

MINUTES OF
ARKANSAS RIVER COMPACT ADMINISTRATION
ANNUAL MEETING

December 16, 1960

Court House

Lamar, Colorado

Attendance:

For Colorado:

David Jenkins, Las Animas
Hacket Smartt, Lamar

For Kansas:

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

Members Absent:

Carl G. Paulsen, Chairman, Washington, D. C.
Felix L. Sparks, Denver, Colorado

Others Attending:

John T. Martin	Corps of Engineers	Albuquerque, N. M.
Ross W. Moor	U. S. Geological Survey	Lamar, Colorado
Wallace A. Doe	S.E.C.W.C. Dist.	Pueblo, Colorado
Ted Schibbelhut		Lamar, Colorado
R. J. McGrath	Water Comm. Dists. #66 & #67	Lamar, Colorado
F. C. Snyder	Division Engineer	Pueblo, Colorado
James E. Bone	Corps of Engineers	John Martin Dam
Frank N. Leatherwood	Ft. Lyon Canal	Las Animas, Colorado
Harry C. Nevius		Lamar, Colorado
Wm. Howland	Amity	Holly, Colorado
Fred L. Boydston, Jr.	Colo. Water Conservation Board	Denver, Colorado

Vice-Chairman Green called the meeting to order at 9:55 A. M. He welcomed the visitors and expressed regrets that Mr. Paulsen and Mr. Sparks could not attend.

The Secretary was asked to read the minutes of the October 25, 1960 meeting, and Mr. Bentrup moved that the reading of the minutes be dispensed with and that they be approved as written subject to corrections. Mr. Smartt seconded the motion and it was passed. Since no corrections were suggested, Mr. Green declared the minutes approved.

Mr. Green asked the Secretary to report on the meeting of December 13, 1960 and Mr. Smartt said that a quorum was not present and, therefore, no meeting was held. Mr. Smrha requested that the official notice of the postponed meeting be corrected to read "Compact" instead of "Company" in the heading.

Mr. Smartt read the report of the Secretary as follows:

Secretary's Report
from
October 25th to December 16, 1960

The Secretary had the Administration's Accounts for the year ending October 31, 1960, audited by Mr. R. W. Rollins, as authorized by the Administration at the October Meeting, copies of which will be presented at this meeting. Also the Water Demand Tables for Colorado and Kansas have been furnished to both States.

The Secretary received a letter from Mr. Francis M. Bell about Nov. 20th in behalf of Mr. Paulsen thanking him and other members of the Administration for their letters and cards of sympathy during his illness. Mr. Bell was asked to let the Secretary know that he will be unable to attend the December Annual meeting. This information was transmitted by myself to Mr. Green.

On December 8th, the Secretary received from Mr. Smrha's office Appendix "B-14" showing ditch diversions in Kansas for the year ending Oct. 31, 1960. On December 6th, 1960, the Secretary transmitted by mail to Mr. Spark's office the fiscal report and also Finding of Facts for the report year of 1960.

Hacket Smartt, Secretary

Mr. Smrha moved and Mr. Jenkins seconded that the Secretary's report be accepted. The motion passed.

Mr. Smrha's motion that the Treasurer be authorized to pay Mr. Rollins the sum of \$65.00 for auditing the Administration books for the 1960 fiscal year was seconded by Mr. Smartt and was passed. A short discussion on printing the annual report was followed by a motion by Mr. Smrha, seconded by Mr. Bentrup to accept the proposal of the Peerless Printing Company to print 500 copies of the report and authorize the Treasurer to make necessary payment for such. The motion passed. Mr. Smartt gave the Treasurer's report, which is the annual report, as follows:

REPORT YEAR
November 1, 1959 to October 31, 1960

Balance on Hand October 31, 1959, Auditor's Report	\$4610.94
Receipts	
State of Colorado, September 1, 1960	\$2880.00
State of Kansas, September 13, 1960	<u>1920.00</u>
	<u>4800.00</u>
	\$9410.94

Disbursements by the Administration--November 1, 1959 to October 31, 1960

Voucher No.	Date	Payee & Purpose	Amount
282	1- 4-60	R. W. Rollins, Audit and Service	\$ 65.00
283		Mt. St. T. & T., Nov. & Dec. Service	24.95
284		Treasurer of U. S., Deposits by States	15.00
285		Secretary's Salary, Nov. & Dec.	195.00
286	3- 5-60	U. S. Geological Survey, Cooperative-Agreement	725.00
287		Mt. St. T. & T., Jan. & Feb. Service	22.40
288	3-21-60	Peerless Printing Co.	605.00
289	4- 6-60	Secretary's Salary, Jan., Feb., & Mar.	291.00
290		Treasurer of U. S., Deposits by States	18.00
291	5- 4-60	Mt. St. T. & T., Mar. & Apr. Service	22.80
292		U. S. Geological Survey, Cooperative-Agreement	725.00
293	6-30-60	Secretary's Salary, Apr., May & June	292.50
294		Treasurer of U. S., Deposits by States	15.00
295		Mt. St. T. & T., May & June Service	35.75
296		Lamar Daily News, Printing	9.44
297	7-16-60	U. S. Geological Survey, Cooperative-Agreement	725.00
298	9- 4-60	Mt. St. T. & T., July & Aug. Service	59.50
299	10-24-60	Valley Agency, Treasurer's Bond	25.00
300		Treasurer of U. S., Deposits by States	21.00
301		Secretary's Salary, July, Aug. & Sept.	289.50
302	10-31-60	Mt. St. T. & T., Sept. & Oct. Service	26.10
303		Secretary's Salary, October	97.00
304		Secretary--Mileage, Postage, Mail & Typing	<u>144.01</u>
Total Disbursements			<u>\$4448.95</u>
Balance on Hand October 31, 1960			\$4961.99

Mr. Smartt said that no additional payments had been made since October 31, 1960. He then submitted the auditor's report and distributed them to Colorado, Kansas and the Chairman. The auditor's report follows:

ROBERT W. ROLLINS
 CERTIFIED PUBLIC ACCOUNTANT
 LA JUNTA, COLORADO

December 9, 1960

To the Representatives
 Arkansas River Compact Administration
 Lamar, Colorado

Gentlemen:

In accordance with your request, an examination has been made of the financial transactions of the Arkansas River Compact Administration for its

"Report-Year" November 1, 1959 to October 31, 1960. The results of the audit are expressed in the attached statement of cash receipts and disbursements, Schedule I, Page No. 4. The remarks which follow are offered as additional information and tend to describe the extent of the audit work performed.

General Comments

Schedule I, reflects the beginning balance of cash in bank, revenues, assessments received from the States of Colorado and Kansas, expenditures by classification and the ending balance of cash in bank.

As provided for in the budget of the Administration's meeting of July 28, 1959 and to comply with action taken by the Board at its July 26, 1960 meeting, funds due from Colorado (60% share) of \$2,880.00 and Kansas (40% share) of \$1,920.00 were received for the budget year ending June 30, 1961 and placed on deposit with the First National Bank in Lamar, Colorado on the respective dates of September 1, 1960 and September 13, 1960.

All disbursements were made by checks drawn on the Administration's account at the First National Bank in Lamar, Colorado. The individual checks were examined for amount, signature, and endorsement. Amounts so expended were substantiated by verification to payees' statements, authorization of payment as evidenced in minutes of the Compact's meetings, or other supporting documents.

Consistent with prior years' practices, the Secretary's salary for the current year of \$1,200.00 has been reduced by the Old-Age and Survivor's Insurance deductions amounting to \$35.00. It will be noticed on Schedule I, that \$34.50 of this amount together with the Administration's related contribution are shown under the classification of taxes. The rate of tax increased from 5% to 6% effective January 1, 1960, consequently the October 1960 payroll deduction is shown as \$3.00. Schedule I also reflects the \$1.00 due the Secretary caused by the understatement of the amount of check No. 304.

Travel expense of the Secretary for the fiscal year ending October 31, 1960 amounted to \$101.92 or 1274 miles at \$0.08 per mile.

Payments made to the U. S. Treasurer totaling \$69.00 during the year were accompanied by related returns reflecting the Old-Age and Survivor's Insurance information on the Secretary. During the phase of the examination, it was noticed the old rate of 5% was used for the second quarter of 1960, but the additional \$3.00 liability was remitted along with the regular third quarter payment.

Expenditures to the U. S. Geological Survey for the year under review totaled \$2,175.00 and consisted of:

<u>March 5, 1960</u> (Period 10/1/59 - 12/31/59 - 2nd Qtr.)	
Agreement based on \$2,900.00 per annum)	\$ 725.00
<u>May 5, 1960</u> (Period 1/1/60 - 3/31/60 - 3rd Qtr.)	
Agreement based on \$2,900.00 per annum)	725.00
<u>July 16, 1960</u> (Period 4/1/60 - 6/30/60 - 4th Qtr.)	
Agreement based on \$2,900.00 per annum)	<u>725.00</u>
<u>Total</u>	<u>\$2,175.00</u>

Cash in bank at October 31, 1960, per Schedule I, amounting to \$4,961.99 was reconciled to the amount directly confirmed by the First National Bank in Lamar, Colorado. Funds available for general use of the next year amounts to \$4,957.99.

The following summary compares the Administration's financial position at October 31, 1960 with that of a year ago.

<u>Comparative Balance Sheet</u>			
<u>Assets</u>	<u>October 31, 1960</u>	<u>October 31, 1959</u>	<u>Increase (Decrease)</u>
Cash in bank	\$4,961.99	\$4,610.94	\$351.05
Equipment (Portable typewriter)	92.50	92.50	-0-
<u>Total Assets</u>	<u>\$5,054.49</u>	<u>\$4,703.44</u>	<u>\$351.05</u>
<u>Capital</u>			
Unexpended fund balance	4,961.99	4,610.94	351.05
Expended fund balance for equipment	92.50	92.50	-0-
<u>Total Capital</u>	<u>\$5,054.49</u>	<u>\$4,703.44</u>	<u>\$351.05</u>

Because the "Budget Year" covers the period July 1, 1959 to June 30, 1960, it has been necessary to combine related months of the last two "Report Years", in order to compare actual expenditures with the related budgeted items. Such a comparison is set forth for your review in the following schedule.

<u>Comparison of Disbursements With Budget</u> <u>Budget Year July 1, 1959 to June 30, 1960</u>		
<u>Classification</u>	<u>Disbursements</u>	<u>Budget</u>
<u>Personal Services</u>		
Secretary's salary	\$1,200.00	\$1,200.00
Taxes - O.A. and S.I. - Administration's share	31.50	50.00
Gage reports	2,425.00	2,500.00
Professional services (Audit of accounts)	65.00	75.00
<u>Capital Outlay</u>	-0-	300.00
<u>Maintenance and Operation</u>		
Bond - Treasurer	25.00	25.00
Printing	605.00	600.00
Official publications	-0-	100.00
Travel expense - Secretary	101.52	150.00
Typing and mailing	25.00	200.00
Investigation and inspection	-0-	150.00
Telephone and telegraph	190.90	300.00
Office supplies	28.11	150.00
<u>Totals</u>	<u>\$4,697.03</u>	<u>\$5,800.00</u>

As of June 30, 1960, the cash in bank balance was \$1,549.10, thus allowing some funds to be carried over to the "Budget Year"--July 1, 1960 to June 30, 1961. The Compact in its Meeting of July 28, 1959 approved the Budget for the year ending June 30, 1961 reflecting estimated expenditures of \$4,800.00.

Appropriations from the States of Colorado and Kansas (previously mentioned on page no. 1 of this report) for the related period set at the respective amounts of \$2,880.00 and \$1,920.00 were received in September of 1960.

Respectfully submitted,

/s/ Robert W. Rollins
Robert W. Rollins
Certified Public Accountant

Schedule I

Arkansas River Compact Administration

Lamar, Colorado

Statement of Cash Receipts and Disbursements

November 9, 1959 to October 31, 1960

(Refer to comments in text of audit)

Cash in bank at November 1, 1959 (Per audit) \$4,610.94

Receipts

Revenue from assessments

Colorado portion 60% \$2,880.00

Kansas portion 40% 1,920.00

Total Receipts 4,800.00

Total Available Funds

9,410.94

Disbursements

Salary of secretary \$1,200.00

Less: O.A. and S.I. deductions 35.00

Sub total 1,165.00

Printing - Annual report 605.00

Telephone and telegraph 191.50

Travel expense of secretary 101.92

Audit fee (Fiscal year ended 10/31/59) 65.00

Premium on treasurer's bond 25.00

Typing and mailing 25.00

Office supplies, stationery, etc. 26.53 (2)

Taxes - O.A. and S.I. payments

Deductions from employee 34.50 (1)

Administration's portion 34.50 69.00

Surface water investigations by the

U. S. Geological Survey 2,175.00

Total Disbursements 4,448.95

Cash in bank at October 31, 1960

\$4,961.99

Consisting of:

Amount held in trust - Payroll deduction

on Secretary's salary for month of

October, 1960 3.00 (1)

Check No. 304 to Secretary was under-

stated by \$1.00, accordingly-office

supplies have been reduced by the

same amount 1.00 (2)

Sub total 4.00

Cash available for expending

in subsequent period

Total 4,957.99

\$4,961.99

Cash on deposit at First National Bank, Lamar, Colorado

Per direct confirmation at October 31, 1960 \$5,229.10

Less: Outstanding checks of:

No. 302 Mountain States Tel. and Tel. Co. \$ 26.10

303 Hacket Smartt - Salary 97.00

304 Hacket Smartt - Mileage, etc. (2) 144.01 267.11

Adjusted cash on deposit with bank

\$4,961.99

A discussion ensued on the budget and expenditures as outlined in the audit.

Mr. Smrha's motion, seconded by Mr. Jenkins, to accept the Treasurer's report was passed.

Mr. Jenkins' motion, seconded by Mr. Bentrup, to accept the Auditor's report was passed.

Mr. Bentrup gave the Operations Committee report as follows:

Operations Committee
Report for December 16, 1960

The gates at the Reservoir were ordered closed at 4:30 P. M., October 31st. At about 6:30 P. M. the same date Mr. McGrath informed the committee that Colorado was demanding river flow at this time which the Compact provides up to 100 cfs. Upon the receipt of this information the gates were opened at 9 P. M., October 31st, 1960, in order to pass this amount of water. They continued in this position until 11 A. M., December 1, 1960 at which time they were closed by order of Colorado, canceling their demand.

Water in Storage December 16, 1960, 8 A. M., 3,419 A. F.

Carl Bentrup, Chairman

Hacket Smartt, Secretary

Mr. Bentrup then referred to the answer to his letter to Mr. Whitten regarding the installation of measuring devices on certain ditches below John Martin Dam. He said the answering letter should be considered as a part of the Operations Committee report. At Mr. Green's suggestion it was agreed that the letter to Mr. Whitten should also be a part of this report. The letters follow:

Deerfield, Kansas
October 19, 1960

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

Dear Mr. Whitten:

For the past year and a half considerable concern has been shown by the Arkansas River Compact Administration about the failure of the Manvel Canal and Irrigation Company, the X Y Canal Company, and the

Buffalo Mutual Irrigation Company to have their canals equipped with adequate measuring devices.

On March 8, 1960, you wrote to Mr. F. C. Snyder, Division Engineer of Irrigation Division No. 2, enclosing a copy of the findings and recommendations of the Arkansas River Compact Administration concerning the measuring devices on these canals, and requesting that he instruct the proper officials of these ditches to take steps to provide the proper measuring devices.

At the March 22nd meeting Mr. Snyder reported verbally to the Administration that he had so instructed the ditches. At the July 26th meeting of the Administration it was determined that no progress had been made by any of the three ditches toward the installation of such devices, and so far as we are able to determine have not yet done so.

It is our understanding that adequate measuring devices are required on irrigation ditches under Colorado law.

May we request that further effort be made to require these canals to equip themselves of the necessary devices before the beginning of the 1961 irrigation season.

Very truly yours,

cc Manvel Canal & Irrigation Co.
Buffalo Mutual Irrigation Co.
X Y Canal Company
Granada, Colorado

Arkansas River Compact Administration
Operations Committee

By _____
Carl Bentrup, Chairman

OFFICE OF THE STATE ENGINEER
232 STATE SERVICES BUILDING
1525 SHERMAN STREET
DENVER 3, COLORADO

October 28, 1960

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

Dear Mr. Bentrup:

In reply to your letter of October 19, 1960, in regard to measuring devices in certain canals diverting water from the Arkansas River, I wish to advise that we have notified the owners of the canals in question to install adequate and proper measuring devices, and I regret that they have not complied with these orders.

We shall again call this to their attention and endeavor to obtain their cooperation in said installations.

Very truly yours,

/s/ J. E. Whitten
J. E. Whitten
State Engineer

JEW:L
cc: Mr. F. C. Snyder

Mr. Smrha moved that the Operations Committee report be accepted. Mr. Jenkins seconded the motion, and it was passed.

Mr. Smrha said that the Engineering Committee had no report to make.

Mr. Green said that the Administrative and Legal Committee had no report to make.

Under a call for new business, Mr. Jenkins discussed the interpretation of the Compact and stated that the intentions of the Compact Commission are set forth in the 17th meeting of the Commission. He said that 60 copies were printed of "Record, the Colorado-Kansas Arkansas River Compact Commission", and he thought that each Administrator should have a copy of this book. He questioned as to the distribution of the book, and wondered how missing copies could be collected. Mr. Nevius, when asked, said that he could not remember what the distribution of the book had been, but he imagined that most of the ditch companies have copies, and that the signed copy was retained in the files of the Administration. Mr. Snyder said that he would check with Mr. Adkins to see if Mr. McHendrie might have had a copy, and Mr. Green said that he would check with Judge Tate to see if he has one that would be available to the Administration. Mr. Nevius then said he remembered now that the 60 copies referred to as having been printed were of "Legislative Record" and not of the book under discussion.

Mr. Bentrup asked Mr. Snyder what progress was being made on installation of measuring devices, and Mr. Snyder answered that progress was being made, and that the installations will be complete before the irrigation season starts.

Mr. Smartt asked for an interpretation of Article V of the Compact. He questioned if it is necessary to notify the State Engineer that the Compact Administration will take over the administration on November first. Mr. Snyder said that any inflow to the reservoir over 100 c.f.s. goes to storage, since the State Engineer has ruled that it is necessary to call down water to make up the 100 c.f.s. at the outlet when it is called for. In the discussion that followed, Mr. Smartt wondered if he should notify the State Engineer when the river was going off priority on November first, and Mr. Nevius said that the Corps of Engineers comes into the act then, and there is usually no trouble. Mr. Bone said that the Corps of

Engineers does not act unless told to by the Administration. Mr. Martin explained that the Secretary of the Administration notifies the reservoir operator how to regulate the gates so that only river flow goes through and no storage releases are made. Mr. Jenkins read from the "Record" where the releases were to be only for stock water. Upon being questioned, Mr. Moor said that on November first the river flow at the gage was 48 c.f.s. More discussion followed on the interpretation of and the intent of the Compact. Mr. Bentrup then moved that the Secretary be directed to obtain opinions from both Colorado and Kansas Attorneys General on the interpretation of Article V of the Compact as to whether releases can be made for irrigation purposes in the winter. Mr. Smartt seconded the motion and it was passed by vote of the states.

Mr. Green ordered that the Annual Report would go to the printer shortly after January first, and any correction should be submitted by that time. He also expressed regrets that Chairman Paulsen could not be with us, and gave the address of Mr. Paulsen to those wishing to send Christmas greetings.

Mr. Boydston reported that studies were continuing on the permanent pool.

Elections were then held and all incumbent officers were nominated and duly elected. The officers for the calendar year 1961 are:

Chairman--Carl G. Paulsen
Vice-Chairman--Logan N. Green
Secretary--Hacket Smartt
Treasurer--Hacket Smartt

Mr. Jenkins' motion, seconded by Mr. Smartt, was passed that committees for 1961 continue the same as for the past year. The committees are:

Administrative and Legal Committee;

Logan N. Green, Chairman
David Jenkins

Engineering Committee;

R. V. Smrha, Chairman
Felix L. Sparks

Operations Committee;

Carl E. Bentrup, Chairman
Hacket Smartt

Mr. Jenkins' motion to adjourn was seconded by Mr. Smartt and passed. The meeting adjourned at 11:55 A. M.