C.E., Chairman  
Arkansas-White-Red Basins Inter-Agency Committee  
c/o Division Engineer, Southwestern Division  
Corps of Engineers  
1114 Commerce Street  
Dallas 2, Texas

September 22, 1950

My dear Colonel Prentiss:

Pursuant to your notice of joint public hearings in connection with the development of comprehensive, integrated plans of improvement for the Arkansas, White and Red River Basins, I submit on behalf of the Arkansas River Compact Administration the following statement for the consideration of your Committee. I am planning to attend the hearings pertaining to the Arkansas River which are scheduled to be held at Dodge City, Kansas October 3, Pueblo, Colorado, October 5 and Little Rock, Arkansas, November 1 and 2, 1950, but in the event I am unable to appear in person, I would appreciate it if you would have this statement placed upon the official records of those hearings.

The primary interest of the Arkansas River Compact Administration in the development of the Arkansas River basin stems from Article IV-D of the Arkansas River Compact (Public Law 82, 81st Congress, 1st Session, approved May 31, 1949) which reads as follows:

"This Compact is not intended to impede or prevent 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."

In connection with the above provision of the Arkansas River Compact, your attention is invited to the following explanatory statement which is contained in my report, as Representative of the United States, to the Congress, April 6, 1949, which appears in the printed Congressional documents covering the committee hearings in the United States Senate and House of Representatives in the 81st Congress, 1st Session, on bills then under consideration to grant the consent of the United States to the Arkansas River Compact:

"The above language was evolved from extensive consultation with the affected Federal agencies. It is intended to leave the door open - as it should be - for beneficial development of the Arkansas River basin in Colorado and Kansas by any and all proper ways and means. But such development, whatever form it may take, must fit into the framework of the proposed compact; it must not disrupt the relationships and rights established thereunder and must not affect adversely the interests of the States and their water users under the compact. Without such safeguards, the interstate controversy would soon be revived and the proposed compact would be wasted effort.

"It is to be presumed that Federal agencies will respect the above provisions as a matter of course in their development plans for the Arkansas River basin. It is also presumed by the compact negotiators that when such plans are submitted to the Governors of the affected States, pursuant to the provisions of the Flood Control Act of December 22, 1944, the Governors of Colorado and Kansas will be especially mindful of the protective provisions of Article IV-D in formulating their official views and recommendations."

I believe that the language of the Compact and the supplementary statement quoted above are self-explanatory. I trust that they will receive appropriate consideration by your Committee in making studies and formulating plans for the comprehensive development of the Arkansas River basin in Colorado and Kansas insofar as such development may affect the Arkansas River Compact. The Arkansas River Compact Administration is not presently advocating to you the adoption of any specific project or program, but the Administration does favor, as a matter of general principle, the adoption of any project or program either below or above John Martin Reservoir which would serve, within the framework of the Compact, to increase the usable quantity or availability of water to the water users in Colorado and Kansas.

As and when the report of your Committee approaches draft stage, or at any other time that you may find appropriate, it might be mutually helpful if an opportunity were afforded me to review and comment on it informally in the light of the Arkansas River Compact. If deemed advisable, I would be glad to confer with any of your sub-committees or staff as your studies with respect to the Arkansas River basin progress.

Respectfully yours

HANS KRAMER

Chairman and Representative of the United States  
Arkansas River Compact Administration

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Brig. Gen. Hans Kramer, USA, Ret. Chairman  
Arkansas River Compact Administration  
220 Bush Street  
San Francisco, California

2 October 1950

My dear General Kramer:

Receipt is acknowledged of your letter of 22 September 1950 in which you inclosed a statement for consideration of the Arkansas-White-Red Basins Inter-Agency Committee. It is sincerely hoped that you can attend the hearings pertaining to the Arkansas River but if not you may be assured that your statement will be placed upon the official records of the hearings.

The matter of interstate rights and problems is of primary concern to the Inter-Agency Committee and the first task assigned the Hydrologic Subcommittee created at the initial meeting of the Committee was to prepare a report on availability of water at state boundaries and the jurisdictional rights and problems of the several states with respect to these waters. Every effort has been made to have the states participate in this study, particularly with regard to the jurisdictional aspects of the report.

The Governor of Colorado has appointed Mr. Clifford H. Stone as the coordinator of that state's activities on the Inter-Agency Committee and Mr. George S. Knapp has been acting in the same capacity for the State of Kansas. With their intimate knowledge of the problems as members of the Arkansas River Compact Administration they will be in an excellent position to safeguard the rights established by the compact. Mr. R. V. Smhra of Kansas and Mr. R. M. Gildersleeve of

Colorado who are also familiar with the provisions of the compact are participating in the Hydrologic Subcommittee report mentioned above.

Your willingness to review the report and to confer with subcommittees and staff members is appreciated and will be brought to the attention of the Committee.

Sincerely yours,

s/ Louis W. Prentiss

LOUIS W. PRENTISS  
Colonel, CE, U. S. Army  
Chairman, Arkansas-White-Red Basins  
Inter-Agency Committee

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The Chairman further reported he had received a communication from Col. Charles H. McNutt, Corps of Engineers, Albuquerque, N. M., regarding Muddy Creek Dam. He reported that he had informed Colonel McNutt that the Administration has no jurisdiction in this matter, but that it is under the jurisdiction of the State Engineer of Colorado.

Referring to developments at the Pueblo meeting of the Operations Committee of September 15, the Chairman announced that the proper and explicit interpretations of Article V F of the Arkansas River Compact had again been raised, and since that time he had given the interpretation considerable thought.

The Chairman commented that while there was nothing in the wording of the Article to prohibit arbitrary action by the Administration, nevertheless it was intended by the framers of the Compact that any action by the Administration would be to assure continuity of flow in the stream. He proposed that, in view of repeated inquiries as to exact interpretation of the Article, there should be clarifying language approved by the Administration, and included in the Rules and Regulations, if necessary.

The referred-to Article of the Compact is worded as follows:

"Article V F. In the event the Administration finds that within a period of fourteen (14) days the water in the conservation pool will be or is liable to be exhausted, the Administration shall forthwith notify the State Engineer of Colorado, or his duly authorized representative, that commencing upon a day certain within said fourteen (14) day period, unless a change of conditions justifies cancellation or modification of such notice, Colorado shall administer the decreed rights of water users in Colorado Water District 67 as against each other and as against all rights now or hereafter decreed to water users diverting upstream from John Martin Dam on the basis of relative priorities in the same manner in which their respective priority rights were administered by Colorado before John Martin Reservoir began to operate and as though John Martin Dam had not been constructed. Such priority administration by Colorado shall be continued until the Administration finds that water is again available in the conservation pool for release as provided in this Compact, and timely notice of such finding shall be given by the Administration to the State Engineer of Colorado or his duly authorized representative; Provided, that except as controlled by the operation of the preceding provisions of this paragraph and other applicable provisions of this Compact, when there is water in the conservation pool the water users upstream from John Martin Reservoir shall not be affected by the decrees to the ditches in Colorado Water District 67. Except when administration in Colorado is on a priority basis the water diversions in Colorado Water District 67 shall be administered by Colorado in accordance with distribution agreements made from time to time between the water users in such District and filed with the Administration and with the State Engineer of Colorado or, in the absence of such agreement, upon the basis of the respective priority decrees, as against each other, in said District."

Rep. Knapp pointed out that the transcript of discussions of the Compact Commission contained clear interpretation of the intent of Article V F, and that the Record could be consulted by anyone interested in studying the background and purpose of Article V F.

Chairman Kramer agreed that the Record contained all necessary information, but he maintained that the data was scattered throughout the Record, and not in concise, detailed form to be referred to handily. This circumstance, he said,

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would be reason enough to prepare an all-inclusive interpretation, for easy access.

Rep. Stone stated that, rather than inserting a mere motion into the minutes of an Administration meeting, the proper procedure to accomplish the desired interpretation of Article V F would be to prepare and adopt a carefully worded amendment to the Rules and Regulations.

Chairman Kramer proposed that the Legal Committee prepare an initial draft of an interpretation of Article V F, and submit its recommendation at the December meeting of the Administration. Rep. Knapp suggested that Chairman Kramer as ex-officio member of the legal Committee should prepare the rough draft of the interpretation, inasmuch as the Chairman had participated in discussions on the subject and was familiar with the specific phases on which further explanation was desired. The assignment suggested by Rep. Knapp was accepted by Chairman Kramer.

Rep. Nevius, in his report as secretary, announced that 1951-1953 budget requests had been prepared for submission to the Governors of the states of Colorado and Kansas, for appropriations at the next session of the respective Legislatures, calling for \$5,000 a year for the Administration (\$10,000 for the biennium), to be furnished 60 per cent by Colorado and 40 per cent by Kansas.

He commented on the meeting of the Operations Committee at Pueblo on September 15 which, in addition to Chairman Kramer, had been attended by himself, Harry B. Mendenhall and C. W. Beach. He reported attending the field hearing of the Arkansas-White-Red Basins Inter-Agency Committee, held at Pueblo.

The Secretary reminded the Administration that selection of a certified public accountant to audit the books of the Administration should be made, so that an audit could be completed in time to be included in the 1950 annual report.

It was moved by Rep. Tate and seconded by Rep. Stone that the Secretary be empowered to select and employ a qualified auditor and that the audit be completed prior to the December 12 meeting of the Administration.

On rollcall, the motion was unanimously carried.

Following the Secretary's comment that the need for daily gage readings at the Holly Drain would be concluded at the end of October, it was decided to abandon daily gage readings as of October 31, and depend on the records of the automatic gage during the winter months. Daily gage readings are to be resumed as needed in 1951.



In the capacity of Treasurer, Rep. Nevius presented the following report of the Administration's finances:

ARKANSAS RIVER COMPACT ADMINISTRATION

Report of Harry C. Nevius, Treasurer, October 20, 1950.

Revenues--

Assessments			
Sept. 12, 1949 Call for \$2000.00			
Colorado 60% Oct 27	\$1200.00		
Kansas 40% Oct 27	<u>800.00</u>		\$2000.00
March 24, 1950 Call for \$1333.33			
Colorado 60% June 12	800.00		
Kansas 40% July 3	<u>533.33</u>		
			<u>1333.33</u>
			\$3333.33

Disbursements:

Expenditures--

1. 12-13-49 James L. Wade, Agent Nat'l Surety Corp.	50.00	
2. 1-28-50 Out est Printing & Stationery Co	26.02	
3. 1-28-50 Lamar Daily News	26.75	
4. 2-4-50 Peerless Printing Co	245.00	
5. 3-22-50 Out West Printing & Stationery Co	20.02	
6. 4-17-50 Garden City Telegram	244.77	
7. 4-17-50 Lamar Daily News	110.00	
8. 5-29-50 Lamar Daily News	10.25	
9. 6-1-50 Secretary Salary, Apr & May	200.00	
10. 6-1-50 W. R. Patterson	61.50	
11. 5-29-50 Peerless Printing Co	50.00	
12. 6-5-50 Mtn. States T & T Co	19.70	
13. 7-15-50 Mtn. States T & T Co	27.40	
14. 7-15-50 Secretary Salary June	100.00	
15. 7-15-50 W. R. Patterson	45.00	
16. 8-2-50 Western Union	3.80	
17. 8-2-50 Mtn. States T & T Co	28.10	
18. 8-2-50 W. R. Patterson	46.50	
19. 8-2-50 Secretary Salary July	100.00	
20. 9-22-50 Mtn. States T & T Co	9.70	
21. 9-22-50 William R. Patterson	46.50	
22. 9-22-50 Secretary Salary	100.00	
23. 10-18-50 James L. Wade, Agent, Nat'l. Surety Corp	50.00	
24. 10-18-50 Mtn. States T & T Co	11.45	
25. 10-18-50 William R. Patterson	45.00	
26. 10-18-50 Secretary Salary	100.00	
27. 10-18-50 Lamar Daily News	<u>12.25</u>	
Balance on hand First National Bank, Lamar, Colo		<u>1789.71</u>
		1543.62

Chairman Kramer informed the Administration that a new federal law would permit up to \$10,000 on deposit in a single bank, whereas the Administration still recognized the previously-permitted maximum of \$5,000.

It was moved by Rep. Tate and seconded by Rep. Henden- denhall that the Administration re-adopt its resolution of Nov. 14, 1949 regarding bank deposits, but substituting the figure of \$10,000 to replace the figure of \$5,000 as the maximum amount to be permitted for deposit in one bank.

On rollcall, the Administration's resolution of Nov. 14, 1949 on bank deposits was declared rescinded, and the revised resolution with the \$10,000 maximum figure adopted unanimously.

The text of the revised resolution on bank deposits is as follows:

WHEREAS, the activities of the Arkansas River Compact Administration are financed by funds made available by the States of Colorado and Kansas, under the provisions of the Arkansas River Compact, and such Administration is responsible and accountable to such States for the proper handling and expenditure of such money; and

WHEREAS, appropriate security should be provided in the deposit of such funds in any bank or banks, designated by the Administration as depository, in addition to the bond required of the Secretary-Treasurer of the Administration;

NOW, THEREFORE BE IT RESOLVED, That if the Arkansas River Compact Administration should request and receive a total amount of funds from the States of Colorado and Kansas exceeding \$10,000 in its hands at any one time, then arrangements shall be made by the Secretary-Treasurer of the Administration with the depository bank, in the usual and approved manner, for the protection of such deposit, or in lieu of such arrangements, Administration funds, where the total amount in its hands at any one time exceeds \$10,000 shall be deposited in two banks, approved as depositories by the Administration, it being the intent and purpose of this resolution to assure protection of Administrative funds on deposit in banks which exceed the amount secured under the Federal Deposit Insurance Corporation.

In response to inquiry, Secretary Nevius reported that telephone and telegraph charges were being billed to the Administration on a tax-exempt basis.

Chairman Knapp of the Engineering Committee submitted a rough draft of text of engineering comments to appear in the Annual Report. Francis M. Bell reported that R. M. Gildersleeve, Chief Engineer of the Colorado Water Conservation Board, had prepared statistical tables on diversions for Districts 14, 17 and 67, complete except for the last month of the irrigation season, which would be submitted to Rep. Knapp and included in the engineering data for the Annual Report.

The Administration recessed at 12:30 o'clock for lunch.

AFTERNOON SESSION  
October 20, 1950

The Administration reconvened at 2 o'clock.

Rep. Mendenhall of the Operations Committee reported 66,183 acre feet of water in John Martin Reservoir as of the morning of October 20. John S. Sharer announced present releases from the reservoir were for Colorado demands, in the amount of 415 feet.

Rep. Knapp reported discharges of the Arkansas River at Garden City from July to October, as follows: July--8,082 feet; August--22,455 feet; September--14,053 feet; and October through October 14--5,228 feet, for a total of 49,818 feet.

Chairman Stone of the Legal Committee submitted as a report from himself and Rep. Tate a rough draft of text material proposed as copy for the 1950 Annual Report. He suggested that Administration members review the outline, and suggest changes that might be desired, so the Legal Committee might revise the draft with appropriate language.

Following various comments and suggestions given to the Legal Committee, Chairman Kramer instructed the Committee to prepare a new rough draft of the 1950 Annual Report, and place such copy with each member of the Administration at least a week prior to the December meeting, to give all members an opportunity for personal review.

In announcing the next meeting to be the Annual Meeting of the Administration at Lamar on December 12, Chairman Kramer commended the arrangements made for the meeting at Garden City, thanking those responsible for the use of the court room and accommodations. The Chairman suggested that the Administration should consider meetings in the future at places other than the headquarters city of Lamar, in order to become acquainted with the area served by the Arkansas River Compact.

The meeting 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 Tuesday, December 12, 1950).