

ARKANSAS RIVER COMPACT ADMINISTRATION

REGULAR MEETING

July 12, 1955
Broadmoor Hotel
Colorado Springs, Colorado

Attendance -

For Colorado:

Ivan C. Crawford, Denver; Director Colorado Water Conservation Board
Harry B. Mendenhall, Rocky Ford; Chairman of Colorado Representatives
Harry C. Nevius, Lamar; Administration Secretary and Treasurer

For Kansas:

Wm. E. Leavitt, Garden City
R. V. Smrha, Topeka
Roland H. Tate, Garden City, Vice Chairman and Chairman of Kansas Representatives

For the United States:

Brig. Gen. Hans Kramer, San Francisco, Calif.; Chairman of the Administration

Others Attending:

Hon. J. Edgar Chenoweth, Member of Congress	Trinidad, Colorado
Hatfield Chilson, Attorney, C.W.C.B.	Loveland, Colorado
James E. Bone, Corps of Engineers	John Martin Dam
A. N. Dallimore, Bessemer Irrig. Ditch Co.	Pueblo, Colorado
R. N. Adkins, Colo. Fuel & Iron Corp.	Pueblo, Colorado
H. H. Christy, Colo. Fuel & Iron Corp.	Pueblo, Colorado
Francis M. Bell, U.S.G.S.	Denver, Colorado
Guy M. Vincent, Kans. Div. of Water Resources	Garden City, Kansas
Charles Bentrup, Water User	Deerfield, Kansas
F. C. Snyder, Div. Eng. I. D. #2	Pueblo, Colorado
John P. Burns, Mgr., Trinidad C. of C.	Trinidad, Colorado
James E. Donnelly M. D.	Trinidad, Colorado
S. W. Azar, President, Trinidad C. of C.	Trinidad, Colorado
W. B. Cunningham, Sup't., Water, Gas & Sewer	Trinidad, Colorado
Ernest G. Myers, Pres., Hoehne Ditch Co.	Trinidad, Colorado
Robert Mariano, Water Commissioner	Trinidad, Colorado
John Kancilia, County Commissioner	Trinidad, Colorado
Eugene Aiello, City Manager	Trinidad, Colorado
Ray Nixon, Chief Engineer	Colo. Spgs., Colo.
A. T. McCarty	Model, Colorado
George W. Colburn, C.W.C.B.	Denver, Colorado

The regular Administration meeting, scheduled for July 26, 1955, was changed to this date by unanimous consent. The meeting was called to order by General Kramer, Chairman and Representative of the United States, at 9:35 A. M. in the Ballroom of the Broadmoor Hotel, Colorado Springs, Colorado.

Chairman Kramer expressed the appreciation of the Administration to Mr. Leavitt for his arranging the meeting at this time and place. He noted the presence of the Honorable Edgar J. Chenoweth, Congressman from Colorado and a number of persons from the Trinidad area.

It was moved by Judge Tate, seconded by Mr. Crawford that minutes of the Administration Meeting of March 22, 1955 be approved, subject to subsequent corrections if needed. The motion passed.

Judge Tate made, Mr. Crawford seconded, and the Administration passed, a motion to approve the minutes of the telephonic meetings of April 9, 1955 and May 19, 1955. These follow:

Minutes of Telephone Meeting Apr. 9, 1955

Since winter storage in John Martin Reservoir was extremely small, about 6000 a.f., and it was apparent that releases of even 500 c.f.s. would deplete the supply in a few days, the question of quantity of release and time of empty reservoir was discussed by telephone on April 9, and agreed by Mr. Leavitt and Mr. Tate for Kansas, and Mr. Mendenhall and Nevius for Colorado that the State Engineer of Colorado would be notified, that commencing on April 14, that he should be prepared to administer decreed rights to water users in Colorado and that the reservoir would be empty by April 17. In accord therewith the following official notice was sent to Mr. J. E. Whitten, State Engineer for Colorado.

FINDINGS AND NOTIFICATION

by

ARKANSAS RIVER COMPACT ADMINISTRATION

April 9, 1955

WHEREAS, Article VF of the Arkansas River Compact which became effective on May 31, 1949, provides as follows:

"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 findings 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."

NOW, THEREFORE, acting pursuant to the above quoted provisions of the Arkansas River Compact, and in the exercise of the powers set forth in Article VIII of such Compact, the Arkansas River Compact Administration finds;

That, based upon the present quantity of water stored in, and anticipated release of water from, and inflow to, the John Martin Reservoir, the conservation pool thereof, within a period of fourteen (14) days from this 9th day of April, will be, or is liable to be, exhausted.

NOTIFICATION: in further compliance with the above quoted provision of the Arkansas River Compact, the Arkansas River Compact Administration hereby notifies the State Engineer of Colorado as follows:

That, commencing on the 14th day of April, 1955, unless a change of conditions justifies cancellation or modification of this notice, he is required, under the terms of the Compact, to administer the decreed rights of the water users in Colorado in the manner and for a period of time determined in accordance with the provisions set forth in the above quoted Article VF of the Compact.

The above findings have been made, and notification thereof given, by the Arkansas River Compact Administration on this 9th day of April, 1955.

/s/ Roland H. Tate
Vice-Chairman

ATTEST:

/s/ Harry C. Nevius
Secretary

Minutes of Telephone Meeting May 19, 1955

ARKANSAS RIVER COMPACT ADMINISTRATION

General rains throughout the valley on May 18, and 19 caused runoff below the dam in such quantity that the gates were closed 7 A. M., May 19. Water at Highland Dam on the Purgatoire amounted to 20,000 c.f.s. At the river gage in La Junta, 7,800 c.f.s. was recorded with more water reported in the Apishapa and other streams on the Arkansas.

On the question of declaring storage in John Martin Reservoir, Mr. Leavitt and Mr. Tate were contacted in Garden City and agreed with Mr. Mendenhall and Mr. Nevius for Colorado that sufficient water was available to declare storage under the terms of the Compact. Accordingly Mr. Hezmalchalch of the State Engineer office was contacted by telephone and later the State Engineer was notified as follows:

May 19, 1955

Mr. J. E. Whitten
State Engineer
State Capitol Building
Denver, Colorado

Dear Mr. Whitten:

This will confirm telephone conversation with Mr. Hezmalhalch, May 19th concerning action of the Arkansas River Compact Administration regarding water stored in John Martin Reservoir and in the Purgatoire River and the Arkansas River at Las Animas gauging stations which will be available by 6 P.M. May 19, 1955.

The Arkansas River Compact Administration finds this date that water is available in the Conservation Pool for release to water users in Kansas and in Colorado water district #67 as provided in the Compact, and notice is herewith given you, the State Engineer of Colorado, under the provisions of Article V F of the Arkansas River Compact.

Respectfully submitted,

/s/ Harry C. Nevius
Harry C. Nevius,
Secretary.

HCN:bn

cc: F. C. Snyder, Division Engineer, Pueblo, Colorado.
R. J. McGrath, Water Commissioner, District #67, Lamar, Colo,
James E. Bone, Reservoir Manager, Caddoa, Colorado.

APPROVED:

/s/ Roland H. Tate,
Admin. Vice-Chairman.

General Kramer made his report as Chairman as follows:

He had been in Washington, D. C. in June 1955 and had conferred with Congressman Chenoweth on the subject of the Purgatoire Project.

He had received from the District Engineer, Corps of Engineers, Albuquerque, New Mexico a tabulation of sedimentation in the John Martin Reservoir. He requested the Resident Engineer of the John Martin Dam, Mr. James Bone, to ask the Albuquerque District Office to send each member of the Administration a copy of the Administration a copy of that tabulation. With the approval of the Administration, he referred this subject to the Engineering Committee for study and report to the Administration.

On question by Mr. Mendenhall, regarding evaporation data, it was stated that the data would be forwarded at the end of the water year.

Mr. Bone was asked if a new sediment survey of John Martin Reservoir was contemplated as the result of the flood of May 1955. He replied he had been told that such a survey would be made if money became available.

Mr. Nevius, as Secretary, gave his report as follows:

He had received acknowledgements of the Notifications and Findings of the Administration by the State Engineer of Colorado. These are entered in the record:

STATE OF COLORADO
OFFICE OF STATE ENGINEER
Division of Water Resources
Denver 2

April 19, 1955

Mr. Harry C. Nevius, Secy.
Arkansas River Compact Administration
Court House
Lamar, Colorado

Dear Mr. Nevius:

This will acknowledge receipt of your notification in regard to operation of the Arkansas River Compact, agreeable to Article VF thereof; and please be advised that this Department will govern itself accordingly.

Very truly yours,

/s/ J. E. Whitten
State Engineer

JEW:fl
cc Ivan C. Crawford, Dir.
Colorado Water Conservation Bd.

R. J. McGrath, Water Commissioner
Water Dist. No. 67

STATE OF COLORADO
OFFICE OF STATE ENGINEER
Division of Water Resources
Denver 2

May 23, 1955

Mr. Harry C. Nevius, Secy.
Arkansas River Compact Administration
Court House
Lamar, Colorado

Dear Mr. Nevius:

This will acknowledge receipt of your letter of May 19, informing that the Conservation Pool at John Martin Reservoir has water available for release to water users in Kansas and in Water District No. 67 in Colorado.

I wish to thank you for your attention to this matter.

Very truly yours,

/s/ J. E. Whitten
State Engineer

JEW:fl

Pursuant to action taken at its March 22, 1955 meeting, he had acted for the Administration by signing a cooperative contract with the U.S.G.S., a copy of which is now entered in the record with a letter of transmittal and statement, as follows:

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Water Resources Division
Surface Water Branch

Denver Federal Center
Denver, Colorado

May 19, 1955

Mr. Harry C. Nevius, Secretary
Arkansas River Compact Administration
Powers County Court House
Lamar, Colorado

Dear Mr. Nevius:

For your files and records I am enclosing an approved copy of the cooperative agreement between the Administration and the Geological Survey. Also enclosed is our voucher in the amount

of \$500. The white and one pink copy of the voucher are for your files. The second pink copy should be attached to the check and mailed to the address indicated.

Needless to say we greatly appreciate the cooperation of the Commission in making funds available for our stream gaging program.

With best personal regards I am

Very truly yours,

/s/ Francis M. Bell
Francis M. Bell
District Engineer

Enclosures

.....Surface..... Water

COOPERATIVE AGREEMENT
FOR INVESTIGATION OF WATER RESOURCES

THIS AGREEMENT is entered into as of the 22nd day of March, 1955, by the GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Arkansas River Compact Administration party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation an investigation of the water resources of the Arkansas River Basin in Colorado and Kansas

2. The following amounts shall be contributed to cover all of the cost of the necessary field and office work directly related to this investigation, but excluding any general administrative or accounting work in the office of either party and excluding the cost of publication by either party of the results of the investigation:

(a) \$ 500.00 by the party of the first part during the period March 22, 1955 to June 30, 1955 of which amount a portion may be held in reserve, for later release if funds permit, in order that the available Federal funds may be distributed proportionately among the cooperating States and municipalities.

(b) \$500.00 by the party of the second part during the period March 22, 1955 to June 30, 1955

(c) Additional amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.

3. Expenses incurred in the performance of this investigation may be paid by either party in conformity with the laws and regulations respectively governing each party, provided that so far as may be mutually agreeable all expenses shall be paid in the first instance by the party of the first part with appropriate reimbursement thereafter by the party of the second part. Each party shall furnish to the other party such statements or reports of expenditures as may be needed to satisfy fiscal requirements.

4. The field and office work pertaining to this investigation shall be under the direction of an authorized representative of the party of the first part.

5. The areas to be investigated and the scope of the investigation shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods of investigation shall be those usually followed by the party of the first part subject to modification by mutual agreement.

6. During the progress of the work all operations of either party pertaining to this investigation shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The records and reports resulting from this investigation shall be released for public inspection as promptly as possible. Both parties shall have the privilege of publishing the reports, provided that the reports published by either party shall contain a statement of the cooperative relations between the parties.

GEOLOGICAL SURVEY
UNITED STATES DEPARTMENT OF THE INTERIOR

By /s/ Thomas E. Nolan
Acting Director

ARKANSAS RIVER COMPACT ADMINISTRATION

By /s/ Harry C. Nevius
Secretary-Treasurer

BILL FOR COLLECTION

Bill No. 44520-28-55

Date May 19, 1955

U. S. Geological Survey

Surface Water Branch, Federal Center, Denver, Colorado

PAYER:

Harry C. Nevius, Secretary
Arkansas River Compact Adm.
Prowers County Court House
Lamar, Colorado

Date	Description	Amount
	Expenses incurred in cooperative stream-gaging program authorized by agreement dated March 22, 1955:	500.00
	Total authorized expenditures	\$1,000.00
	Less 5% abeyance on Federal share	-25.00
		<u>975.00</u>
	Federal share	475.00
	Arkansas Compact Adm share	<u>500.00</u>

I certify that the bill is correct and just and that payment therefor has not been received

/s/ Francis M. Bell
District Engineer

NOTE: Please make check payable to the U. S. Geological Survey and mail direct to: BUDGET AND FINANCE BRANCH
U. S. GEOLOGICAL SURVEY
WASHINGTON 25, D. C.

AMOUNT DUE THIS BILL, \$ 500.00

A letter from the Bureau of Old Age and Survivors Insurance re. Agricultural Employees had been received and was ordered placed in the record:

In Reply Refer To
File No. 14:WR:CO

DIVISION OF
HEALTH, EDUCATION AND WELFARE
SOCIAL SECURITY ADMINISTRATION

Bureau of Old-Age And
Survivors Insurance

Address: Social Security Administration
Candler Building
Baltimore 2, Md.

March 29, 1955

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

Dear Mr. Nevius:

At the present time revisions of Regulations No. 4, Subpart M, Coverage of Employees of State and Local Government, to incorporate those changes necessitated by the 1954 amendments to the Social Security Act, are being prepared for publication in the Federal Register. Since these revised regulations may not be available in time to assist you in the proper preparation of your first quarter 1955 wage reports, we are taking this means of calling to your attention those changes which affect the reporting of employees with respect to whose services you have exercised the agricultural labor exclusions provided for in section 218(c)(5) of the Social Security Act.

Section 209(h)(2) of the Social Security Act provides that if the cash remuneration paid by any one employer in any one calendar year to an employee for agricultural labor is less than \$100, such remuneration shall not be considered to be "wages" for purposes of the Social Security Act. This provision replaces the regularity of employment test previously included in section 210(a) of the Act.

Section 213(a)(2)(B)(iv) was amended to provide for crediting quarters of coverage to agricultural employees as follows:

\$100.00 - \$199.99	One quarter of coverage
\$200.00 - 299.99	Two quarters of coverage
300.00 - 399.99	Three quarters of coverage
400.00 and over	Four quarters of coverage

Mr. Harry C. Nevius - 3/29/55

These changes with respect to reporting agricultural labor are applicable to all instrumentalities which have exercised the agricultural labor exclusion. If at any time in the future you should modify your agreement to cancel this exclusion, identification of agricultural labor will no longer be necessary. It will be appreciated if you will identify on your first quarter 1955 report and all subsequent reports, any agricultural employees reported thereon in accordance with the previously stated amendments of the Social Security Act. Such identification should be made not only on Forms OAR-S3, State's Quarterly Report of Wages Paid, but also on all Forms OAR-S4, State's Report of Adjustments. It is suggested that these employees be grouped together under the heading "AGRICULTURAL EMPLOYEES".

Your cooperation in this matter will be sincerely appreciated.

Sincerely yours,

/s/ Victor Christgau
Victor Christgau
Director

Mr. Nevius further reported that at the suggestion of Congressman Chenoweth he, as President of the Arkansas Valley Ditch Association, had called a meeting with representatives of the Purgatoire Water Users Association as an effort to find a basis for common understanding. The meeting was held in Rocky Ford, Colorado on June 11, 1955. Chairman Kramer requested that further discussion of this topic be held in abeyance and be taken up later in the meeting.

Mr. Nevius then reported as Treasurer:

He had received remittances to the calls made to the respective states for their share of the Administration budget for the fiscal year ending June 30, 1955.

He presented the fiscal report:

ARKANSAS RIVER COMPACT ADMINISTRATION
Report of the Treasurer, July 12, 1955

Balance on hand October 31, 1954, Auditor's Report	\$1514.62
Receipts: Colorado \$1440.00; Kansas \$960.00	2400.00
	<u>3914.62</u>
Disbursements: 12/31/54 Vouchers 140 - 143	
3/10/55 " 144 - 146	
Reported March 22, 1955	990.45
	<u>2924.17</u>

Bal. Forwarded: \$2924.17

Voucher	Date		
147	4/29/55	Treasurer of U. S.	8.00
148		Lamar Daily News, Supplies	33.50
149		Mtn States T & T Co., March Service & Tolls	19.40
150		Secretary Salary, March & April (less 4.00 F.I.C.A.)	196.00
151	6/10/55	U. S. Geological Survey, stream gauging, Cooperative agreement	500.00
152		Mtn States T & T Co., April & May Service & Tolls	36.80
153	6/30/55	Secretarys' Salary, May & June (less 4.00 F.I.C.A.)	196.00
154		H. C. Nevius, Mileage 71.75, supplies, 6.05, Postage 8.00	85.80
155		U. S. Treasurer	12.00
156		Mtn States T & T Co., June Service & Tolls	<u>18.85</u>
			<u>1106.35</u>
		Balance on hand, July 12, 1955	1817.82

Chairman Kramer, hearing no objections, ordered the Secretary and Treasurer's reports placed in the record.

Judge Tate said the Administrative Committee had no report at this time.

Mr. Smrha reported that the Engineering Committee had not met and had no report to offer. Chairman Kramer suggested that the Engineering Committee should make a report on the flood of May 1955 and the unusual conditions which caused and accompanied it. He was of the opinion that this should be noted in the Annual Report. Data of various types concerning the flood are available at several agencies, and General Kramer thought they should be assembled in one place for the Administration's use. The consensus of the Administration was that such a report should be made and the Engineering Committee was directed to compile it.

Mr. Mendenhall gave the Operations Committee report:

July 12, 1955

At the last meeting of the Compact Administration held on March the 22d there was 5,838 acre feet of water stored. As of April the 1st at the commencement of the irrigating season there was 6,033 acre feet impounded and they were at the time passing the river flow estimated at 13 feet. At 8:00 A. M. on April the 11th 500 c f s was released from the reservoir. April the 13th at 9:30 A. M. this amount was reduced to 300 feet. At 8:00 A. M. on

the 14th it was increased to 500 c f s, 8:00 A. M. on the 16th to 600 feet and at 12:00 P. M. on the 17th the reservoir was declared empty and the river reverted to decreed priorities. Early on the morning of May the 19th, after heavy rains on all watersheds of the Picketwire and Arkansas Rivers, heavy run offs were reported and the gates of the dam ordered closed at 7:00 A. M. At 10:00 P. M. the night of the 18th there was 20,800 feet of water passing the Nine Mile. At the same time an estimated 8,000 feet passing Rocky Ford, the Picketwire continued to rise and at 11:00 A. M. 25,600 c f s was passing Nine Mile. At 6:00 o'clock 20,000 feet was reported over the High Line Dam with 3,000 feet out of the Apishapa and 7,800 feet passing La Junta. The evening of May the 20th an estimated flow of 35,000 feet was reported in the Picketwire at Trinidad with the river dropping rapidly. Dams were washed out and measuring devices destroyed at Nine Mile and the Highland Dams. Bridges were washed out on the Picketwire south of La Junta and also southeast of Las Animas. The main canal of the Ft Lyon west of La Junta was washed out, as was the waste gate on their supply canal. Serious damage was done to the dams of the Catlin and the Rocky Ford Ditches. At 8:00 A. M. on May the 19th there was 10,000 acre feet impounded in John Martin Reservoir and at 4:00 o'clock P. M. on May 23rd, 215,000 acre feet. On May the 24th at 8:00 A. M. 375 c f s was released from John Martin Reservoir to take care of the small ditches close to the dam. Continued rainfalls throughout the area both above and below the dam took care of the requirements for these areas until there was a maximum of approximately 245,000 acre feet of water impounded. Subsequent releases to take care of the requirements of Kansas and Water District No. 67 have reduced the amount in storage to 195377 as of this date.

Chairman Kramer asked Mr. Mendenhall if present storage in the reservoir would last the season. Mr. Mendenhall stated that his present estimate was that present storage would last 80 days unless there was a change in conditions. Chairman Kramer observed that it might therefore be anticipated that present storage would be exhausted this season.

Chairman Kramer requested information relative to the Arkansas Valley Ditch Association report of July 3, 1955 in which the reservoir release was stated as 1,430 c.f.s. Mr. Bone said that the largest physical measurement was approximately 1,230 c.f.s. and was made that day. Mr. Nevius said he blamed the report on a stuck gage or erroneous reading. This opinion was the consensus of those concerned.

A discussion ensued regarding discharge quantities. Chairman Kramer quoted from Article V-C of the Compact and pointed out that the maximum quantities to be released from reservoir storage are stated in c.f.s. and not in averages.

Mr. Bell said that Kansas deliveries were measured at the Stateline gage and he thought the releases should be sufficient to meet the demand.

Chairman Kramer stated that the Administration was bound by the wording of the Compact which explicitly limits the reservoir releases to 1,250 c.f.s. plus stream inflow.

General Kramer then asked Mr. Bell to comment on general conditions regarding the gages. Mr. Bell said the flood in May had destroyed some gages, but they were being replaced as rapidly as conditions permitted. He spoke briefly about the gages at the Stateline and at Garden City. Mr. Bell continued by thanking the Administration for their cooperation and stated the \$500.00 cooperative agreement, which had been authorized in March, had been of great assistance because of flood damage.

Mr. Bell requested the Administration to renew their cooperative agreement for the fiscal year ending June 30, 1956, and stated this was brought to the Administration's attention because he had been told that any cooperative program would be acted on only if presented prior to September 1, 1955. The next meeting of the Administration was usually held in October after the deadline set.

Mr. Nevius moved that the Administration renew the cooperative agreement with the U.S.G.S. for \$500.00 for the fiscal year ending June 30, 1956 and that the Administration Secretary be authorized to make this agreement for the Administration.

The motion was duly seconded and upon vote, carried unanimously.

Chairman Kramer called a special meeting for the consideration of the budget for F. Y. 1957 to be prepared by the Treasurer, editing a dummy annual report to be prepared by Mr. Crawford's office, and any other business that might properly come before it. Time and place for the meeting were discussed and it was decided to meet in Garden City, Kansas on Friday, October 28, 1955. Mr. Leavitt will make reservations at the Warren Hotel for the Administration members and others if requested.

Chairman Kramer noted the Annual Meeting is scheduled to be held in Lamar, Colorado on Tuesday, December 13, 1955.

General Kramer reviewed the Administration's position regarding the Flood Control Project on the Purgatoire River by reading its action at the Annual Meeting, December 14, 1954 and the regular meeting March 22, 1955. Action on a proposed resolution offered on March 22, 1955 had been deferred to this present meeting. He asked Congressman Chenoweth to review the legislative position.

Congressman Chenoweth reviewed briefly the history of floods above Trinidad. He has introduced a House Bill to authorize Flood Control structures above Trinidad as recommended in the Chief of Engineer's report. There is no report on it by the Bureau of the Budget mainly due to unfavorable action by the State

of Kansas and the Arkansas Valley Ditch Association. Mr. Chenoweth distributed pictures taken in and near Trinidad on May 20, 1955 to illustrate and assist understanding of the situation there. He said he knew of the concern of some about the operation of the dam if and when built. At this time his greatest concern was the damage and havoc caused by the flood. He felt great personal concern about his friends, who, having built up farms and businesses for up to 50 years, had been completely ruined over night. There had been an expenditure of \$300,000.00 or more for temporary relief.

Congressman Chenoweth continued by expressing his belief that there was a solution to alleviate the situation, to protect all and to conserve water for all. He felt that now the Administration, having the facts, would face them. He again asked that it give approval to the project and clear the way for further action by the Congress. He expressed hope of a meeting of the minds of all.

Chairman Kramer thanked Congressman Chenoweth for his presentation.

General Kramer asked Mr. Nevius to continue his report started earlier in the meeting.

Mr. Nevius stated that a meeting in Rocky Ford, June 11, 1955, called at the suggestion of Congressman Chenoweth, brought together the interested parties of the lower Arkansas River and those in Trinidad. At the meeting, the actions of the Administration, the Colorado Water Conservation Board and the State of Kansas, had been reviewed. The entire project had been discussed fully and freely. Many areas of agreement had been found and the meeting had been very successful. They had decided to study further the Operating Procedure as stated in the Comments of the State of Colorado. Further meetings would be held if and when desired.

Mr. Mendenhall observed that the situation at the meeting was entirely friendly and that further study was needed. He still felt that the water users are to be concerned, but they can adjust differences of the various interests.

Chairman Kramer complimented Mr. Mendenhall and Mr. Nevius on their voluntary efforts to work out these areas of understanding and stated that he considered it very sound and beneficial ground work toward agreement. He asked if any of the Trinidad people wanted to be heard.

Congressman Chenoweth asked Dr. Donnelly to state the Trinidad position.

Dr. Donnelly reviewed the characteristics of the May 19,-20, 1955 flood at Trinidad. He watched it throughout the night, a premonition of disaster had prompted him. At 11:00 P. M. the night of May 19, the river had become bank full; at 3:30 A. M. of the 20th it overflowed and at 4:30 A. M. it crested for the first time. Later the flood crested twice more at lower levels. Dr. Donnelly continued by stating 5 homes had been entirely demolished and many more had been abandoned because of damage.

Dr. Donnelly said that the Linden Avenue Bridge in Trinidad had been elongated after the last flood from 150 feet to 430 feet. Now the bridge had one end washed out. The railroad bridge had been made 4 times longer but the approaches were lost in the last flood.

Dr. Donnelly stressed that Trinidad now needs help more than ever before. The temporary steps which were taken for emergency protection would not stand much now.

The Model Reservoir's position was reviewed and Dr. Donnelly pointed out that a multi-purpose dam was needed. "Live and Let Live" must be the policy to be adhered to, he thinks. Dr. Donnelly pointed out that he had been accused of selfishness. This he admitted and stated he felt he was not alone in that fault; others, too, must look to their motives. Dr. Donnelly had read the resolution proposed to the Administration on March 22, 1955 by General Kramer in the Pueblo Chieftain and endorses it as fair to all. In closing, Dr. Donnelly said that prompt action, forceful at times, was all that prevented a larger loss of life in the flood area. He requested favorable consideration by the Administration with the Courts of the State to handle details not covered by the Compact.

Mr. McCarthy, of the Model Irrigation District, spoke briefly in review of the Rocky Ford meeting. He pointed out that the Model Reservoir interests had resolved their differences with others in their area, and would like to meet with others who wanted to adjust differences. Mr. McCarthy urged the Administration to approve the project in principle and let the details be ironed out by arbitration and conferences.

Mr. Myers, of the Hohene Ditch Company, thinks that the only thing holding the project up is the operation procedures. He feels that this should be handled by state agencies.

Mr. Aiello, City Manager of Trinidad, said he was very frankly concerned with the welfare and safety of the City of Trinidad. The pictures, previously distributed, could not express the horror of the situation. Many lives could have been lost except for the cool assistance of the National Guard, the Highway Patrol and local citizens. Without their assistance, panic could and might have been rampant. He pointed out that Trinidad, itself, could channelize the river to handle 45,000 c.f.s., but added, what would happen if 106,000 c.f.s. came down-- what would happen then today, in its present condition, if only 15,000 - 20,000 c.f.s. came down? He saw only one solution--the Flood Control Project must be built.

Chairman Kramer asked if any member of the Administration had questions for the spokesmen from Trinidad.

Congressman Chenoweth wanted to know what were the areas of contention in the Administration. He asked Mr. Chilson for legal advice concerning abandonment of certain portions of the Model Reservoir diversions.

Mr. Chilson explained how the legal question would be answered if it were raised, stressing that intention and other evidences of abandonment were used, but that the interest of junior appropriators were considered and that no vested right could be injured if a change in point of diversion was involved. The Court issues an order after considering all facts and will protect vested rights.

Mr. Chenoweth said it seemed to be a legal question. Perhaps considering all elements there may be some benefit accrue to John Martin Reservoir in reduction of sedimentation and other factors. However, he thought a small water loss to the Reservoir would be inconsequential if the damage in Trinidad was considered. Trinidad is putting up \$375,000.00 to assist on the project. Congressman Chenoweth feels that all must face the facts and now must do something for there is a definite danger. He reaffirmed his request for the Administration's approval and hoped that all questions might be resolved.

Chairman Kramer stated that the basic point of disagreement was in the interpretation of the language of Article IV-D of the Compact. The State of Kansas feels that at times there might be "material" depletion at John Martin reservoir. He had previously made the statement that the legal question of transferring the Model rights is not germane to the Administration's debate. He stated that it was his official opinion that whether the effect of the project on the water supply at John Martin is "material" is the only concern of the Administration. The legal questions can only be settled by the courts. The status of the matter, parliamentary wise, is that some further action is to be taken at this time.

Chairman Kramer said he had offered in March what he thought might be a solution. He hoped that the Administration would reconsider its action.

Chairman Kramer then declared a recess until 2:00 P. M.

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Afternoon Session

On reconvening, Chairman Kramer expressed the hope that the noon hour caucuses had been fruitful.

Mr. Crawford moved that the Administration adopt the Resolution presented by General Kramer at the meeting of March 22, 1955.

The Chairman called for a second. None being made, he declared the motion lost for that reason.

Mr. Crawford then moved:

"I move that the Commission approve the proposed Purgatoire development, but by this action the Commission does not thereby acknowledge that the Model Reservoir is entitled to storage rights in the amount of 20,000 ac. ft. or any other specific amount; and that the approval of the project is upon the condition that the storage rights of the Model Reservoir be judicially determined prior to or at the time of the transfer of the storage rights from its present reservoir to the reservoir to be constructed under the proposed project."

Chairman Kramer called for a second to this motion and when none was made, declared the motion lost.

Mr. Crawford then moved:

"That the Arkansas River Compact Administration approve the Flood Control Project, Purgatoire River, subject to an operating procedure which will be in conformity with the Colorado Water Conservation Board's comments to General Sturgis, and which shall be approved by the water users affected and the State of Kansas."

General Kramer called for a second to this motion. No second being made, he declared the motion lost.

Mr. Nevius commented that when the Administration had considered the Fryingpan-Arkansas Project there had been certain Operating Principles included. He said he thought that this offered a precedent for the Administration in the present case.

Chairman Kramer read portions of the resolution adopted by the Administration on July 24, 1951 with respect to the Fryingpan-Arkansas Project wherein such a policy was stated.

Mr. Smrha said that Kansas recognized the seriousness of the flood control problem at Trinidad and, having seen several disastrous floods, was very sympathetic to them. He knew there were certain related problems to be solved and felt that this could be accomplished. Mr. Smrha continued by stating that Kansas did not wish to stand in the way of Trinidad getting assistance and wanted to be in accord with the spirit and wording of the Compact without injury to herself.

Mr. Smrha of Kansas moved:

"That the Arkansas River Compact Administration approve the Flood Control Project on the Purgatoire River subject to an Operating Procedure to be approved by the affected water users in Colorado and Kansas, the State of Kansas and the Administration."

Mr. Crawford of Colorado seconded the motion.

Judge Tate commented that he approved the principle and felt that it was a matter of procedure.

Discussion ensued regarding procedural characteristics of the motion during which Chairman Kramer quoted similar language from the record of the meeting of July 24, 1951, at which the Administration approved the Fryingpan-Arkansas Project.

Congressman Chenoweth inquired whether or not the approval of the Operating Procedure was a condition precedent to the approval of the Project. The Administration assured him that this was not a condition precedent to Congressional authorization, but was a condition subsequent to it.

Congressman Chenoweth raised the question of the approval by the State of Kansas. Judge Tate stated, and Mr. Smrha agreed, that the change in qualifications may be reason for reconsideration of Kansas' position by the Governor of Kansas. They assured him that they would make recommendations to their Governor accordingly.

Mr. Mendenhall of Colorado called for the question.

On vote by states the motion was unanimously passed.

Chairman Kramer expressed his appreciation and asked that he be permitted to credit the Kansas representatives for their statesmanlike action. He commended the representation from Colorado for furnishing the motivating thought. He announced that he would notify the Chief of Engineers, U. S. Army of the Administration's action by wire today.

Congressman Chenoweth extended his congratulations to both Colorado and Kansas for their consideration and action.

Dr. Donnelly, speaking for the Trinidad people, expressed their appreciation for the consideration given them.

No further business being before the Administration, the meeting adjourned at 3:00 P. M.

The attached minutes were approved by action of the Administration October 28, 1955.

Hans Kramer (Brig. Gen. U.S.A.-Ret.)

Harry C. Nevius
Administration Secretary