

MINUTES OF  
ARKANSAS RIVER COMPACT ADMINISTRATION  
SPECIAL MEETING

Tuesday October 30, 1951  
La Junta, Colorado

Attendance---

Brig. Gen. Hans Kramer, San Francisco, Calif.; Representative of the  
United States 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:

William E. Leavitt, Garden City; Administration Vice Chairman  
Roland H. Tate, Garden City, Kansas  
R. V. Smrha, Topeka

Others Attending:

Ray E. Peterson, Administrative Assistant, Colorado Water Cons. Board  
J. E. Lewis, Supt., High Line Canal Company, 785 Main, Rocky Ford, Colo.  
Ross W. Moor, U.S.G.S., Lamar, Colorado  
Guy H. Vincent, Kansas State Division of Water Resources, Garden City, Kans.  
Harry C. Reese, Chamber of Commerce, La Junta, Colorado

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The October 30, 1951 special meeting of the Arkansas River Compact Administration was called to order in the Chamber of Commerce meeting room at La Junta, Colorado, at 10 o'clock by Chairman Kramer.

The minutes of the July 24, 1951 meeting of the Administration were taken up for consideration. Representative Stone recommended that the minutes of the Special Committee, which met on July 23 to formulate Administration comments on the proposed Fryingpan-Arkansas Project, be included as an appendix to the Administration minutes of July 24. The Committee Report was ordered included as an appendix to the July 24 meeting with an explanatory paragraph appearing in the Administration minutes. With this amendment, the Administration minutes for July 24, 1951 were officially approved.

General Kramer gave his report as Chairman of the Administration. He stated that, pursuant to the July 24 meeting, he had submitted the Administration's comments on the proposed Fryingpan-Arkansas Project to the Secretary

of the Interior and had received acknowledgment thereof. Copies of this correspondence were ordered placed in the record, and are as follows:

August 13, 1951

Honorable Oscar L. Chapman  
The Secretary of the Interior  
Washington 25, D. C.

My dear Mr. Secretary:

I am pleased to acknowledge that, in response to the request contained in my letter of April 3, 1951, a copy of your proposed report on the Initial Development (Roaring Fork Diversion), Gunnison-Arkansas Project was duly furnished to the Arkansas River Compact Administration by the Commissioner of Reclamation.

The Arkansas River Compact Administration, at a meeting on July 24, 1951, adopted comments and recommendations on your proposed report in the form of a resolution, a copy of which is furnished herewith for your information. You will note that the resolution provides for its transmittal to the Governors of Colorado and Kansas with the request that it be submitted to you with their official state comments and recommendations under the provisions of the Flood Control Act of 1944.

Sincerely yours,

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

August 22, 1951

Honorable Hans Kramer  
Chairman and Representative of the United States  
Arkansas River Compact Administration  
220 Bush Street  
San Francisco, California

My dear General Kramer:

The Secretary of the Interior has asked us to acknowledge receipt of and thank you for your letter of August 13, with which

you furnished him with a copy of the resolution pertaining to the Initial Development (Roaring Fork Diversion), Gunnison-Arkansas Project, that was adopted by the Arkansas River Compact Administration at its meeting of July 24, 1951.

You will be pleased to know that this resolution has been included as a part of the official comments of the States of Colorado and Kansas, and will thus be transmitted to the Congress along with the report.

Sincerely yours,

(Sgd) Wesley R. Nelson  
Acting  
Commissioner

The Chairman reported also that he had attended the 1951 annual meeting of the National Reclamation Association at Amarillo, Texas.

Referring to the Fryingpan-Arkansas Project, Chairman Kramer directed that the state comments on the Project, as prepared by the States of Colorado and Kansas, be included as part of the minutes of the current meeting of the Administration. The two State comments are attached to these minutes as appendices.

Rep. Nevius submitted his report as Secretary. He stated that certified copies of the Administration's comments on the proposed Fryingpan-Arkansas Project had been prepared and distributed as directed by the Administration.

He announced that a Colorado voucher for \$1,923.82 had been received by the Administration, such payment by Colorado thereby matching in full percentage the payments previously made by Kansas.

He said he had received from Rep. Stone a copy of a recommended letter, to be signed by the Secretary and sent to the Commissioner of Internal Revenue, to request tax exemptions for the Administration under Sections 3465, 3469 and 3475 of the Internal Revenue Code. It was explained that the expected reply from the Commissioner of Internal Revenue would make the necessary official record approving the tax exemptions requested.

The Secretary called attention to the requirement that the Administration select the certified public accountant to make the annual audit of the Administration financial records.

It was moved by Rep. Mendenhall and seconded by Rep. Tate that the Secretary be instructed to make the same arrangements as in 1950 with Mr. Robert W. Rollins, certified public accountant of La Junta, Colorado, to make the 1951 audit at a compensation to be approved by the Secretary.

The Chairman ordered the motion carried, without objection, but added the instruction that the audit should be completed in time for review by the Administration at its annual meeting on December 11, 1951 at Lamar.

The Secretary announced receipt of a letter from Col. Charles H. McNutt, District Engineer, Corps of Engineers, Albuquerque, New Mexico, describing folders available on the A-W-R Basin program. The Administration decided not to request folders for circulation inasmuch as both Colorado and Kansas announced adequate coverage in the Arkansas Valley in the two States.

In his report as Treasurer, Rep. Nevius stated that the figures were not complete for the report-year inasmuch as the report-year would not end until October 31, and some additional bills were expected to be presented for payment.

His report of finances, dated October 30, 1951, was submitted for the record as follows:

ARKANSAS RIVER COMPACT ADMINISTRATION  
Report of the Treasurer, October 30, 1951

Balance on hand, October 31, 1950					\$1,386.27
Assessment March 27, 1951					
State of Kansas	40%	May 22	\$1,333.33	\$1,333.33	
State of Colorado	(60%	June 30	76.18		
	(	Aug. 20	1,923.82	2,000.00	
			<u>\$3,333.33</u>		<u>3,333.33</u>
					\$4,719.60

Expenditures:

Voucher 31 to 39, March 27, Report	943.05
Voucher 40 to 48, July 24, Report	529.04

Voucher	Date			
49	Sept. 21	Mt. States T & T July, Aug. Service, Tolls	36.05	
50	Sept. 21	Secretary Salary July, Aug.,	200.00	
51	Oct. 24	J. L. Wade, Agt. Natl. Surety Corp. Secretary-Treasurer Bond	50.00	
52	Oct. 24	Secretary Salary Sept.	100.00	
53	Oct. 24	Mtn. States T & T Co, Sept. Service, Tolls	11.20	
			<u>\$1,869.34</u>	<u>\$1,869.34</u>
Balance October 30, 1951				\$2,850.26

Rep. Nevius recommended the purchase of a typewriter for Administration use, explaining that much of the Administration typing was now being done on a borrowed machine. Following Mr. Nevius' comments, Chairman Kramer declared the minutes would show that need for a new typewriter had been explained, and that the Administration authorized Rep. Nevius to purchase a machine, the cost thereof having been previously budgeted.

The report of the Operations Committee was submitted by Rep. Mendenhall as follows:

On July the 24th there was a storage of 79,666 acre feet of water in John Martin Reservoir, which was the peak storage during the period covered by this report. The releases at that time were 650 cfs, but were increased on July the 28th to 1,250 cfs to provide 450 cfs for Kansas at the state line. Practically the same amount covered the daily releases until August the 7th at which time the flood waters down Wolf Creek occasioned reduction of releases to 800 cfs and further reductions in demands brought the releases down to a minimum of 450 cfs on August the 13th. The releases were gradually increased from 950 to 1,000 cfs until September the 5th when the gates were closed on account of rains in May Valley, Lamar and Hartman. They were again opened on September 6th with a release of 630 cfs, reduced to 320 cfs on September the 8th, a further reduction of 90 feet on the 9th with only a slight variation upward to 425 cfs until October the 5th when the releases stood at 625 cfs until October the 8th.

Releases were gradually reduced to 425 cfs until October the 16th; then 365 cfs to October the 20th; then to 325 cfs until the present time. Today there is in storage 22,500 acre-feet. The river flow is practically nil with only a small amount of water available to supply the ditches above John Martin Reservoir. Unless we have a heavy precipitation of either snow or rain the prospects do not seem bright for winter storage.

Rep. Smrha, Chairman of the Engineering Committee, stated his Committee had no special report, except to announce the installation of recording gages for two additional Hamilton County (Kansas) ditches. He said the Engineering Committee would be preparing data for the 1951 annual report of the Administration and he suggested general discussion as to tables and statistical details needed. It was decided, after discussion, that the 1951 annual report would be enlarged in its appendices to include a table on daily storage in John Martin Reservoir and also a graph to summarize the Arkansas River water situation, with graph lines covering John Martin Reservoir storage, reservoir inflow, reservoir outflow and also the State Line flow.

Chairman Kramer suggested an Engineering Committee conference in Denver in advance of the December 11 annual meeting to correlate the hydrological data for the annual report. It was agreed that such conference would be early in November on a date acceptable to all expected participants--F. M. Bell,

R. M. Gildersleeve, R. V. Smrha, Harry C. Nevius and Administration Chairman Kramer.

Rep. Smrha accepted the assignment to write the text of the paragraph relating to "Water Supply, Reservoir Operation and Hydrological Data" for the 1951 report, taking over a responsibility formerly handled by his predecessor, Mr. George S. Knapp.

The Administration recessed for the noon hour.

#### AFTERNOON SESSION

The afternoon session of the Administration was called to order at 1:20 o'clock.

Rep. Stone reported on the status of the Fryingpan-Arkansas Project report in Washington, saying that all comments were in, and none were adverse, although some States did not file at all or in time. The report has been released by the Secretary of the Interior to the Bureau of the Budget and to Congress. A preliminary draft of an authorization bill is being prepared and will be introduced by Congressman J. Edgar Chenoweth when the 82nd Congress reconvenes.

The Administration took up preparation of its 1951 report, using a rough draft outline prepared by its Administrative Committee. This draft was discussed in detail. Rep. Stone recommended that the report be titled with a better definition of the report-year (instead of merely designating calendar year) and that the report be condensed by eliminating verbatim quotes from the Compact itself.

Rep. Stone emphasized the difficulty of making financial statistics clear in the annual report inasmuch as three periods were interwoven--fiscal, calendar and report years. He suggested that the Administration's proposed fiscal year budget be made a part of the annual report. Following discussion, it was decided to include budget figures in the annual report.

The Administration reviewed its budget for the fiscal year July 1, 1952 to June 30, 1953, which had been adopted August 4, 1950, for the purpose of revising various item estimates on the basis of actual experience and needs. Rep. Stone reported that budget figures for all Colorado appropriations had been called for by the State Controller, and he advised that the Administration take action to decide what working budget would actually be needed to carry out the functions of the Administration.

Following analysis of each item of the Administration's operations, and adjustments made on the estimates therein, it was moved by Rep. Stone and seconded by Rep. Tate that the proposed budget for the Arkansas River

Compact Administration for fiscal year, July 1, 1952 to June 30, 1953 be revised and approved as follows:

REVISED BUDGET  
ARKANSAS RIVER COMPACT ADMINISTRATION  
For fiscal year July 1, 1952 to June 30, 1953

Personal Services		\$ 1,800.00
Secretary Salary	\$ 1,200.00	
Gage Reports	500.00	
Professional Services (Audit of Accounts)	100.00	
Capital Outlay		300.00
Maintenance and Operation		1,700.00
Bond, Treasurer	50.00	
Printing	600.00	
Official Publications	100.00	
Travel Expense-Secretary and Employees	150.00	
Typing and mailing	200.00	
Investigation and Inspection	150.00	
Telephone and Telegraph	300.00	
Office Supplies	150.00	
TOTAL BUDGET		<u>\$ 3,800.00</u>

Estimated Carry-over as of June 30, 1952. . . . .	\$ 800.00
Balance to be paid by States for Fiscal Year 1952-1953 . . . . .	3,000.00
Payable by Colorado under Article VIII E(1) of the Compact (60%). . . . .	\$ 1,800.00
Payable by Kansas under Article VIII E(1) of the Compact (40%). . . . .	1,200.00

On rollcall of the States, the motion to approve the budget carried unanimously and was declared adopted.

The Secretary-Treasurer was instructed to transmit to the appropriate officials of the States of Colorado and Kansas a copy of the approved revised budget for the fiscal year 1952-53, and to explain that the budget, as submitted, is a modification of the previous totals for the fiscal year made under a former biennium estimate.

Chairman Kramer requested that the office of Rep. Stone prepare, in behalf of the Administrative Committee, a redraft of the proposed annual report for 1951, embodying the modifications approved by the Administration at today's meeting. The redraft, in as complete a form as possible, will be made available to members of the Administration for their study and analysis prior to the Administration's annual meeting which will be December 11, 1951 at Lamar.

The Administration adjourned at 3 o'clock.

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Hans Kramer, Chairman

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Harry C. Nevius, Secretary

Attest:

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Ray E. Peterson, Recorder.

(These minutes were approved by action of the Arkansas River Compact Administration on Tuesday, December 11, 1951, at Lamar, Colorado.)



OFFICIAL COMMENTS AND RECOMMENDATIONS

of the

STATE OF COLORADO

on the

INITIAL DEVELOPMENT, GUNNISON-ARKANSAS PROJECT  
ROARING FORK DIVERSION, COLORADO

(Project Planning Report No. 7-8a.49-1, Bureau of Reclamation,  
Department of the Interior, dated January, 1950)

August 7, 1951

The Secretary of the Interior

Sir:

On behalf of the State of Colorado and pursuant to Section 1 of the Act of December 17, 1944 (58 Stat. 887), there are herewith transmitted the comments, views and recommendations of the State of Colorado concerning the initial development of the Gunnison-Arkansas Project, Roaring Fork Diversion, being Project Planning Report No. 7-8a.49-1, Bureau of Reclamation, Department of the Interior, dated January, 1950.

These comments, views and recommendations are submitted under the authority of Chapter 265, Session Laws of Colorado, 1937, creating the Colorado Water Conservation Board, and defining its functions in accordance with the designation of such Board by the Governor of the State of Colorado pursuant to Section 1 of the Act of December 17, 1944 (58 Stat. 887) as the official State agency to act in such matters.

The comments, views and recommendations of Colorado submitted herewith are as follows:

1. Colorado recognizes that the waters of the Arkansas River in the Colorado portion of the Upper Arkansas River Basin are over-appropriated and that serious loss in crop production on presently irrigated farm land results. Stabilized agricultural economy in the area requires supplemental water supplies. Additional quantity and better quality of domestic and municipal water are critically needed in the Arkansas Valley, Colorado, for the cities of Colorado Springs, Pueblo and various Valley towns. New sources must be found if necessary and dependable water supplies for a growing population are to be provided. The best economy and the most efficient use of limited sources of water require multiple-use project development which will serve the needs of agriculture,

requirements for domestic and municipal water supplies, flood control, the preservation of recreational and fish and wildlife values and the production of hydroelectric power. Neither further retirement of presently irrigated land to meet necessary and pressing municipal requirements for water nor project development designed to serve a single purpose would be consonant with the most desirable economic advancement of Colorado, or with the highest utilization of its limited water supplies.

2. Colorado concurs in the findings of the Project Report that the project described therein is engineeringly feasible, economically justified, and financially feasible, and that the proposed plan for the payment of reimbursable capital costs is in accordance with the Federal reclamation law.

3. The allocation of capital costs as between the various project features, including a nonreimbursable allocation to flood control and fish and wildlife preservation, is considered reasonable.

4. It is recognized that the allocation to the various project purposes of annual operation, maintenance and replacement costs has been made to correspond to the allocation of capital costs. Colorado recommends that an authorization of the project shall not preclude a readjustment of operation, maintenance and replacement charges as between municipal and domestic users and power and irrigation users which might more accurately reflect the actual use of water by said users.

5. It is also recommended that the authorization of the project include the Valley Pipe Line as referred to in said report for the use and benefit of the various Valley towns.

6. Colorado calls attention to the fact that the project, its operation, maintenance and the use of Colorado River water thereunder, must be subject to the provisions of the Colorado River Compact of November 24, 1922 (House Document 605, 67th Congress, Fourth Session), the Upper Colorado River Basin Compact of October 11, 1948 (Public Law 37, 81st Congress, First Session), and the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057-1064). Further reference to this matter appears in these comments in connection with the subject of "Operating Principles." The features of the project and their operation for the storage and re-regulation of the native waters of the Arkansas River are subject to the provisions of the Arkansas River Compact of December 14, 1948 (Public Law 82, 81st Congress, First Session) between Colorado and Kansas. On July 24, 1951, the Arkansas River Compact Administration, an agency created by the Compact for its administration, after a review of the project report and consideration of the effect of the operation of the proposed project on the administration of the provisions of the Compact, adopted the following resolution:

"WHEREAS there has been submitted to the States of Colorado and Kansas by the Secretary of the Interior, in accordance with provisions of Section 1 of the 1944 Flood Control Act, a report of the Bureau of Reclamation on the proposed Initial Development, Gunnison-Arkansas Project, Roaring Fork Diversion, Colorado (Project Planning Report No. 7-8a.49-1) and such States are required to transmit to the Secretary of the Interior

their respective official comments and recommendations on the report and proposed development; and

"WHEREAS the Arkansas River Compact Administration, an official interstate body created by the Arkansas River Compact and charged with the administration of such Compact, is interested in the proposed development to the extent that its construction and operation shall not interfere with the rights, interests and obligations of Colorado and Kansas under the Compact;

"NOW BE IT RESOLVED by the Arkansas River Compact Administration that the following comments and recommendations relating to said report of the Secretary of Interior, to wit:

"The Arkansas River Compact Administration submits these comments and recommendations to the Governors of Colorado and Kansas respecting the proposed Initial Development, Gunnison-Arkansas Project, Roaring Fork Diversion, Colorado, namely:

"1. The Administration understands that the project plan proposes:

"(a) The importation by appropriate project works of approximately 70,000 acre-feet of water a year from the Colorado River Basin to the Arkansas River Basin for supplemental irrigation and domestic water supplies in Colorado and for the production of hydroelectric energy.

"(b) In connection with such importation of water and its regulation in the Arkansas River Valley by project works, the re-regulation of native waters of the Arkansas River (the term 'native waters,' as herein used, being those waters covered and defined by Art. III-B of the Arkansas River Compact).

"2. The interstate water relations of Colorado and Kansas with respect to the Arkansas River do not justify any objection to the proposed project development for the importation of Colorado River water (described in sub-paragraph (a) above).

"3. The re-regulation of native waters of the Arkansas River (native waters being as above mentioned) concerns the Arkansas River Compact Administration and both Colorado and Kansas in complying with the provisions of the Arkansas River Compact and maintaining the benefits and obligations of the two states under that Compact. To that end, it is recommended to the Governors of Colorado and Kansas, and expressed as a policy of the Arkansas River Compact Administration, that the Initial Development, Gunnison-Arkansas Project, Roaring Fork Diversion, Colorado, as set forth in

Project Planning Report No. 7-8a.49-1 of the Bureau of Reclamation, be approved; provided, however, that there shall be no re-regulation of native waters of the Arkansas River as proposed in such report until a plan of operation, rules, regulations, procedures and agreements in furtherance thereof, including any pertinent agreements between the Corps of Engineers and the Bureau of Reclamation, shall have been submitted to, and approved by, the Arkansas River Compact Administration and the affected water users.

- "4. It is the purpose and intent of these recommendations that the proposed project development shall not interfere with or defeat the rights, interests and obligations of Colorado and Kansas under the Arkansas River Compact.

"be transmitted to the Governors of the States of Colorado and Kansas and such Governors be and are hereby requested to submit the same to the Secretary of Interior with their official State comments and recommendations upon said proposed project and development."

Colorado interprets and understands that Paragraph three (3) of the Resolution of the Arkansas River Compact Administration is controlled by Paragraph four (4) thereof; and that the words "affected water users" in said Paragraph three (3) mean only water users in the State of Colorado so long as Colorado complies with the terms of said Compact.

7. Paragraph 74, pages 27 to 33, both inclusive, under the heading "Operating Principles," contains the "Operating Principles" which the report explains were recommended by a Policy and Review Committee set up by the Colorado Water Conservation Board to study and review plans and reports on the first stage of the Gunnison-Arkansas Project. This committee was composed of representatives of the Board, the Colorado Game and Fish Commission, Western Colorado, the Arkansas Valley and the City of Colorado Springs. The report fails to explain that such committee was required to report to the Colorado Water Conservation Board and its recommendations would not be effective until approved by that Board. The report on the project does not disclose what action was taken by the Board nor does it contain all of the recommendations of the Policy and Review Committee. Some of the matters contained in the report of the committee are not strictly concerned with project operation, but are related to, and constitute a material part of, such "Operating Principles."

The recommendations of the Policy and Review Committee were revised and approved by the Colorado Water Conservation Board on February 22, 1951. (See letter with attachments of the Director of the Colorado Water Conservation Board dated February 27, 1951, and addressed to the Director of Region 7, Bureau of Reclamation). Paragraph 74, pp. 27 to 33, both inclusive, of the report correctly sets forth that part of the report of the Policy and Review Committee, designated Article II "Operating Principles," as revised and approved

by the Colorado Water Conservation Board, but it omits other material portions of the Committee's report as revised and approved by the Board, namely:

\* \* \* \* \*

"The action of the Policy and Review Committee will be presented to the Colorado Water Conservation Board for such action as the Board deems proper.

"The action of the Colorado Water Conservation Board will be incorporated in the official comments of the State of Colorado, made pursuant to Section 1 of the 1944 Flood Control Act.

"The authorization of the project will recognize the Operating Principles approved by the Colorado Water Conservation Board.

"Prior to commencement of project construction, the following conditions precedent must be satisfied.

"(a) There will be executed a payment contract between the Eastern Colorado Conservancy District and the United States in which will be incorporated the approved Operating Principles.

"(b) There will be executed such contract with the Twin Lakes Reservoir and Canal Company as is necessary to make effective the approved Operating Principles.

"(c) The Eastern Colorado Conservancy District will firmly bind itself to the operation of the project in accordance with the approved Operating Principles.

\* \* \* \* \*

"It is recommended that this project shall hereafter be referred to as the Fryingpan-Arkansas Project. Approval of this provision by Eastern Colorado representatives shall not be implied as an abandonment of their expressed intention to obtain approval of a project from the Gunnison River nor shall approval of this provision by Western Colorado representatives be construed as any consent on their part to the authorization of a project for the exportation of water from the Gunnison River to Eastern Colorado.

"The Committee recognizes that the approval of this report is not to serve as a precedent or example for the approval of any other trans-mountain diversion of major proportions not heretofore authorized.

"The policy of the State of Colorado as initiated in statewide meetings held under the auspices of the State Planning Commission at Denver and

Grand Junction, and as evidenced by resolutions dated June 15, 1935, and February 28, 1936, was not adhered to because surveys of the character mentioned in said resolutions were not available to the Committee. Nothing herein contained shall be deemed or construed as a precedent for Federal projects not heretofore authorized until adequate surveys have been made and the necessary data are available so that a general allocation or apportionment of the waters of the Colorado River, allocated for consumptive use in the State of Colorado, under the Upper Colorado River Basin Compact, may be made between Eastern Colorado and Western Colorado, as distinguished from an attempt to execute such State policy by a piecemeal or series of partial allocations, any of which may seriously interfere with a complete, over-all State program."

Paragraph 88 of the report under the heading "Recommendations," states:

"E. The project be operated under the direction of the Secretary of the Interior in accordance with the Operating Principles set forth in this report or as Principles may be modified in the future by agreement between the Secretary and the Commission established by the State of Colorado."

It is understood that the Operating Principles, mentioned in this quotation from the report, are those set forth in Paragraph 74, pp. 27 to 33, both inclusive, and that the "Commission" mentioned therein is the Commission which may be created in the manner and for the purpose set forth in Paragraph 17 of the Operating Principles. (See p. 33 of the report.)

Colorado's approval of the plans set out in the report and of the authorization of the project is conditioned upon compliance with the Operating Principles set forth in the report (see Paragraph 74, pp. 27 to 33, both inclusive) and also full recognition and compliance with those portions of the Policy and Review Committee's report, as revised and approved by the Colorado Water Conservation Board, which are omitted from the report and which are hereinabove set out; except that as to the name of the project, it is recommended and urged that in an appropriate manner the project should hereafter be known and referred to as the "Fryingpan-Arkansas Project." It is noted from the letter of the Commissioner of Reclamation to the Secretary of the Interior, contained in the report, that it is stated:

" \* \* \* \* This development is designed as a self-contained unit, and its construction would not imply a commitment for developing future water supplies in the Gunnison River Basin for diversion to the Arkansas River Basin."

Colorado approves this statement but such a statement lends weight to the reason for changing the name of the project as herein recommended. Diversion from the Fryingpan River to the Arkansas River has no relation to the Gunnison River. It is not proposed under this "self contained" project to divert water to the Arkansas Basin from the Gunnison River. The identification of the project on the cover of the report and used throughout the report --

"Initial Development, Gunnison-Arkansas Project, Roaring Fork Diversion, Colorado" — is a misnomer and misleading, and in the future may, in some manner, lead to unwarranted implications. In addition to the recommended change in project identification, Colorado requests that the project be authorized as the "Fryingpan-Arkansas Project."

8. The Colorado River Water Conservation District is an agency created by State statute (Chapter 20, p. 997, Session Laws of Colorado, 1937) for the conservation, use and development of the water resources of the Colorado River and its principal tributaries. The area comprised within the District includes seven counties and a part of an eighth county within the natural drainage of the Colorado River in Western Colorado. The Southwestern Water Conservation District is an agency created by State statute (Chapter 231, p. 866, Session Laws of Colorado, 1941) for the conservation, use and development of the water resources of the San Juan and Dolores Rivers and their principal tributaries. The district comprises seven counties and a part of an eighth county within the natural basin of the Colorado River in Western Colorado. When the Board of Directors of each of these two districts passed upon the report and recommendations of the Policy and Review Committee, including the "Operating Principles," as revised, their separate resolutions, among other things, contained the following language:

Colorado River Water Conservation District Board

"BE IT FURTHER RESOLVED, that in the opinion of the Board of Directors of the Colorado River Water Conservation District, the Colorado Water Conservation Board should adopt a resolution that no further federally financed transmountain diversions from the natural Colorado River Basin should be approved for authorization until the surveys described in said Section IV above are completed and the need for the use of water in Western Colorado has been determined." (Section IV, to which reference is made, is shown by the two paragraphs contained in the report of the Policy and Review Committee, quoted on Page 5 of these comments, and commencing with the words "The Committee recognizes" and "The policy of the State," respectively.)

Southwestern Water Conservation District Board

"\* \* \* \* \* this Board feels it should interpose no objection to the proposed diversion, but with the clear and distinct understanding this consent shall not be considered as waiver of objections to any other federally financed transmountain diversion of the waters of the Colorado River; and with the further understanding that the State Water Conservation Board of the State of Colorado shall not approve of any other such federally financed diversion project until the studies of the needs of the Western Slope be fully completed so that an intelligent decision relative to such needs may be given. We feel that after the many and long delays in making such studies and the promises made by some high in authority in the Reclamation Service, the Western Slope is entitled to have such

studies completed in the very near future, and that no further federally financed transmountain diversions should be made without the completion of such investigations."

At the meeting of the Colorado Water Conservation Board on February 22, 1951, when the revised report of the Policy and Review Committee, including revised "Operating Principles" for this project, was approved by the Colorado Water Conservation Board, the Board unanimously approved two motions which provided that the resolutions, above mentioned and partially quoted, submitted by the Colorado River Water Conservation District and the Southwestern Water Conservation District be accepted and approved as a policy of the Colorado Water Conservation Board.

9. Paragraph 68 commencing on Page 23 in about the middle thereof states: "The proposed basic rate of \$3.60 per acre-foot at the Pueblo Reservoir has been determined to be within the payment capacity of the water users." It is respectfully requested that such proposed charge should not constitute either a maximum or a minimum charge nor should it indicate a uniform charge or indicate where water will be used or whether or not consideration in fixing charges can be given to return flows from such use. The figure is purely an estimated average charge per acre-foot and the district in allocating such water should be allowed complete latitude in connection therewith.

10. Paragraph 68 as contained on Page 24 has the following sentence: "The district would assume responsibility for delivery of irrigation water." This responsibility is certainly not that of the United States, but neither should the district be responsible for patrolling every ditch. If water is turned out from the Reservoir, it is immediately subject to the control of the State water officials, who should be advised of such rights in water and who are charged with the responsibility of delivering the same to the correct ditch. It is contemplated that each ditch will do its own policing.

11. Attention is directed to Paragraph 68 on Page 24 and the sentence reading "This district or possibly another entity would contract with the government for federal construction of the specific municipal water system. . ." It is contemplated that a proper repayment entity under Colorado laws such as a metropolitan water district may be created for this particular purpose or that a joint contract executed between the various municipalities utilizing this feature will be executed and the project's authorization should be sufficiently broad to authorize any such contract deemed desirable.

12. Page 24 in the tabulation on function and source of revenue contains the following:

District tax (\$132 million at 1 mill minus	
10% . . . . .	\$119,000

Attention is directed to the fact that under Colorado law, three possible rates are in existence; one-half of one mill, being the rate prior to delivery



of project water; one mill, being the rate after such project water becomes available, and prior to the time of any deficiency or default; and one and one-half mills in the event of default or deficiency. Levies in any of these three categories may be less but cannot exceed these figures.

13. Attention is directed to Page 24, the item captioned "Municipal and industrial water, municipal supplies (38,000 ac. - ft. at various rates)." It is respectfully pointed out that it may be some years before this amount of water is utilized and that the quantity indicated is but an estimate which may be exceeded ultimately. The authorization of the project should not preclude the possibility of charging municipalities lower rates during the period of time that such water is not actually required for the municipal needs. Pueblo might ultimately require ten thousand acre-feet and desire at the outset to commit herself for the immediate purchase of five thousand acre-feet. Until such time as she actually requires ten thousand acre-feet of water, she should not be charged therewith at the proposed rates. The project authorization should permit charging lower rates until the water is used for municipal purposes.

14. Attention is directed to paragraph 70 on Page 25. It is respectfully suggested that the report makes no reference to potential evaporation savings by moving shallow plains storage reservoirs upstream and storing the same quantities of water at higher altitudes.

15. Attention is directed to a statement in the middle of Page 38, reading:

"Such contracts should include provisions for the right of renewal thereof once or more than once under stated terms and conditions mutually agreeable to the parties and subject to increase or decrease in rates corresponding to increase or decrease of cost of construction and of operation, maintenance or improvement or deterioration in the payment ability of the water users."

This sentence must be reconciled with the existing Colorado law which is set forth in Chapter 266 of the Session Laws of Colorado 1937, being Section 19 thereof, which requires the petition for allocation of water filed by the water user and addressed to the Conservancy District to contain therein the charge to be imposed for each acre-foot of water. The statute requires the petition to contain the following: (1) name of applicant, (2) quantity of water to be purchased or otherwise acquired, (3) descriptions of lands upon which the water will be used and attached, (4) price per acre-foot to be paid, (5) whether payments will be made in cash or annual installments, (6) agreement that the annual installments and the charges for maintenance and operating shall become a tax lien upon the lands for which such water is petitioned and allotted and to be bound by the provisions of this act and the rules and regulations of the Board. While it was contemplated initially that the price



STATE OF KANSAS

TOPEKA, KANSAS

2 August 1951

Honorable Oscar L. Chapman  
Secretary of the Interior  
Department of the Interior  
Washington, D. C.

Dear Mr. Secretary:

Enclosed herewith is a resolution adopted by the Colorado-Kansas Arkansas River Compact Administration. As Attorney General of Kansas, I served on the Compact Commission of these two states which drafted a workable compact now being successfully administered by the present Compact Administration composed of representatives of both states and General Hans Kramer as a representative of the United States.

That administrative agency, by the enclosed resolution, presents its recommendations. As Governor of Kansas I have also received the recommendations of my Special Advisory Committee, and they are in accord with the enclosed resolution, as are my personal convictions resulting from my own knowledge of and experience with the over-all Arkansas River Project.

Kansas has no objection to the development of the proposed Gunnison-Arkansas Project as set forth in Project Planning Report No. 7-8A, 49-1 of the Bureau of Reclamation. However, we in Kansas would oppose any attempt for this development to interfere with the rights, interests and obligations of Colorado or Kansas under their Arkansas River Compact.

That is to say, we in Kansas would object only to any re-regulation of native waters of the Arkansas River Basin until such time as it could be definitely determined that re-regulation of native waters would not be detrimental to Kansas or to interstate water relations between Kansas and Colorado.

We assume, of course, that no such attempt at re-regulation would be made or desired without a meeting of the two states and the United States after the completion of the project.

Sincerely,

/s/ Edward F. Arn  
G O V E R N O R

EFA-cr  
enclosure