

MINUTES OF
ARKANSAS RIVER COMPACT ADMINISTRATION
REGULAR MEETING

Tuesday, March 25, 1952
Lamar, Colorado

Attendance--

Brig. Gen. Hans Kramer, San Francisco, California; 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 and Treasurer
Clifford H. Stone, Denver

For Kansas:

William E. Leavitt, Garden City; Administration Vice Chairman
R. V. Smrha, Topeka, Chairman of Kansas Representatives

Absent--

Roland H. Tate, Garden City

Others Attending:

Ray E. Peterson, Recorder, Colorado Water Conservation Board, Denver
John S. Sharer, Reservoir Manager, John Martin Reservoir, Caddoa
Guy M. Vincent, Kansas State Division of Water Resources, Garden City,
Kansas
Francis M. Bell, U.S. Geological Survey, Denver
Ross W. Moor, U.S.G.S., Lamar
R. J. McGrath, Water Commissioner, Colorado Water District #67, Lamar
Ben F. Powell, Bureau of Reclamation, Pueblo
Jack M. Terry, U.S.G.S., Denver

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The March 25, 1952 meeting of the Arkansas River Compact Administration was called to order at 9 o'clock a.m. by Chairman Kramer in the Commissioners' room of the Prowers County Courthouse at Lamar, Colorado. The meeting convened at 9 o'clock instead of the customary hour of 10 o'clock as previously agreed in a written poll of the members.

Rep. Tate of Kansas was not present because of other commitments but Chairman Kramer noted for the record that Kansas had a quorum at the meeting with two Administration members present.

The minutes of the annual meeting of the Administration of December 11, 1951, were approved, as edited.

Secretary Nevius reported he had compiled a complete set of official minutes of meetings of the Administration since its organization and that these minutes were ready for the original signatures of the officers. The Secretary was instructed to arrange the file of minutes with side fasteners instead of top fasteners so as to permit later binding in permanent book form.

In his report as Chairman, General Kramer announced that he and Reps. Smrha and Nevius had represented the Administration on February 14, 1952 in Denver at a meeting of the AWR Sub-Committee on Hydrology. His comments on the meeting were supplemented by Rep. Smrha, Chairman of the Administration's Engineering Committee. The Chairman directed that the Administration minutes make note of the Engineering Committee's participation in the Denver meeting for the purpose of making available their experience which might be utilized regarding operational criteria for John Martin Reservoir. It is understood that the AWR project studies by individual agencies will be subject to the usual review and comment by the Administration.

Representatives of the Corps of Engineers attending the Denver meeting had reported a sediment survey on John Martin Reservoir was begun last fall and that a report was expected to be issued prior to the start of the 1952 irrigation season. Chairman Kramer said that no further information about the report had been received so he requested John S. Sharer, Manager of John Martin Reservoir, to contact proper officials of the Corps of Engineers to inquire the status of the report and when it will be made available.

The Chairman announced he had completed his official distribution of copies of the Administration's Third Annual (1951) Report to designated federal officials and agencies. He stated, for the record, that the 1951 report had been excellently edited and supervised and that Judge Stone's office in Denver was to be complimented for handling the details of the project.

The Chairman submitted a copy of the federal distribution list to the Secretary to be placed in reference files. At the suggestion of Rep. Stone, the Chairman said he would provide three copies of the 1951 report to Col. J. B. Lampert, Officer in Charge, AWR Office, Corps of Engineers, Tulsa, Oklahoma. Secretary Nevius stated he had sent copies of the 1951 report to the Governors of Kansas and Colorado and had received acknowledgment from each. The recorder was instructed to provide Mr. James A. Noonan, Controller for the State of Colorado, with a copy of the report.

Chairman Kramer exhibited a newspaper article clipped from the Rocky Ford Daily Gazette, dated January 22, 1952, which discussed a bill to regulate warm water fishing in John Martin Reservoir which Rep. G. E. Kimble of Swink had intended to introduce in the Colorado State Legislature. The Kimble bill was not acted upon by the Legislature and the Chairman stated there was no action necessary by the Administration.

Continuing his report, the Chairman stated he had communicated with the office of the Secretary of Agriculture in regard to the Department's survey report on the Fountain River Watershed, Colorado, requesting a copy of the report for the Administration's record and review. He submitted the following file of correspondence for the record:

417 Montgomery Street
San Francisco 4, California

January 14, 1952

Honorable Charles F. Brannan
The Secretary of Agriculture
Washington 25, D. C.

My dear Mr. Secretary:

It has been brought to my attention that the Department of Agriculture has prepared a report on the Fountain River which has been submitted to Colorado for official comments by that State prior to transmittal to the Bureau of the Budget and to the Congress.

In view of the provisions of the Arkansas River Compact regarding development of the Arkansas River basin, of which the Fountain River is a part, the Arkansas River Compact Administration is officially interested in any developments, such as the proposed Fountain River project, which may affect the waters of the Arkansas River. Accordingly, it is respectfully requested that a copy of your Department's Fountain River report be furnished to the Administration for study and review.

It would be appreciated if you would have a copy of the report mailed to my address.

Sincerely yours,

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

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DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON

Mr. Hans Kramer
Chairman and Representative of the
U.S. Arkansas River Compact Adm.
417 Montgomery Street
San Francisco 4, California

January 23, 1952

Dear Mr. Kramer:

As requested in your letter of January 24, 1952, I am sending you herewith a copy of the Department of Agriculture's Survey Report on the Fountain River Watershed, Colorado.

Pending further consideration of this proposed report by interested Federal agencies and the State of Colorado, we have not obtained advice from the Bureau of the Budget as to the relationship of the recommendations contained therein to the program of the President. Therefore the report has not yet been made public. We are hopeful that we shall be in a position to make it available for public release in the very near future.

I am sorry that the interest of your agency in this area was overlooked at the time drafts of the report were sent to the State and the other Federal Agencies for review. I shall be glad to have your comments on the report. It would be helpful if we could have them by February 15, so that they could be considered with those from other agencies.

Sincerely,

/s/ K. T. Hutchinson

Assistant Secretary

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417 Montgomery Street
San Francisco 4, California

January 30, 1952

Hon. K. T. Hutchinson
Assistant Secretary
Department of Agriculture
Washington 25, D. C.

My dear Mr. Secretary:

Receipt is acknowledged, with thanks, of your letter of January 23, 1952, together with a copy of the Department of Agriculture's Survey Report on the Fountain River Watershed, Colorado.

From a cursory examination of the Report, it appears to me that careful study and consideration of the program proposed by your Department, particularly in respect to its effect on Arkansas River water supply under the Compact, may be warranted on the part of the Arkansas River Compact Administration. Such further study would, of course, require some time and could not, in any event, be accomplished satisfactorily so as to have the Administration's comments reach your office by February 15th as you have indicated.

It happens that I will be in Denver on February 14th to confer, on other business, with the Director of the Colorado Water Conservation Board, who, I understand is charged with preparing the official comments of the State of Colorado on the proposed Fountain River Report. Inasmuch as the Director is also a member of the Arkansas River Compact Administration, I plan to take advantage of that visit to discuss with him, informally, a possible further course of action by the Administration.

In view of the above circumstances, I would appreciate your keeping temporarily in abeyance the closing date for submittal of comments with the thought in mind of granting the Administration an ample extension of time if and when a formal request for such an extension is presented.

Sincerely yours,

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

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DEPARTMENT OF AGRICULTURE
Office of the Secretary
Washington

February 13, 1952

General Hans Kramer
Chairman and Representative of the
United States Arkansas River Compact
Administration
417 Montgomery Street
San Francisco, California

Dear General Kramer:

Your letter of January 30, 1952 regarding the tentative report on the Fountain River Watershed has been received. I am glad to learn that the Arkansas River Compact Administration will give the report detailed consideration.

Recently Judge Clifford H. Stone, Director of the Colorado Water Conservation Board, requested us to extend the time for receipt of comments on this report until April 1, 1952. We have been glad to comply with this request because we value highly the comments of local agencies with respect to our watershed programs.

I hope that this extension of time will also be adequate to permit the completion of studies by your agency. We would, of course, appreciate receiving your comments as much sooner than this as you find feasible. If unforeseen circumstances should arise which have the effect of reducing the available time, we shall let you know immediately.

Sincerely,
/s/ K. T. Hutchinson
Assistant Secretary

Chairman Kramer indicated that the Administration's comments on the Fountain River Report should not be formulated until after the State of Colorado, principal affected State, had prepared its comments for submission to the Secretary of Agriculture. He called on Rep. Stone to outline the procedure to be followed by the State of Colorado.

Rep. Stone explained that the Colorado Water Conservation Board is the authorized agency in Colorado to prepare official State comments. He said that the Board expected to meet in mid-April, and at that time would act on the proposed comments on the Fountain River Report. He said that detailed study of the report was being made by the engineering staff of the Board but that preliminary review had indicated several shortcomings in the tentative report of the Department of Agriculture, namely, (1) that the report is not adequate, (2) that its data are insufficient on the subject of water rights, (3) that the effect of the Fountain River Project on the Arkansas River Compact was not clearly defined, and (4) there was no adequate analysis of the depletion effect of the proposed program on the water supply of the Arkansas River.

Rep. Smrha said he concurred generally in the preliminary conclusions on the Fountain River Report as expressed by Rep. Stone, pointing out that Kansas was interested in an evaluation of the effect of the program on water supply in the Arkansas River.

Chairman Kramer reiterated that the Administration must be concerned with any program affecting water supply in the Arkansas River Basin but he said it would be inadvisable for the Administration to prepare any comments on the Fountain River Report until the position of Colorado had been determined. He proposed that a special committee be designated to review the comments of Colorado, when ready, and to prepare a statement which could be a basis for Administration action.

A motion was made by Rep. Stone, and seconded by Rep. Smrha, that the Chairman appoint a special committee for the purpose of reviewing and preparing comments on the report of the Department of Agriculture on the proposed Fountain River development and to recommend what action should be taken by the Administration.

On roll call of the States, the motion was carried unanimously and declared adopted.

Chairman Kramer announced the personnel of the special committee as follows: Hans Kramer, Chairman, Harry C. Nevius, R. V. Smrha, Clifford H. Stone and R. M. Gildersleeve. This committee will meet in Denver as soon as possible after the Colorado State comments are available to the Committee. It was proposed by Rep. Stone and accepted by the Administration that the approval of the report of the special committee, containing the findings and recommendations in behalf of the Administration would be accomplished by mail vote following the committee meeting and that the responses made by the members of the Administration will constitute the official action and comments of the Administration and that the Chairman be designated to forward such comments to the Secretary of Agriculture.

On motion, the Secretary was instructed to conduct a poll of the two States to obtain State votes officially confirming the report of the special committee.

In his report as Secretary, Rep. Nevius said copies of the 1951 Annual Report of the Administration had been distributed throughout the Arkansas Valley in Colorado to members and officers of the various ditch organizations.

Referring to Administration discussion at the December 11, 1951 meeting on the need for an additional program in the Arkansas River area for water conservation, the Secretary stated that the county agents' group in the Valley conducted clinics and mass meetings on irrigation programs and that this same organization would be in a position to sponsor additional meetings on water conservation.

He said it was believed possible for the county agents to sponsor such meetings in cooperation with the Colorado A & M College. He suggested that Chairman Kramer be available to represent the Administration officially at as many such meetings as possible.

Chairman Kramer endorsed the proposal for additional meetings in the Arkansas Valley on the subject of water conservation and he stated he was personally in favor of having the Administration underwrite such programs financially if such support was necessary for the successful promotion of the meetings.

The Secretary reported conversations and correspondence with Mr. Richard A. Toomey of the Social Security Administration office in Denver regarding Social Security coverage for employees of the Administration. He said it had been suggested that the Administration negotiate for Social Security in the same manner as such benefits had been obtained by the Upper Colorado River Commission.

Following discussion, it was moved by Rep. Nevius and seconded by Rep. Leavitt that the Administration authorize an agreement with the Social Security Administration to be signed by the Chairman and Secretary to place the Administration under provisions of the Act.

On roll call of the States, the motion was carried unanimously and declared adopted.

The text of the agreement to be entered into by the Administration and the Federal Agency will be drawn up by Rep. Stone and Mr. Toomey for presentation to the Administration.

Rep. Nevius submitted his report as Treasurer as follows:

ARKANSAS RIVER COMPACT ADMINISTRATION
Report of Harry C. Nevius, Treasurer, March 25, 1952

Balance on hand, October 31, 1951 (Auditor's Report)		\$2624.91
Voucher Number		
59 to 61. Reported Dec. 11, 1951	115.29	
61. Robert W. Rollins, Audit	65.00	
62. Prowers County Clerk and Recorder, Photostats	6.00	
63. Mtn. States Tel. & Tel. Dec & Jan Serv & Tolls	14.60	
64. Colo. Blue Print Co, Prints.	12.50	
65. Peerless Print Co, Annual Report	485.00	
66. Secretary Salary, Dec. Salary (less 1-1/2% of 1951 Salary F.I.C.A.)	82.00	
January Salary	100.00	
67. Mtn. States Tel. & Tel. Feb. Serv & Tolls	9.80	
68. Secretary Salary, February	100.00	
69. The Lamar Daily News, Supplies	24.35	
Total Expenditures		<u>1014.54</u>
Balance on hand March 25, 1952		<u>\$1610.37</u>

On inquiry by Chairman Kramer, the Treasurer said that the estimates of the current budget were working out as anticipated and that the surplus balance predicted at the annual meeting appeared certain.

In view of the fact that State appropriations for use of the Administration will be available as of July 1, 1952, the Administration approved official call upon the States of Colorado and Kansas for monies to be paid into the Administration's Treasury.

A motion was made by Rep. Stone and seconded by Rep. Smrha that the Secretary be authorized to make call upon the States of Colorado and Kansas to pay \$1800 by Colorado and \$1200 by Kansas into the Administration Treasury, after July 1, 1952.

On roll call of the States, the motion was carried unanimously and declared adopted.

Rep. Nevius called the attention of the Administration to a Petition and Statement of Claim for the Plains Water Conservation Corporation, in the matter of supplemental adjudication of water rights for irrigation for domestic purposes in Water District No. 17 in Irrigation Division No. 2 in the State of Colorado. He stated that the petition was based upon Colt filings dating back to 1907 and that the amount of water claimed is 28,849 cfs of time and the amount of water claimed for storage is 529,690 acre-feet. He said he had been informed that the Arkansas Valley Ditch Association intends to protest the claims of the petition and enter objections thereto.

Rep. Stone reported that information on the proposed water project had been brought to the attention of the Colorado Water Conservation Board previously, but that investigation had revealed no firm supply of water available for the project and that its water claims were in conflict with other water uses in the Arkansas Valley. Rep. Stone said further that the project, as outlined, would constitute a violation by Colorado of the terms of the Arkansas River Compact.

Chairman Kramer reminded the Administration that it has a legal interest in the proposed development, to the extent of determining possible impingement on water supply in the Arkansas River Basin.

Motion was made by Rep. Stone, seconded by Rep. Smrha, that the petition of the Plains Water Conservation Corporation for adjudication of water rights in Colorado Water District No. 17 be referred to the Legal Committee of the Administration, with instructions to prepare an appropriate resolution for action of the Administration setting forth the objections of the Administration to the granting of such petition, on the basis that granting of it would be in violation of Article IV-D of the Arkansas River Compact; and that the Secretary of the Administration be instructed and directed to inform the referee of the Administration's intention to submit such resolution to the referee with such supporting testimony as may be necessary.

On roll call of the States, the motion passed unanimously and was declared adopted.

Rep. Stone volunteered to discuss the petition of the Plains Water Conservation Corporation with Jean S. Breitenstein, Attorney for the Colorado Water Conservation Board, Duke Dunbar, Attorney General for the State of Colorado, and Roland H. Tate of Kansas, other member of the Administration's Legal Committee, to obtain their reaction on the proposed adjudication. Rep. Stone suggested it might eventually be advisable for Attorney Breitenstein to appear at the adjudication hearing as representative of the Colorado Water Conservation Board inasmuch as the Board is charged with State compliance with terms of the Arkansas River Compact. Secretary Nevius was instructed to keep a close check on developments on the adjudication proceedings and to advise all members of the Administration of unusual and new circumstances as might arise.

Reports of Committees were called for. Rep. Stone said he had no report to make for the Legal Committee and Kansas Representatives stated that Rep. Tate had not asked them to submit any statement in his behalf as a member of the Legal Committee. Rep. Smrha reminded the Administration that principal activity of the Engineering Committee had previously been covered in the report on the February 14 AWR meeting held in Denver. He called on F. M. Bell of the U.S.G.S. to report on the installation of radio gages. Mr. Bell announced these radio gages had been installed at the Stateline (at Coolidge and Frontier Ditch) and at John Martin Reservoir and that the system was currently operating on an experimental basis with good results. He said all adjustments for official operation of the system would be completed by April 1. The report of the Operations Committee revealed that a journal record system with columnized information of daily water demands by Colorado and Kansas had been devised for use beginning April 1 in accordance with instructions given by the Administration at its December 11, 1951 meeting.

Rep. Mendenhall of the Operations Committee submitted the following report for the record:

The gates of John Martin Reservoir closed at midnight, October 31st, 1951. There were 22,826 acre feet of water in storage. That amount has increased only gradually until today there are 50,683 acre-feet of water impounded. This compares with 81,460 acre feet a year ago. However, there is practically double the amount of snow on our water shed that there was a year ago at this time. Indications are that we should increase our storage in John Martin Reservoir quite materially when the spring thaws come.

Rep. Mendenhall and Rep. Nevius said they were unable to estimate how long the estimated 50,000 acre-feet of water in storage in John Martin Reservoir would fulfill irrigation demands in view of the fact Colorado and Kansas demands were as yet unknown but they stated that encouraging factors, not present a year ago, are favorable, namely (1) soil conditions including moisture content are much better in the Arkansas Valley than a year ago and (2) that the heavy winter snow fall in the foot hills and the higher elevations indicate abnormal runoff.

Chairman Kramer emphasized that the 50,000 acre-feet of storage in John Martin Reservoir for the start of the irrigation season is the lowest in the years the reservoir has been operated and he stated that if demands at the start of the irrigation season paralleled those of a year ago, the reservoir may be empty before April 20, or at least before the runoff waters reach the valley from the higher elevations. He said the Administration had considered the situation serious in 1951 when there was 80,000 acre-feet of water in storage at the opening of the irrigation season and at that time the Administration had issued a press release recommending conservative use of water by irrigators in the valley. He said he concluded, therefore, that the 1952 situation with less water in storage in the reservoir was likewise critical and he submitted copy for a suggested press release, to be issued by the Administration as a "warning" to irrigators in the valley.

A motion was made by Rep. Mendenhall and seconded by Rep. Leavitt, that the press release, as suggested by Chairman Kramer, be issued formally by the Administration for publication as of March 25, 1952.

On roll call of the States, the motion carried unanimously and was declared adopted.

The press release as approved by the Administration was as follows:

PRESS RELEASE

Arkansas River Compact Administration

Lamar, Colorado, March 25, 1952

Water in storage in the John Martin Reservoir at Caddoa, Colorado, at the start of the irrigation season, April 1, 1952, is estimated at 52,000 acre-feet. For this date, this is the lowest amount of water that has been available since the Arkansas River Compact went into effect in 1949.

On the basis of prospective releases of water to Colorado and Kansas in accordance with the Compact, it is estimated that the stored water may be depleted at the rate of about 1300 acre-feet per day commencing April 1st. Thus, under prevailing conditions, the water in storage in John Martin Reservoir is liable to be exhausted in about 40 days, or by about May 10, 1952. If this condition should become a reality the diversion rights in Colorado would, under the terms of the Compact, be administered on the basis of relative priorities that existed before John Martin Dam was built.

In view of the anticipated depletion of water, the Arkansas River Compact Administration at its meeting in Lamar, Colorado on March 25, 1952, went on record to urge all irrigators in the Arkansas River Valley in Colorado and Kansas, both above and below John Martin Dam, to exercise utmost economy in the use of water during the coming weeks in the hope that later rain and inflow from snow melt may be sufficient to prevent an empty reservoir at Caddoa.

Chairman Kramer asked that the minutes of the meeting contain an explanation of the procedure used in computing the figures contained in the press release. He said the depletion rate of 1300 acre-feet of water per day had been computed on the following basis: The Colorado demand for water is expected to be 450 cfs; the demand by Kansas at the Stateline is expected to be 300 cfs. Of the 300 cfs flow at the Stateline, approximately 100 cfs is calculated as base flow to which will be added 200 cfs of water from storage in John Martin Reservoir. Colorado demands for 450 cfs plus 200 cfs from storage to complete the 300 cfs flow at the Stateline combines for a total of 650 cfs or 1300 acre-feet of water to be taken daily from storage in John Martin Reservoir.

The Administration instructed its Secretary to maintain a close check on the water demands after the start of the irrigation season and to advise members of the Administration of any necessity for holding a special meeting, to invoke Article V-F of the Compact.

Chairman Kramer said a special meeting would be held only in case of emergency but that the next regular meeting of the Administration would be held on July 22, 1952 at Lamar at the regular hour of 10 o'clock in the forenoon.

The meeting adjourned at 11:30 a.m.

Hans Kramer, Chairman

Attest:

Harry C. Nevius, Secretary

Ray E. Peterson, Recorder

(These minutes were approved by action of the Arkansas River Compact Administration at a Special Meeting held on Tuesday, May 13, 1952, at Lamar, Colorado).