

MINUTES OF
ARKANSAS RIVER COMPACT ADMINISTRATION

ADJOURNED ANNUAL MEETING

OF DECEMBER 12, 1961

JANUARY 23, 1962
Court House
Lamar, Colorado

Attendance:

For Colorado:

David Jenkins, Las Animas
Hacket Smartt, Lamar
L. R. Kuiper, Denver

For Kansas:

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

For the United States:

F. M. Bell, Denver, Chairman

Others Attending:

John T. Martin	Corps of Engineers	Albuquerque, N. M.
Robert A. Buckhagen	Corps of Engineers, John Martin Dam	Hasty, Colorado
Donald W. Janssen	Corps of Engineers	Albuquerque, N. M.
Robert Jesse	State of Colo. Irrigation Div. II	Pueblo, Colorado
Marvin J. Greer	U. S. Bureau of Reclamation	DFC Denver, Colo.
William C. Fagerquist	U. S. Bureau of Reclamation	Pueblo, Colorado
F. N. Leatherwood	Ft. Lyon Canal Co.	Las Animas, Colo.
R. J. McGrath	Water Comm. #66 & #67	Lamar, Colorado
Guy M. Vincent	Kans. Div. of Water Resources	Garden City, Kans.
William Howland	Amity Mutual Irrig. Co.	Holly, Colorado
William Pattie	Twin Lakes Res. & Canal Co.	Ordway, Colorado
H. C. Nevius	Amity Mutual Irrig. Co.	Lamar, Colorado
F. L. Boydston, Jr.	Colo. Water Conservation Board	Denver, Colorado

Mr. Bell called the meeting to order at 9:50 A. M. and observed that a quorum was present.

Minutes of the Special Meeting held October 24, 1961 were considered and approved as written on a motion by Mr. Kuiper, seconded by Mr. Bentrup and affirmative votes of the States.

Chairman Bell read his report as follows:

REPORT OF THE CHAIRMAN

On October 30, I conferred in Washington with officials of the Bureau of the Budget to obtain additional instructions on my duties as Representative of the United States. The following two days were spent reviewing the files of the two previous Federal Representatives, but little worth transferring to my files was located. I was not even able to locate the mailing list used in distributing copies of our annual report to Federal agencies.

On November 13, I received from Mr. Smartt a draft copy of the review report on the survey for flood control of the Arkansas River at Dodge City, Kansas, along with a request for official comments of the Administration on the project. As the deadline for the receipt of comments was imminent, I returned the report to the Corps of Engineers indicating that since the location of the proposed project is outside the area of immediate interest to the Administration, unfavorable comments would be unlikely.

On November 20, upon learning of Mr. Smrha's wish to postpone the annual meeting, I informed the Secretary and suggested that he contact Mr. Green for advice as to proper procedure to follow so that the postponed meeting might be legal.

I attended the rescheduled annual meeting in Lamar on December 14, but two of the Colorado Commissioners were absent and it was necessary to adjourn the meeting for lack of a quorum.

Because in the past it has been necessary to adjourn meetings for lack of a quorum, and because such action results in much inconvenience and wasted time for those who attend, the Administration may wish to consider amending the by-laws to provide for proxy representation when necessary.

I can now inform you that John W. Odell has been appointed District Engineer for the Colorado District of the Geological Survey. He succeeds Wallace T. Miller who has been transferred to Washington. Mr. Odell is a veteran employee with some 27 years of service. His most recent assignment was as District Engineer in Maryland, but prior to that he served for ten years as Assistant District Engineer in Salt Lake City. I am sure the Administration can expect from Mr. Odell the same cooperation it has received from former incumbents of the District Engineer position.

Francis M. Bell
Representative of the United States
and Chairman
Arkansas River Compact Administration

Mr. Smartt read the Annual Report of the Secretary as follows:

ARKANSAS RIVER COMPACT ADMINISTRATION

December 14, 1961

The Secretary's Report from 10/24 to 12/14/61

The Secretary, in compliance with action taken by the Administration regarding the auditing of the accounts for the year ending Oct. 31, 1961, contacted Mr. R. W. Rollins of La Junta, Colo. on Oct. 20th asking him for a date on which to submit the accounts. Mr. Rollins advised me that there is a C.P.A. in Lamar, and why not have the work done there, but stated that he appreciated the business of the past few years and if a satisfactory arrangement could not be made with the Lamar man, although he was rather busy, he would do it. Mr. Marvin Strait of the Alvin Larsen Co. in Lamar was contacted regarding the auditing and Mr. Strait said he would be glad to have the business and that he thought it was nice of Mr. Rollins to recommend that the work be done in Lamar. So it was arranged to have Mr. Strait do the auditing of the 1961 accounts.

On Nov. 20th I received a letter from Mr. Bell stating that neither he nor Mr. Smrha would be able to attend the Dec. 12 meeting, thus postponement of the annual meeting until Dec. 14, was desirable.

Upon contacting Mr. Green and Mr. Boydston the meeting was set for Dec. 14. Mr. Boydston worked out the procedure under which the notices of change of date would be made.

On or about Nov. 10, the Secretary received from the Corps of Army Engineers of Albuquerque, a report of a survey for flood control of the Arkansas River at Dodge City, Kansas; said report was addressed to the Chairman of the A.R.C.A. I sent this report on to Mr. Bell and I have here a copy of the reply from Mr. Bell to the District Engineers which will explain the matter more fully.

Under date of Dec. 7, 1961 I received another report from the Army Engineer Division of Dallas, Texas which I will submit to the Commission at this time.

Other than furnishing the demand for water during the past season to Kansas and Colorado, this concludes my report.

Respectfully submitted,

/s/ Hacket Smartt

Hacket Smartt, Sec'y-Treas.

A motion to approve the Secretary's Report was made by Mr. Bentrup, seconded by Mr. Jenkins and passed by vote of the States.

Mr. Smartt then gave the Treasurer's Annual Report as follows:

TREASURER'S REPORT

Balance on hand October 31, 1960	\$4,961.99
Colorado - Deposit September 29, 1961	2,970.00
Kansas - Deposit October 16, 1961	<u>1,980.00</u>
	\$9,911.99

Disbursements by the Administration

November 1, 1960 to October 31, 1961

Voucher No.	Date	Payee and Purpose	Amount
305	12- 2-60	U. S. Geological Survey, Cooperative Agreement	\$ 375.00
306	1- 4-61	Treasurer of the United States, O.A.S.I. Fund	18.00
307	1- 4-61	R. W. Rollins, Audit and Service	65.00
308	1- 4-61	Secretary Salary, Nov. & Dec.	195.00
309	1- 4-61	Mtn. States T. & T. Co., Nov. & Dec. Service	30.45
310	2-23-61	U. S. Geological Survey, Cooperative Agreement	375.00
311	2-23-61	Peerless Printing Co., Print 12th Annual Report	605.00
312	3- 7-61	Mtn. States T. & T. Co., Jan. & Feb. Service	25.20
313	4- 5-61	Secretary Salary, Jan., Feb. & March	291.00
314	4- 5-61	Treasurer of the U. S.--Deposit by States	18.00
315	5- 4-61	Mtn. States T. & T. Co., March & April Service	29.15
316	5- 4-61	U. S. Geological Survey, Cooperative Agreement	375.00
317	7- 3-61	Mtn. States T. & T. Co., May & June Service	51.75
318	7- 3-61	Secretary Salary, April, May & June	291.00
319	7- 3-61	Treasurer of the United States, O.A.S.I. Fund	18.00
320	7- 3-61	Secretary Mileage, Postage, Mail & Typing	97.12
321	7-24-61	U. S. Geological Survey, Cooperative Agreement	375.00

Treasurer's Report (Cont'd.)

Voucher No.	Date	Payee and Purpose	Amount
322	9- 1-61	Mtn. States T. & T. Co., July & August Service	45.35
323	10- 5-61	Valley Agency, Inc.--Secretary & Treasurer Bond	25.00
324	10- 5-61	Secretary Salary, July, Aug. & Sept. Salary	291.00
325	10- 5-61	Treasurer of the U. S.--Deposit by States	18.00
326	10-24-61	U. S. Geological Survey, Cooperative Agreement	412.50
327	10-30-61	The Star Journal Publishing Corp.--Advertising	1.43
328	10-31-61	Secretary Salary (Oct.) Typing, Stamps & Mail	145.68
329	10-31-61	Mtn. States T. & T. Co., Sept. & Oct. Service	<u>35.30</u>
		Total Disbursements	\$4,208.93
		Balance on hand October 31, 1961	\$5,703.06

Mr. Bentrup's motion to accept the Treasurer's Report was seconded by Mr. Jenkins and duly passed.

Mr. Green reported for the Administrative and Legal Committee as follows:

REPORT OF ADMINISTRATIVE AND LEGAL COMMITTEE

Your Committee proposes that the following amendment to the By-laws of the Administration be submitted for consideration.

BE IT RESOLVED that Paragraph 7 of Article IV of the By-laws of the Arkansas River Compact Administration be amended to read as follows:

"A quorum for any meeting of the Administration and the casting of votes by representatives of the States on the Administration shall be in accord with Paragraph D of Article VIII of the Arkansas River Compact; and any action by the Administration

shall be determined by vote as required by such Paragraph D of Article VIII of the Compact. If a quorum is not present at any meeting, the members of the Administration present, one or more, may adjourn from time to time without further notice until a quorum is obtained."

/s/ Logan N. Green
Chairman

Mr. Smrha reporting for the Engineering Committee asked Mr. Kuiper to give a statement on his phase of the assigned studies, and Mr. Kuiper said that stock ponds in the basin had been plotted on a map and the effect on stream flows was being studied. He said that it appeared right now that such effect would be small. However, he felt that certain areas should be field checked and contemplated that this would take most of the coming Summer. Mr. Smrha then reported that for his phase of the assignment, he had necessary diversion records now for ditches in Colorado and the Stateline flow study is in progress.

Mr. Bentrup reported for the Operation Committee that the gates had been closed at John Martin Dam at 8:00 A. M. November 1, 1961 at which time the reservoir was empty. Storage at 8:00 A. M. January 23, 1962 was 19,030 acre-feet. Discussion followed on the increase in storage over that at the same time last year, and the prospects for increased runoff this spring before the irrigation season starts.

The Annual Report was considered and various changes which had been suggested were made. Mr. Smartt read the bid of Peerless Printing Company for about \$600.00 for 350 copies or about \$625.00 for 500 copies. After some discussion Mr. Green made a motion that the Annual Report be approved as drafted and that Peerless Printing Company be authorized to print 350 copies at an approximate cost of \$600.00. The motion was seconded by Mr. Jenkins and passed by vote of the States.

The Chairman called for election of officers and Mr. Green was nominated for Vice-Chairman, Mr. Smartt was nominated for Secretary and for Treasurer, and after each nomination, motions that the nominations be closed and the nominee be unanimously elected were seconded and passed, resulting in the election of the following officers for 1962:

- Logan N. Green - Vice-Chairman
- Hacket Smartt - Secretary
- Hacket Smartt - Treasurer

Mr. Smartt's motion, seconded by Mr. Bentrup, that all standing committee membership be retained for 1962 as it was at the end of 1961, was duly passed.

Mr. Kuiper presented for the consideration of the Administration the following proposed amendment to the By-Laws:

Proposed Amendment to By-Laws

BE IT RESOLVED that Paragraph 3 of Article I of the By-Laws of the Arkansas River Compact Administration be amended to read as follows:

"3. The credentials of each such representative shall be filed with the Secretary of the Administration. It is inherent that each such representative has the right to be represented for all purposes by a proxy filed with the Secretary of the Administration."

After some discussion, the proposed amendment was referred to the Legal Committee for study and rewording.

Mr. Fagerquist introduced Mr. Greer who replaces Mr. Barrett in the U. S. Bureau of Reclamation Project Development Office. Mr. Greer, reporting on the progress of the Trinidad Project, said that irrigation storage in the proposed reservoir had been established at 20,000 Acre-Feet, and that transfer of the Model Reservoir storage to Trinidad Reservoir had been agreed to by the Trinidad Conservancy District. He said that the Judge has set March 16 as the date for hearings on change of point of diversion of Model storage. Mr. Kuiper elaborated on Mr. Greer's report by giving a brief history of the stormy session at which the 20,000 acre-foot capacity was established. He said that it was the judgement of State agencies that the transfer of the Model decree should be accomplished and that there should be no expansion of storage. He also said that the State Water Conservation Board insists that the project must be operated so that there will be no adverse effect on the lower river. Mr. Boydston added to the report on Trinidad by stating that the Health, Education and Welfare Department is taking under consideration whether or not there is a need for storage in the reservoir for dilution of pollutants. Mr. Kuiper said that in respect to this it will undoubtedly be the official position of Colorado that use of water as a dilutant is not a recognized legitimate use of water, and, therefor, is not entitled to a right for such use. Mr. Smrha remarked that in Kansas a right cannot be obtained for dilution as such, but that it might possibly be included in a municipal use right. Additional discussion ensued on quality requirements contained in compacts.

Mr. John Martin was asked for remarks and he announced that Mr. J. E. (Bill) Bone had retired from service as Resident Manager at John Martin Reservoir and introduced Mr. R. A. Buckhagen who is Acting Resident Manager. Mr. Martin also introduced Mr. Janssen of the Corps of Engineers in Albuquerque.

Mr. Bell said the next regular meeting of the Administration will be held as required in the By-Laws March 27, 1962.

The meeting adjourned at 10:50 A. M.