

MINUTES OF
ARKANSAS RIVER COMPACT ADMINISTRATION
SPECIAL MEETING
October 28, 1958
Court House
Lamar, Colorado

Attendance:

For Colorado:

David Jenkins, Las Animas
Hacket Smartt, Lamar
Felix L. Sparks, Denver

For Kansas:

Carl E. Bentrup, Deerfield
Logan N. Green, Garden City, Vice Chairman
R. V. Smrha, Topeka

For the United States:

Carl G. Paulsen, Washington, D. C.

Others Attending:

F. C. Snyder	Div. Engr. State Engrs. Office	Pueblo, Colo.
John T. Martin	Corps of Engineers	Albuquerque, N.M.
Edward J. Tripp	U.S.G.S.	Denver, Colo.
Ross W. Moor	U.S.G.S.	Lamar, Colo.
Oakley Wade	Permanent Pool Comm.	Las Animas, Colo.
E. A. Thaxton	Permanent Pool Comm.	Las Animas, Colo.
James E. Bone	U. S. Engineers, John Martin Dam	Caddoa, Colo.
Guy M. Vincent	Water Comm. Kansas	Garden City, Kans.
R. J. McGrath	Water Comm. Dist. 67	Lamar, Colo.
George Ed Deahl	Concessionaire	Hasty, Colo.
Fred L. Boydston, Jr.	Colo. Water Cons. Board	Denver, Colo.

The special meeting of the Arkansas River Compact Administration convened in the Court House, Lamar, Colorado, at 9:50 A. M., October 28, 1958.

Chairman Paulsen welcomed Mr. Sparks as a member of the Administration and requested that his credentials be filed with the Secretary. Mr. Sparks complied and also presented credentials for Mr. Gildersleeve who was named to represent Colorado on the Administration for the period between Mr. Crawford's resignation and Mr. Sparks' appointment to directorship of the Colorado Water Conservation Board.

The minutes of the July 8, 1958 meeting were discussed and corrected, and Mr. Smartt's motion to dispense with reading the minutes and adopt them as corrected was duly seconded and approved by Colorado and Kansas.

Secretary Smartt reported that a quorum was not present for the regular meeting called for July 22, 1958.

The Chairman's report was given informally by Mr. Paulsen who said the Compact was operating smoothly and asked Vice-Chairman Green to complete the report since he had been Chairman at the July meeting. Mr. Green extended to Mr. Paulsen the sympathy of the members of the Administration on his recent bereavement at the passing of his wife.

Mr. Smartt had no formal report to make as Secretary, but said he had answered all requests for copies of the Annual Report. A discussion followed on how resolutions with references to the permanent pool, received from organizations are acknowledged. Mr. Jenkins read an article from the Rocky Mountain News relating that the Arkansas Valley Ditch Association, which represents twenty-two ditches, had passed a resolution not favoring a permanent pool in John Martin Reservoir. Mr. Smrha questioned whether the Secretary had sent the budget requests to the Governors of the two states and said he would like a copy sent to him at the same time as it went to the Governor. He also wanted to know if the contract had been signed with the U. S. Geological Survey. Mr. Smartt said that the contract has been signed and he has received a bill for the first quarter's payment. Mr. Green moved that the Secretary's report be accepted, and the motion was seconded and passed.

Mr. Smartt gave the Treasurer's report as follows:

Treasurer's Report to October 28, 1958

Balance on Hand, July 8, 1958		\$2320.19
Receipts, State of Colorado, August 26, 1958	\$1800.00	
State of Kansas, September 4, 1958	<u>1200.00</u>	
	\$3000.00	
Total Funds Available		\$5320.19

Disbursements by Administration since July 8, 1958

Vouchers

No. 248	U. S. Geological Survey, 8-8-58 Cooperative agreement	\$ 125.00
No. 249	M.S.T. & T. Co., 9-2-58 Telephone Service	33.45
No. 250	Hacket Smartt, Secy.-Treas. Salary, July & August less \$4.50 OASI	195.50
No. 251	Treasurer of the United States OASI Funds	<u>9.00</u>
Total Disbursements since July 8, 1958		\$362.95

Balance, October 28, 1958		\$4957.24
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A motion by Mr. Bentrup to accept the Treasurer's report was duly seconded and passed. Mr. Smrha then requested from the Treasurer an estimate of the carry-over that will be available at the end of June in order to comply with the request of the U.S.G.S. to increase the cooperative funds by an additional \$500 this year. After some discussion an estimated surplus was determined to be about \$850 and therefore sufficient to permit expenditure of the additional \$500. Mr. Smrha moved that the Secretary be authorized to increase the amount of the cooperative agreement with the U.S.G.S. by an additional \$500. The motion was seconded and passed.

Membership on the Standing Committees was discussed, and Mr. Paulsen reminded the Administration that a vacancy existed on the Engineering Committee. Mr. Smrha's motion was seconded and passed that Mr. Sparks be made a member of the Engineering Committee,

Mr. Bentrup gave the report of the Operations Committee as follows:

ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado

OPERATIONS COMMITTEE'S REPORT

July 8th, 1958, to October 28, 1958

The Operations Committee wishes to report that the operations have been normal this past period as there has been plenty of water in the Reservoir to supply the demand.

Due to sufficient moisture and enough water in the river to supply their need Kansas did not demand water from the Reservoir this period until August 8th, at which time the demand was made for 400 cubic feet per second which was released at 3 P. M. on said date. Due to the river bed being dry and the weather hot and windy the water was slow getting to Kansas. In order to compensate for this loss and to supply the increase demanded by Colorado another 250 cubic feet per second was released on August 10th making a total of 1200 cubic feet per second, which was the maximum ordered released this year.

Kansas increased their demand to 500 cubic feet per second on August 16th, then reduced to 400 cubic feet per second on August 22, 200 cubic feet per second on August 26th and zero on August 27th. Again on September 1, Kansas demanded 300 cubic feet per second and increased to 400 cubic feet per second on September 5th. Kansas cancelled their demand for water October 1st due to heavy rains in the lower Arkansas Valley, and they did not make another call until October 17, 1958, at which time their demand was 500 cubic feet per second for 72 hours, then reduced to 300 cubic feet per second.

The Colorado demand remained fairly static up to August 10th at which time their demand was increased to 700 cubic feet per second and it remained fairly static up to October 1st when it was reduced to 400 cubic feet per second, then to 375, and again to 350 cubic feet per second.

Colorado has experienced very hot and dry weather this past three months there being very little general rain since the latter part of July, August, September, and October were extremely dry which accounts for Colorado having made almost constant demand for irrigation water.

We appreciate the cooperation given by Mr. J. E. Bone and his staff in supplying our requests for water.

The present release is 650 cubic feet per second as of October 28th, 1958. The present amount in storage is 235,451 Acre feet as of October 28th, 1958.

/s/ Carl Bentrup
Chairman Operations Committee

After some discussion of the report, Mr. Bentrup read his letter to the Corps of Engineers at Albuquerque and the reply from Colonel Reed concerning releases from John Martin Reservoir flood control pool at more usable rates. The report was accepted by the Administration and it was agreed to include copies of the letter in the minutes. The letters follow:

Deerfield, Kansas
July 12, 1958

District Engineer, Albuquerque District,
U. S. Corps of Engineers
Box 1538
Albuquerque, New Mexico

Dear Sir:

The reservoir stage at John Martin Dam is approaching the limit of the conservation pool. At the July 8th meeting of the Arkansas River Compact Administration a discussion arose as to the amount of water that would be released from the flood control storage. We were informed that your present plans call for a minimum release of 5000 cfs.

The Administration unanimously agreed that a release of 2000 or 2500 cfs could be more fully utilized by the water users. We propose for your consideration that, when water in the flood control storage is not excessive, releases be reduced to a more usable rate.

The Administration appreciates the excellent cooperation it has received from the Corps of Engineers, and will be grateful for your consideration of this proposal.

Respectfully yours,
/s/ Carl E. Bentrup, Chmn. Operations Comm.

U. S. ARMY ENGINEER DISTRICT, ALBUQUERQUE
Corps of Engineers
P. O. Box 1538
Albuquerque, New Mexico

SWKGW

23 Jul. 1958

SUBJECT: Regulation of Arkansas River Flows by John Martin
Reservoir Project

TO: Mr. Carl E. Bentrup
Chairman, Operations Committee
Arkansas River Compact Administration
Deerfield, Kansas

Dear Mr. Bentrup:

Reference is made to your letter dated 12 July 1958, relative to regulation of Arkansas River flows by John Martin Reservoir Project for flood control and water conservation for irrigation. You advised that the reservoir stage is approaching the limit of the conservation pool and suggested that when flood control storage is not excessive consideration be given to reducing releases from the flood control pool from 5,000 cubic feet per second, the adopted nondamaging discharge rate for the river below the reservoir, to 2,000 or 2,500 cubic feet per second for benefit of the water users.

The general policies and procedures of the Chief of Engineers for operation of flood control and multiple-purpose reservoirs are based on providing the maximum flood protection for which the reservoirs were authorized and designed, in such a manner as not to prejudice the best interests of water use for other authorized purposes.

The John Martin Reservoir Project, formerly known as Caddoa Reservoir, was authorized for purposes of flood control and water conservation by the Flood Control Act approved 22 June 1936, in accordance with plans in House Document No. 308, 74th Congress. The plans presented in this document consisted of a reservoir with a total storage capacity of 680,000 acre-feet, of which 280,000 acre-feet were for flood control and 400,000 acre-feet were for irrigation.

The top of the irrigation storage capacity was established at elevation 3851 feet, m.s.l., and the flood control storage capacity was established between elevations 3851 and 3870 feet, m.s.l. Based on the 1957 sediment survey, the reservoir capacity totals about 645,512 acre-feet, of which 366,969 acre-feet are for irrigation below elevation 3851, and 278,543 acre-feet are for flood control between elevations 3851 and 3870.

SWKGW

SUBJECT: Regulation of Arkansas River Flows by John Martin Reservoir Project

Public Law 82, 81st Congress, (63 Stat. 145) granted the consent of the United States to the Arkansas River Compact, one of the major purposes of which is to "Equitably divide and apportion between the States of Colorado and Kansas the waters of the Arkansas River and their utilization as well as the benefits arising from the construction, operation, and maintenance by the United States of John Martin Reservoir Project for water conservation purposes." The compact provides also for the full utilization of all conservation storage in John Martin Reservoir in a manner consistent with the authorized purposes of the reservoir.

The flood control capacity of John Martin Reservoir was based on controlling the maximum flood of record, that of June 1921, to bankfull stage downstream from the dam. Since the permissible release rate has been reduced to only half of the amount originally estimated, now 5,000 cubic feet per second, and because of limitations on surcharge operation at the top of the flood control pool, the flood control capacity is no longer sufficient to control completely the maximum flood of record to bankfull stage.

The flood control operation studies have been based on use of the flood control storage only since there is no assurance that a portion of the irrigation storage will always be empty for flood control purposes, especially during periods of extreme runoff. Since storage is authorized in the John Martin Reservoir Project for flood control and irrigation only, regulation schedules are based on these two features. The use of storage for irrigation purposes is limited to the maximum authorized amount and flood control releases are made at such a rate as to insure the maximum possible benefits downstream.

The adopted plan of flood control regulation by the project is predicated on releases which, when combined with inflow below the reservoir, will not result in damaging stages and on storing temporarily all inflow in excess of that rate of release until the inflow becomes less than the outflow rate. When the reservoir level reaches elevation 3851.0 feet, m.s.l. the release rate would be such as to hold that level as long as possible. The maximum release rate of storage above elevation 3851 under present plans is 5,000 cubic feet per second, or the maximum nondamaging rate. If the channel downstream is found capable of carrying more than 5,000 cubic feet per second without damage, the releases would be increased accordingly. In the event of a flood which cannot be controlled, the sluices and spillway gates will be opened as required to restrict the maximum pool to elevation 3870 feet.

SWKGW

SUBJECT: Regulation of Arkansas River Flows by John Martin
Reservoir Project

If the inflow rate is less than 5,000 cubic feet per second and there is water in storage to elevation 3851, top of conservation pool, the outflow would be maintained equal to the inflow provided downstream conditions permit. Under these conditions, outflow rates less than 5,000 cubic feet per second are probable and release rates of 2,000 to 2,500 cubic feet per second for certain periods may be provided incidentally, which would be in accordance with the desires of the water users as pointed out in your letter.

A revision in the flood control regulations to definitely limit releases to 2,000-2,500 cubic feet per second from flood control storage as suggested in your letter, in lieu of the nondamaging rate of 5,000 cubic feet per second, would be a significant deviation from the approved plan of regulation and appears to be inconsistent with the authorized purposes of the reservoir. Therefore, compliance with your request will require approval of the Chief of Engineers and possibly additional authorization by the Congress, since the suggested modification could prejudice the operation of the John Martin Reservoir Project for protection of life and property in the flood plain of Arkansas River for over 300 miles below.

Prior to forwarding your request to the Chief of Engineers for consideration, it is suggested that the Arkansas River Compact Administration reconsider the suggested modification in the flood control regulations in the light of the above comments. Also, consideration should be given to the value of additional irrigation benefits to be gained compared to any flood control benefits which might be foregone including protection of human life. If the Administration desires further consideration of the proposal, please advise at the earliest practicable date.

Sincerely yours,

/s/ ALBERT L. REED
Colonel, CE
District Engineer

The reservoir operation was discussed and Mr. Bone stated that the storage had missed entering the flood control pool by about 5,500 acre feet. Mr. Martin was called upon to explain possible reservoir operation from flood forecasts. Discussion ensued on sediment storage and flood control regulations. Mr. Paulsen's suggestion that the letter from Colonel Reed be acknowledged, but leaving the matter of operating the reservoir with water in the flood pool open for future consideration, was agreed to by the Administration members. Further discussion was held on requirements for changing the operating procedures.

During the discussion Mr. Martin explained the Corps of Engineer's policy and stated that it was his opinion that it would require Congressional action to change the conservation pool elevation to include a permanent pool. Mr. Sparks agreed to draft a joint letter as suggested and have it ready for consideration at the next Administration meeting.

When asked for a report of the Engineering Committee, Mr. Smrha said that since there had been no full committee there would be no formal report at this time. He read a letter from the Corps of Engineers on reservoir sediment discharge reports. Mr. Martin, when questioned on the sediment sampling program, disclosed that the program had ended in 1953, and since that time, two reservoir inflow sediment gages (one each on the Arkansas and Purgatoire) and one outflow sediment gage had been in operation. These three gages will continue to be operated. Daily samples are taken plus additional samples when flows are above certain limits. He said that the resurvey showed the deposition of sediment in various parts of the reservoir, but that sediment compaction had not been studied. The life of the reservoir was discussed and Mr. Martin said that the depletion rate was slightly in excess of forecasts, but a large part of the depletion was the result of the 1942 flood deposition. Mr. Bentrup questioned the effect of the Soil Conservation Service projects on the reservoir, and Mr. Sparks said there was one Public Law 566 project above the reservoir on a tributary to the Arkansas below Pueblo, and it was about ready to be constructed. It was explained that the flood detention dams constructed for these projects have ungated outlet tubes and all water is released--usually within about 24 hours. The Colorado Water Conservation Board had made a study of the 1957 flows at the stateline station as related to the Kansas demands as part of the Engineering Committee assignment to determine if the excess flows at the Stateline could be regulated at John Martin reservoir. Mr. Smrha said that a formal report on the subject will be made when further information is obtained. Mr. Jenkins said the original assignment was made to the Engineering Committee to see if gate changes could be made to save water by having an additional employee to assist the Secretary in ordering releases as requested by the ditches. Mr. Sparks stated that since there has been agitation for a permanent pool in the reservoir, there have been reports that the ditches waste water, and as a consequence he will have personnel of the Colorado Water Conservation Board conduct a survey next summer to determine if there is waste by the ditches and the amounts. The problem of forecasting flows and spills by ditches was discussed. Secretary Smartt questioned whether he had the authority to cut releases below demands even though there was apparently some waste. He said that much of the return flows from ditches is used to supply Kansas demands. Mr. McGrath related how floods sometimes originate below the reservoir and causes uncontrolled water to pass the stateline. Mr. Smrha suggested that the preceding reports and discussions should constitute the Engineering Committee report. Mr. Smartt's motion to receive the reports and discussion of the Engineering Committee was duly seconded and passed.

Mr. Green said that the Legal Committee had received the request for a study of the legal aspect of a permanent pool and that the Committee would give its report in the afternoon. He requested that an executive session be held prior to reconvening the open meeting for the afternoon session.

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Afternoon Session

Executive meeting was held from 1:05 P. M. to 1:50 P. M.

The regular meeting reconvened at 1:50 P. M.

Mr. Green gave the report of the Legal Committee by stating that the question of the legal aspects of the creation of a permanent pool in John Martin Reservoir had been referred to the committee at a previous meeting after Mr. Oakley Wade had requested the Administration to consider creating a permanent pool. He said that the committee was still in doubt as to the authority of the Administration. Since the Compact is a contract between two States and since a permanent pool is not specifically mentioned in the Compact, modification of the terms of the Compact would probably be required. He suggested that it might be advisable for each state to seek the advise of their Attorneys General and that the committee would withhold their report until each State had been asked for its legal opinion--probably reporting at the next Administration meeting. The question to be asked of the Attorneys General will be only on the authority of the Administration to establish a permanent pool. Mr. Sparks said he would refer the question to the Colorado Attorney General and to the Colorado Water Conservation Board. He also said the Compact states that water cannot be diminished to the water users and he wants the Water Board to make an independent study of the situation. Mr. Paulsen suggested that a second step might be to also refer the question to the Corps of Engineers and to the United States Attorney General. Mr. Wade was asked to give his views and remarked that he had talked privately with most of the Administration members on the subject, and he realized that the Compact must rule any decisions. He said that proponents of a permanent pool do not have a definite plan yet, but that they hope to purchase water rights to compensate for losses. After a plan has been formulated and after options have been obtained on water rights, they want to ask for a meeting with the Administration and the Colorado Game and Fish Department. He requested that he be permitted to file a brief with the Attorney General of each State. He hopes that the Corps of Engineers can be requested to designate space in the flood control pool for permanent storage. Mr. Sparks said that the problem should be worked out by the Colorado Water Conservation Board as the official State agency for such matters and then submitted to Kansas. In the discussion which followed, Mr. Jenkins asked if water decreed for irrigation use could be purchased for other uses such as recreation or domestic, and Mr. Sparks replied that it is being done in Colorado every day; that water rights can be sold for any purpose with reservations--that the use does not deprive others of the use of the return flow. Sediment encroachment on the reservoir was discussed.

The Tenth Annual Report of the Administration was discussed, and assignments were made for completing various parts of the report.

Mr. Green read the following resolution:

R E S O L U T I O N

It is always a source of regret when any organization loses the services and association of a faithful and efficient member.

With this in mind, this administration wishes to express such regret occasioned by the absence of Dean Ivan C. Crawford from our deliberations.

Dean Crawford has served long and well and will be remembered by each of us as a proficient, cooperative and understanding public servant, as well as a cordial and pleasant personality.

He leaves us with the best wishes of each member of this administration for his future health and happiness.

This resolution shall be spread upon the minutes of this administration and the secretary is directed to send a copy thereof to Dean Crawford.

Mr. Bentrup moved that this resolution be made a part of the official minutes. The motion was seconded and approved.

Mr. Smrha's motion that the Secretary be authorized to contract for an annual audit of the books was duly seconded and passed.

Mr. Bentrup questioned if the Soil Conservation Service would be required to present plans for the flood prevention projects to the Administration, and after some discussion of the programs and plans, he asked what was the status of the Trinidad Project. Mr. Sparks said that the plan would be submitted to the States of Colorado and Kansas soon, and the Administration will review the operating principles.

Mr. Paulsen said he had been requested to make a report on the Arkansas River Compact at a July meeting of the Arkansas-White-Red Basins Inter-Agency Committee, but had been unable to attend. Mr. Sparks said that he had made the report.

The meeting adjourned at 3:15 P. M.