

MINUTES OF  
ARKANSAS RIVER COMPACT ADMINISTRATION

ANNUAL MEETING

December 11, 1962

Court House

Lamar, Colorado

RECEIVED

MAR 28 1963

DIVISION OF WATER RESOURCES  
GARDEN CITY

Attendance:

For Colorado:

L. R. Kuiper, Denver  
Hacket Smartt, Lamar

For Kansas:

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

Others Attending:

Fred L. Boydston, Jr.	Colo. Water Cons. Board	Denver, Colo.
Marvin J. Greer	U. S. Bur. of Reclamation, Reg. #7	Denver, Colo.
J. W. Odell	U. S. Geological Survey	Denver, Colo.
John T. Martin	Corps of Engineers	Albuquerque, N. M.
F. C. Snyder	Division Engineer	Pueblo, Colo.
Harry C. Nevius	Amity Mutual	Lamar, Colo.
Guy M. Vincent	Kans. Div. of Water Resources	Garden City, Kans.
R. J. McGrath	Water Comm. Dists. #66 & #67	Lamar, Colo.
Ross W. Moor	U. S. Geological Survey	Lamar, Colo.
Arthur C. Gordon	Ft. Lyon, Ft. Bent, X. Y., Graham, & Frontier Ditches	Lamar, Colo.
Robert A. Buchhagen	Corps of Engineers	John Martin Dam
Donald W. Janssen	Corps of Engineers	Albuquerque, N. M.
Alfred L. Fuller	Corps of Engineers	John Martin Dam
Darrell R. Barrows	Corps of Engineers	Albuquerque, N. M.
James E. Wagner	Ft. Lyon Canal Co.	Lamar, Colo.
Sisto Guidotti	Amity	Bristol, Colo.
William Howland	Amity	Holly, Colo.
Roy D. Cooper	Ft. Lyon Canal	Las Animas, Colo.

Mr. Green opened the meeting at 9:40 A. M. by noting that the Chairman would not be present, and the Vice-Chairman would, therefore, preside. He said he thought it best not to delay the meeting any further waiting for Mr. Jenkins' arrival, since there was a quorum present.

The minutes of the September 21, 1962 meeting were considered and after two minor corrections were suggested, Mr. Kuiper moved that the minutes be approved as corrected. Mr. Bentrup seconded and the motion was passed by vote of the states.

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

#### SECRETARY'S REPORT

September 21, 1962 to December 11, 1962

On Sept. 27th the Secretary prepared and forwarded to the two States the Budget for 1963-64 as was adopted by the Administration at the Colorado Springs meeting. Also, the requests were made on both Kansas and Colorado for the 1962-63 funds which have been received and deposited in the First National Bank.

On Nov. 17th the water tables as demanded by Colorado and Kansas for the water year ending October 31, 1962 were prepared and forwarded to the Colorado Water Board. Copies were also sent to Mr. R. V. Smrha. Findings of Facts were also prepared and copies sent to both States.

At this time the Treasurer's Report for the year ending October 31, 1962 has been sent to both States. On this date Mr. Marvin Strait was given the Administration's vouchers and cancelled checks and other material necessary for auditing the 1962 accounts.

On Nov. 9th Mr. Buchhagen called the Secretary stating there was a small amount of water behind the dam causing storage to commence. As the Corps of Engineers had discontinued reading gages on the Arkansas and Purgatoire it would be necessary to have this information in order to give Colorado the river flow of 100 cfs. After conferring by telephone with Mr. Bentrup and Mr. Kuiper it was decided to try and engage someone to furnish the Engineers with this information. Mr. Dave Hieser was suggested and contacted by the Secretary. Mr. Hieser recommended we employ Mrs. R. J. Ellis who lives near the Arkansas River gaging station and has been furnishing the reservoir with this information. She also furnishes Mr. Hieser with the gage height at the Las Animas station. She was engaged by the Secretary to furnish the Engineers temporarily with the readings of the Arkansas Station. This she did for 4 days by telephone.

Other than paying bills as they became due this concludes my report.

Respectfully,

/s/ Hacket Smartt  
Hacket Smartt  
Secretary

Mr. Kuiper's motion, seconded by Mr. Bentrup, was passed to accpet the report as submitted.

Mr. Smartt then distributed Treasurer's reports for the Compact Year and for the period November 1, 1962 through December 11, 1962. The reports were accepted on separate motions by Mr. Kuiper, seconded by Mr. Smrha, and approved by vote of the states. The reports submitted by the Secretary follow:

TREASURER'S REPORT

from

November 1, 1961 to October 31, 1962

Balance on hand on October 31, 1961 - - - - - \$5,703.07

Date	Voucher Number	Payee and Purpose	Amount
1/ 8/62	330	Telephone Co. Nov., Dec. Service	\$ 31.20
1/ 8/62	331	Alvin Larsen Co. Auditing 1961 Accounts	\$ 65.00
1/ 8/62	332	Hacket Smartt, Nov. and Dec. Salary	\$ 194.00
1/ 8/62	333	Treasurer of the United States O.A.S.I. Fund	\$ 18.00
3/ 6/62	334	Telephone Co. Jan. and Feb. bill	\$ 22.70
3/ 6/62	335	U.S.G.S. 2nd Qtr., Cooperative Agreement	\$ 412.50
3/27/62	336	Peerless Printing for Annual Reports	\$ 630.00
4/ 6/62	337	Treasurer of U.S.A. O.A.S.I. Fund	\$ 18.75
4/ 6/62	338	Hacket Smartt, Jan., Feb., Mar. Salary	\$ 290.60
5/ 4/62	339	Telephone Co. March, April Service	\$ 25.95
6/30/62	340	U.S.G.S. 3rd Qtr. Agreement	\$ 412.00
6/30/62	341	Telephone Co. May telephone service	\$ 31.95
6/30/62	342	Hacket Smartt, Apr., May and June Salary	\$ 290.65
6/30/62	343	Treasurer of the U.S.A. O.A.S.I. Fund	\$ 18.75
6/30/62	344	Telephone Co. June service	\$ 19.50
8/ 6/62	345	U.S.G.S. 4th Qtr. Cooperative Agreement	\$ 413.00
8/ 6/62	346	Telephone Co. July telephone service	\$ 17.35
9/ 5/62	347	Lamar Daily News - Envelopes	\$ 13.50
9/ 5/62	348	M. S. Telephone Co. - August bill	\$ 20.45
9/27/62	349	Travel Mileage	\$ 18.40
10/ 4/62	350	M. S. Telephone - September bill	\$ 14.30
10/ 5/62	351	Hacket Smartt, July, Aug., Sept. Salary	\$ 290.60
10/ 5/62	352	Treasurer of the U.S.A. O.A.S.I. Fund	\$ 18.75
10/31/62	353	Treasurer's Bond	\$ 15.00
10/31/62	354	M. S. Telephone Co. - October bill	\$ 11.00
10/31/62	355	Secretary salary, Oct.; Typing, Stamps	\$ <u>205.88</u>

Total Disbursements 1962 Compact Year - - - - - \$3,519.78

Balance funds available at end of Compact Year 10/31/62 - \$2,183.29

TREASURER'S REPORT

from

November 1, 1962 to December 11, 1962

Balance on Hand November 1, 1962 - - - - -	-\$2,183.29
Deposit 11/ 1/62 from Kansas- - - - -	-\$1,980.00
Deposit 12/ 8/62 from Colorado- - - - -	<u>-\$2,970.00</u>

No Disbursements

Balance funds available 12/11/62 - - - - - -\$7,133.29

Mr. Smartt distributed copies of the Auditor's report and after a brief discussion it was agreed that the report be included in the Annual Report of the Administration.

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

OPERATION'S COMMITTEE REPORT

From 9-21-62 to 12-11-62

The River continued to be administered by the State Engineer until Nov. 1 when the gates were closed at 1:00 a.m. They were then opened at 8:30 a.m. on the same date to supply Colorado's demand for 100 cfs of river flow. Said demand continued until 9 a.m. on Nov. 17th when the demand was cancelled and the gates were closed at this hour. On Nov. 9th a small amount of water began to accumulate behind the dam, and continued to increase until the gates were closed. Amount in storage at midnight Nov. 17, 1962 was 374 ac. ft.

Present amount in storage 12-11-62 4,750 ac. ft.

Respectfully,

/s/ Carl Bentrup  
Chairman, Carl Bentrup  
Member, Hacket Smartt

Mr. Kuiper moved that the Operations Committee report be accepted. The motion was seconded by Mr. Smartt and approved by the states.

Mr. Smrha reported for the Engineering Committee and said that a study of the effect of stock ponds on the runoff of the river had been undertaken by Colorado. He asked Mr. Kuiper to outline the study and give its results. Mr. Kuiper said that this would not constitute the report of the Engineering Committee since Mr. Smrha has not had an opportunity to review it, but that it may be submitted later as the Committee report if it meets with the approval of Mr. Smrha. He gave a brief history of how the study was started, and illustrated on a map of the basin how the recorded stock ponds were plotted, and the areas that were studied in the field. He then showed colored slides of stock ponds and the surrounding terrain

in the areas covered in the field survey. Mr. Kuiper reiterated that he desired no action on his report until Kansas has had an opportunity to consider it. There was some discussion on the results of the study, and Mr. Green thanked Mr. Kuiper for an interesting presentation of the subject.

Mr. Green said the Legal and Administrative Committee has no report.

Mr. Arthur Gordon asked to address the Administration, and said he represented the Fort Lyon Canal Company and perhaps other ditches above John Martin reservoir. Mr. Kuiper asked Mr. Gordon if he could interrupt him, and said that it was his intention at this meeting to read a letter Mr. Gordon had written to the State Engineer, Mr. Whitten, and wanted to know if his statement was related to this same subject. Mr. Gordon said that it was on this subject that he was appearing, and that it was agreeable to him for Mr. Kuiper to read the letter at this time. Mr. Kuiper read the letter as follows:

GORDON AND GORDON

Attorneys At Law  
Turpin-Heath Building  
Lamar, Colorado

November 9, 1962

Hon. J. E. Whitten  
State Engineer  
State Services Building  
Denver, Colorado

Dear Mr. Whitten:

The regular monthly meeting of the board of directors of The Fort Lyon Canal Company was held at its office in Las Animas, Colorado, today. This letter is written to you as State Engineer at the request and under the authority of the board of directors.

To start with, the board is entirely dissatisfied with the way the administration of the John A. Martin Reservoir is conducted, both from the standpoint of the Commission and the Army Engineers. No one in particular seems to be at blame for this condition but it is a combination of circumstances which should be corrected immediately.

The provisions of the Interstate Compact for the administration of the Arkansas River is not being complied with in several respects, and until The Fort Lyon Canal Company calls attention to the failure to administer the river properly nothing seems to be done about it. The most flagrant disregard of the provisions of the Compact is the total failure to have any measurement of the "river flow" at Las Animas or at some point near the mouth of the Purgatoire where the Purgatoire flows into the Arkansas. Although there may be only 40 feet of actual "river flow" nevertheless there is being discharged from the reservoir at least 100 cubic second feet, which totally disregards the provisions of the Compact.

At the present time during the period from November 1st of one year and March 31st of the following year the administration seems to be under the sole direction of the secretary of the Compact Commissioners. The Army Engineers who are in charge of the reservoir take their directions solely from this secretary. He may have the best of intentions but at present he is not informed as to many things which he should know. He should be informed at least once a day as to "river flow" at Las Animas and at the mouth of the Purgatoire. He should also be informed as to the amount of water available to the ditches below the John Martin Reservoir for diversion irrespective of the amount of water coming in to the reservoir. He should also know as to whether any water is going across the State line. He should also be informed whether any water is being used for direct irrigation by any of the ditches or whether it is being used for stock ponds. Undoubtedly it would take a large amount of help for him to accumulate all this information, but to be fair to the upper ditches, and particularly The Fort Lyon Canal Company, this should be done.

A careful study of the minutes of the Compact Commissioners held over a period of years which resulted in the adoption of the Compact in 1948 shows that it was contemplated that any water released from the reservoir during the winter time was only for drinking water for stock. In other words, for stock ponds and not for direct irrigation. It further shows that this matter was time and again discussed by the Commissioners and in no event was it contemplated that any of the upper ditches, such as The Fort Lyon Canal Company, would be called upon to pass any water to furnish the 100 cubic feet per second of time, or any other amount, to the lower ditches during the winter time. Of course, when the reservoir is completely empty the provision with respect to 100 cfs was and is inapplicable.

At the present time The Fort Lyon Canal Company has passed enough water by La Junta so that there is storage in the John Martin Reservoir. Under such conditions an Order should be immediately issued by the secretary of the Compact Commissioners that only an amount equal to "river flow" should be released from the reservoir and not 100 cubic feet per second of time and if such amount is released the ditches below the reservoir are receiving more water than the amount to which they are entitled.

The time has come when the Fort Lyon in particular and the upper ditches in general must insist that the Compact be complied with in all of its particulars. The Fort Lyon Canal Company does not desire to engage in litigation but the board decided today it would engage in litigation, if necessary, to enforce its rights under the Compact. It seems to the Fort Lyon Canal Company that it is up to the Commissioners to hire sufficient help to assure a prompt, proper and efficient administration. With no way to read the gauges at Las Animas and at the mouth of the Purgatoire it is impossible for the secretary properly to direct the Army Engineers as to what to do with the water in storage. Today the secretary had no information whatever concerning these matters, which are so important to the upper ditches in Colorado.

This matter has been going on for fourteen years now and still this unfortunate condition has never been corrected. Unquestionably, measurement of the water at the mouth of the Purgatoire and at the gauge station in Las Animas would show that the "river flow" would be far less than 100 cubic feet of water per second of time, so if that amount is released, as it probably will be immediately, the upper ditches will be deprived of water to which they are entitled.

It might interest you to know that the report as to commencing of storage was not made to you in the first place but was made to the State Board of Water Commissioners which has no authority over the matter at all.

The board of directors feel it is so important that this matter be corrected immediately that it has directed the undersigned to write this letter to you and send copies eventually to all of the interested persons on the river. However, this letter does not contain all of the objections to the present way of administering the Compact, but some of the principal ones are stated above.

Respectfully submitted,

GORDON AND GORDON

By /s/ Arthur C. Gordon

ACG:mvs

Mr. Gordon then said that this covered pretty well what he was going to say. He gave a summary of how the releases were demanded and said that the Fort Lyon Canal Company is determined to get this matter settled. Mr. Smartt reviewed his orders on closing the gates and the calls he received after November 1.

Mr. John Martin said that the Corps of Engineers had sediment sampling stations at the two Las Animas gages for several years, and the observers took samples and read the gages. However, the U.S.G.S. is now taking all necessary sediment samples, and so the Corps observers were discharged. It was his understanding that the gages were being read by the U.S.G.S.

Mr. Nevius asked if the water in storage was released from the Fort Lyon, and Mr. Gordon answered that it was. He related how the releases had been made for storage in John Martin reservoir. A discussion of releases followed, and Mr. Martin said that the Corps feels that they must have a single source for instructions on operation of the reservoir, and the Compact Administration has been that source in the past.

Mr. Kuiper said that the Assistant Attorney General and the State Engineer for Colorado have considered the situation and there are some points in Mr. Gordon's letter they agree with and other points in which they disagree with Mr. Gordon. However, he thought that the records of the inflow stations should be made available immediately to the operator at the dam either by telemeter or by telephone, and that operational procedure should be clearly spelled out. Mr. Gordon and Mr. Kuiper discussed the wording and intent of the compact, and Mr. Gordon said that the Fort Lyon will comply with the compact and the law, but that a court decision may be needed on it. He thanked the Administration for hearing him.

Further discussion was had on the compact and uses of winter water, and Mr. Smartt asked Mr. Buchhagen to review the operations during the critical period, and Mr. Buchhagen summarized the flows into the reservoir and said that the gates were readjusted

whenever the 100 cfs began to be exceeded. More general discussion ensued on releases, river flow, unmeasured inflow, adjusting the gates, instructions from the Administration, having the inflow gages read, and need for a standard operating procedure. A motion by Mr. Kuiper, seconded by Mr. Bentrup was passed that the Vice-Chairman appoint a committee to draw up a set of standard operating procedures and make them available to the Secretary. Mr. Green then appointed Mr. Ralph Owen, Deputy Colorado State Engineer, Mr. Carl Bentrup, Operations Committee member, Mr. Jack Odell, U.S.G.S., and Mr. Kuiper, Engineering Committee member to the committee to develop a standard operating procedure. Mr. Kuiper to chair the committee. Mr. Martin suggested that in the operating procedures it might be advisable to state that the Secretary should make all requests for releases and confirm them in writing.

Mr. Green said the Administration should make a finding on the use and how releases are to be made after the end of the irrigation season. After some discussion it was generally concluded that the Administration, itself, could not rule on the use of water, but that henceforth between October 31 and April 1 releases of stream flows up to 100 cfs, upon request, will be made based upon the readings of the gages of the Purgatoire near Las Animas and the Arkansas at Las Animas.

The bid of the Peerless Printing Company was presented by Mr. Smartt for publication of the Annual Report, and after some discussion, Mr. Kuiper moved that the Peerless Printing Company bid be accepted for printing 400 copies of the Annual Report. Mr. Bentrup seconded the motion and it was passed by vote of the states.

Mr. Green said that Mr. McGrath had recently lost his wife and he knew the Administration wished to express sympathy to Mr. McGrath, and instructed the Secretary to relay the Administration's expressions to Mr. McGrath.

Mr. Smrha moved that all officers be re-elected and all standing committees be reappointed as they now stand. Mr. Kuiper seconded the motion and it was passed by vote of the states. Mr. Green then declared all officers are re-elected, and all standing committee members are, herewith, reappointed.

The Administration adjourned at 12:40 P. M.