

MINUTES OF
ARKANSAS RIVER COMPACT ADMINISTRATION

SPECIAL MEETING

July 23, 1965

Court House

Lamar, Colorado

Attendance:

For Colorado:

Hacket Smartt, Lamar
George F. Reyher, McClave
Felix L. Sparks, Denver

For Kansas:

Robert V. Smrha, Topeka
Carl E. Bentrup, Deerfield
Logan N. Green, Garden City

For the United States:

Francis M. Bell, Denver

Others Attending:

J. W. Odell	U.S.G.S.	Denver, Colo.
Ross W. Moor	U.S.G.S.	Lamar, Colo.
James A. Constant	U.S.C.E.	Albuquerque, N.M.
James Taylor		La Junta, Colo.
Fred Wunsch		La Junta, Colo.
Alf Seatt		La Junta, Colo.
G. E. Kimble		Swink, Colo.
Dan Bogart	Colo. G. F. & P.	Lamar, Colo.
Carl R. Welsh	Colo. G. F. & P.	Colo. Springs, Colo.
Eleanore Barnes		La Junta, Colo.
John T. Lewis	S.E. Colo. G.&F. Club	Lamar, Colo.
Sisto Guidotti	Amity Canal	Bristol, Colo.
Robert R. Wolford		Lamar, Colo.
Jim Romer	Amity Canal	Holly, Colo.
Ernest Hofmeister	Lamar Canal	Lamar, Colo.
Leo J. Gamble	Bur. of Reclamation	Pueblo, Colo.
John W. Patterson	Division Engineer	Pueblo, Colo.
R. T. Eckles	Dept. of Natural Resources	Denver, Colo.

E. L. Shaw	Colo. G. F. & P.	Denver, Colo.
R. E. Northrup	Mayor, City of Lamar	Lamar, Colo.
W. P. Randle	City of Lamar	Lamar, Colo.
Harry C. Nevius	Amity Mutual Canal	Lamar, Colo.
William Howland	Amity Mutual Canal	Holly, Colo.
Ray Jameson	X Y Canal	Granada, Colo.
Charles Kendall		Lamar, Colo.
E. A. Thaxton		Las Animas, Colo.
Chuck Steele		Las Animas, Colo.
Jim Thomas		Rocky Ford, Colo.
Lane L. Hackett	Water Comm. Dist. #67	Lamar, Colo.
Fred L. Boydston, Jr.	C.W.C.B.	Denver, Colo.
Robert A. Buchhagen	Corps of Engineers	Hasty, Colo.
	John Martin Reservoir	
Howard C. Corrigan	Kansas Water Comm.	Garden City, Ks.
Charles N. Henson	Kansas Asst. Atty. General	Topeka, Kansas
J. D. Geissinger	Colo. Asst. Atty. General	Denver, Colo.

MEETING CALLED TO ORDER:

Chairman Bell called the Special Meeting of the Arkansas River Compact Administration to order at 10:00 A. M., July 23, 1965, in the Court House, Lamar, Colorado. He explained that the delay was because the Kansas members wished to have a conference.

He explained that this is a Special Meeting called at the request of the Colorado Administration Members. He requested that consideration be given to the Minutes of the June 2, 1965 meeting. Mr. Smartt and Mr. Smrha both submitted corrections. Mr. Bell then said if there were no further corrections, the Minutes would be approved as corrected. There were no additional corrections.

REPORTS:

Mr. Bell then said that the Chairman had no report, and called for Mr. Smartt to give the report of the Secretary. Mr. Smartt said he had no report as Secretary, and his activities were described mostly in the Operations Committee Report. He submitted the Minutes of the Special Telephonic Meeting of June 14, 1965 as follows:

SPECIAL TELEPHONIC MEETING

June 14, 1965

Due to heavy rains in the Purgatoire watershed, and also excess water reported in the Arkansas near La Junta, Colorado, and other tributaries to the Arkansas being in flood stage, a Special Telephonic Meeting was held in accordance with Article IV, 3B of the By-Laws of the Administration, for the purpose of declaring water available for storage.

Water was declared available, and the gates were ordered closed at 12:45 P.M. on June 14, 1965 and storage began.

The Division Engineer for Colorado was notified; also, J. W. Patterson, District Water Commissioner of Pueblo.

Members participating were:

For Colorado - Mr. Smartt and Mr. Reyher.

For Kansas - Mr. Green and Mr. Bentrup.

Respectfully submitted,

/s/ HACKET SMARTT, Secretary

Mr. Bentrup moved, and Mr. Sparks seconded that the Minutes of the Special Telephonic Meeting be approved. The motion passed by vote of the states.

Mr. Smartt gave the Treasurers report as follows:

TREASURERS REPORT

Disbursements by the Administration - 1965 Fiscal Year

<u>Date</u>	<u>Voucher No.</u>	<u>Payee & Purpose</u>	<u>Amount</u>
		Balance on Hand December 8, 1964	\$8,885.30
1-2-65	416	November & December Telephone Bill	29.70
1-4-65	417	Treasurer of the U.S. Social Security	21.75
1-11-65	418	Lamar Daily News, Print Letterheads	9.20
1-14-65	419	U.S.G.S. Second Quarter Agreement	2,450.00
12-31-64	420	Hacket Smartt, 1964 Fourth Quarter salary less \$10.88 Social Security	289.12
2-11-65	421	A. Marvin Strait, Auditing, 1964	75.00
2-23-65	422	Peerless Printing Company	648.00
2-23-65	423	January & February Telephone Bill	26.91
4-5-65	424	March Telephone Bill	13.95
4-5-65	425	Hacket Smartt, 1965 First Quarter salary less \$10.88 Social Security	289.12
4-5-65	426	Treasurer of the U.S. Social Security	21.75
4-20-65	427	U.S.G.S. Third Quarter Agreement	2,450.00
5-3-65	428	April Telephone Bill	21.42
	---	Amount withheld by bank for stopping payment on two vouchers.	1.00
6-30-65	429	U.S.G.S. Fourth Quarter Agreement	450.00
6-30-65	430	U.S. Treasurer, Social Security	21.75
6-30-65	431	Hacket Smartt, Second Quarter Salary less \$10.87 Social Security	289.13
6-30-65	432	May Telephone Bill	41.39
		TOTAL DISBURSEMENTS	\$7,149.19
		PRESENT BANK BALANCE (June 30, 1965)	\$1,736.11

Mr. Bell asked Mr. Smartt if he had called for the funds from the States, and Mr. Smartt replied that he had not. The Chairman then said that if there were no objections, the Treasurers report would be accepted.

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

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

OPERATIONS COMMITTEE REPORT

June 2, 1965 to July 23, 1965

Due to reports of flood water in the Purgatoire, the Arkansas River, Caddoa Creek and Mud Creek, the Committee held a Special Telephonic meeting on June 14, 1965 for the purpose of declaring water available for storage; water was declared available and the gates were ordered closed at 12:45 P.M. on this date. Also at this time a release of 400 c.f.s. was ordered to supply a demand by Colorado.

The gates were ordered closed on June 17, 1965 at 7:30 A.M. as all creeks and tributaries to the Arkansas River were in terrible flood stage causing great damage in the Arkansas Valley of both Colorado and Kansas.

The gates at the reservoir remained closed until July 6, 1965 when they were ordered open at 8:30 A.M. to discharge 200 c.f.s. being called for by Colorado. On July 8, 1965 this demand was cancelled. The Amity continued to use the flood water that was being released by order of the Army Engineers. This supplied the need of the Amity Canal until the gates were closed on July 13, 1965 at 3:00 P.M. by order of the Army Engineers. At 4:00 P.M. on this date they were opened to discharge 300 c.f.s. which was demanded by Colorado. The amount was increased to 500 c.f.s. on July 14, 1965 at 8:00 A.M., this being called for by Colorado.

On July 15, 1965 at 8:00 A.M. the release was increased to 1,050 c.f.s., Colorado demanding 550, Kansas demanding 500 c.f.s.

Amount of water in reservoir when closed by the Army Engineers at 3:00 P.M. on July 14, 1965 was 375,313 acre-feet.

Amount in reservoir at present -- 362,788 acre-feet.

Respectfully submitted,

CARL BENTRUP, CHAIRMAN
HACKET SMARTT, MEMBER

A short discussion was held on the Operations Committee Report, and Mr. Bell said that the Report would be accepted unless there were objections.

Mr. Smrha reported for the Engineering Committee. He said that no meeting had been held, but that the Engineering Committee along with several others had visited the Clay Creek Dam the previous day.

UNFINISHED BUSINESS:

Under unfinished business, Mr. Smrha reported that the Kansas members had been reappointed for four years, and submitted their credentials.

NEW BUSINESS:

Mr. Bell then asked for new business, and Mr. Smartt submitted a proposed Budget for Fiscal Year 1966 - 1967. The Budget is as follows:

ARKANSAS RIVER COMPACT ADMINISTRATION BUDGET

FISCAL YEAR 1966-1967

Personal Services		\$3,350.00
Secretary Salary	\$1,200.00	
Social Security	75.00	
Gage Reports	2,000.00	
Professional Services (Audit of Accounts	75.00	
Capitol Outlay		300.00
Maintenance and Operation		1,665.00
Bond, Treasurer	15.00	
Printing	700.00	
Official Publications	100.00	
Travel Expense - Secretary Employees	200.00	
Typing and Mailing	100.00	
Investigation and Inspection	100.00	
Telephone and Telegraph	300.00	
Office Supplies	150.00	
Total Proposed Budget 1966 - 1967		\$5,315.00
Estimated Carry-over as of June 30, 1966		-0-
Total to be appropriated by Colorado and Kansas		<u>\$5,315.00</u>
Colorado's share 60% - \$3,189.00		
Kansas' share 40% - \$2,126.00		

A short discussion ensued over changes in this Budget over the last one. Mr. Smrha moved that the proposed Budget be adopted. Mr. Smartt seconded the motion, and it passed by vote of the states.

Mr. Sparks then said that the Clay Creek Dam situation had not been resolved, and that the Game, Fish & Parks Commission had authorized reconstruction of the Dam with approval of the Governor of Colorado and the State Water Conservation Board. The Colorado Water Conservation Board had authorized Mr. Sparks to approve rebuilding the dam with certain limitations. After the inspection trip he said he was prepared to come to an agreement today on the outlet works, or submit the proposition to arbitration. He suggested a Committee of Engineers for arbitration representing each state, and said that Colorado would be bound by the decisions of such Arbitration Committee.

Mr. Smrha said that the Kansas views were the same as they were at the meeting in Denver, but that he would like to hear the proposal for the outlet works and reservoir operation.

Mr. Sparks said that Colorado would offer to put an eight-foot outlet in the Reservoir which would have a maximum discharge of 1500 c.f.s. and a minimum discharge of 300 c.f.s. He emphasized that Clay Creek has less than four percent of the drainage area below John Martin Dam.

Mr. Bell asked if this would also include cleaning out the present four-foot diameter outlet tube.

Mr. Sparks replied that it would not be necessary to clean this out since the eight-foot diameter tube would be more than able to pass the demand.

Mr. Smrha observed that the outlet flow would vary with the head. He questioned if the outlet tube was to be installed at the stream bed level. Mr. Shaw said that it would be installed at stream bed level at elevation 3,628 feet.

Mr. Sparks said the four-foot diameter tube had a discharge of 200 c.f.s.

Mr. Smrha asked what the discharge would be with an eight-foot tube with twenty-feet of head, in other words at elevation 3,648 feet? Mr. Sparks replied that the discharge would be approximately 1,250 c.f.s. at that elevation.

Mr. Sparks also said that he wished to explore this situation with the Corps of Engineers to see if a flood control project can not be constructed at this site. It would also contain capacity for a recreation pool. He then said that many small dams will be constructed on the tributaries in this area such as Willow Creek and Two Buttes, but they will be ungated structures, and will merely detain the flood flows.

Mr. Smrha said that he thought that this was all part of the survey and study for a flood control plan of the Arkansas River and asked when this could be completed.

Mr. Sparks replied that it would take about two years to complete.

Mr. Smrha then discussed with Mr. Sparks the feasibility, authorization and construction. Mr. Sparks said that with a speedup, to get from feasibility report to construction would be four to five years.

Mr. Bell asked what would happen to the Reservoir in the meantime.

Mr. Sparks said that the Corps Interim Report would be sent to the interested states with plans for construction of the Reservoir.

Mr. Smrha said that if it was assumed that the Reservoir was constructed with an eight-foot diameter outlet tube, what would be the procedure for operating the structure.

Mr. Sparks said that the procedure would be that when water was stored in John Martin above 20,000 acre-feet, only 500 c.f.s. was required to be released, measured at the state line; and that all Clay Creek flows would be caught and that when no water was stored in John Martin, Clay Creek flows would be released to meet the decreed rights in Colorado and Kansas. A discussion ensued of the 500 c.f.s. released when water is in John Martin Reservoir.

Mr. Bentrup said that Kansas could use generally the flows of the tributaries, plus releases from John Martin; and without the dam, Kansas could use up to 1800 c.f.s. He thought that any amounts above the Kansas capacities could be stored, but that Kansas should not be held to the 500 c.f.s. suggested. He emphasized that Kansas has no opposition to a strictly flood control project.

Mr. Sparks asked why the limit of 500 c.f.s. had been established in the first place if there are decreed rights of 1,150 c.f.s. in Kansas. He also stated that as a practical matter, storage in Clay Creek would be only when the state line flow exceeds the Kansas requirements. Involuntary storage from floods would be released immediately if indicated from measurement of the state line flows, with the entire reservoir capacity evacuated up to a rate of 1500 c.f.s. He said that he expected that the Operations Committee would supervise the reservoir operation.

Mr. Green asked if the Game, Fish & Parks Department could not rebuild the Dam without the approval of the Water Board.

Mr. Sparks said that the Commission would not approve rebuilding, without the Board's approval. He also said that the Game, Fish & Parks Commission may not want to rebuild it anyway, even with approval of the Governor and the Water Conservation Board. At this point Mr. Smrha requested a fifteen minute recess so that the Kansas members could confer.

Mr. Bell called the recessed meeting to order again at 11:00 A.M. Mr. Green moved that in consideration of the proposal to rebuild the Dam on Clay Creek, and its operation as outlined by Mr. Sparks, which will not deplete the usable flows to the Arkansas River materially, the proposal is acceptable to the state of Kansas.

Mr. Smartt seconded the motion, and the motion passed by vote of the states.

Mr. Sparks said he wished to emphasize that by rebuilding this dam, there is no intent to establish a precedent, and that future flood control structures will be ungated and releases will be automatic.

Mr. Henson said that the Kansas Attorney General's office will work with the Colorado Attorney General to dismiss the suit. Mr. Geissinger observed that the Colorado briefs had been filed today and would like to get to work immediately on a dismissal.

Mr. Henson said that Kansas will advise the Supreme Court immediately.

Mr. Sparks said he was sure that the Operations Committee could come up with an equitable manner of operating the Reservoir.

Mr. Bentrup said that he will have a written agreement of the Operations Committee at the next meeting, for presentation and subsequent approval by the Administration. A short discussion ensued.

Mr. Green said that Kansas, like Colorado is jealous of its water; but that Kansas has no idea of deterring Colorado from use of its water. Kansas was mainly interested in getting its water to the state line.

Mr. Bell then said that a permanent pool in John Martin Reservoir has been suggested, and called on Mr. Sparks to explain the present situation.

Mr. Sparks said that the permanent pool idea had been discussed in previous meetings of the Administration and that water supply studies had been made for such a pool. It had been formerly suggested that a pool of 20,000 acre-feet was necessary, but that studies had shown this amount would not be feasible or economical. It was further concluded that a pool of 10,000 acre-feet could be maintained with purchase of water. Operation studies had been made and evaporation was computed at an average of about 2,000 acre-feet per year. In the last two years, because of the drought, this would have increased to about 2,800 acre-feet. He said that the water could be purchased for evaporation, but the initial filling water had been the question. He said that two years ago, the Colorado Water Conservation Board had approved such a pool and had prepared legislation to authorize encroachment of the flood control pool. He said that operation of John Martin Reservoir water is strictly within the discretion of the Chief of the U.S. Corps of Engineers. The Corps of Engineers can comply with the requests of the Administration, but the Chief can retain a permanent pool if he so desires.

The previous recommendations for a permanent pool were to invade the conservation pool. The recommendation now is to invade only the flood control pool. At present the flood control space has been invaded, and the Chief has ordered the gates closed and has retained something in excess of 10,000 acre-feet. Legislation is pending in Congress to establish a permanent pool with approval of the Administration, the Chief of the Corps of Engineers and the Colorado Water Conservation Board. We can not submit an operation proposal until such a bill passes.

Under recent legislation in Colorado, evaporation from reservoirs must be charged to the water right owner. Mr. Sparks stressed that the water is measured into John Martin Reservoir, and that evaporation must come from the water rights

purchased. He said that the base evaporation from the pan, and measurements of flows into the Reservoir and out of the Reservoir would be more than adequate for operations. He would like the Administration to approve the proposed legislation before Congress.

Mr. Smrha said that Kansas could not comment at this time even though at present, there was water above the elevation of the conservation pool. He said the elevation of the conservation pool has been established and questioned whether the Administration had authority to consider any legislation to invade the flood control pool. He questioned if any water had been captured for the permanent pool as yet. He said his interpretation was that all water below elevation 3,851 is conservation, and above that elevation is flood water subject to release. The legislation, he understands, would authorize the Corps to invade the flood control pool with a permanent pool, with the agreement of all concerned. He said that the decisions of operation must wait until pending legislation is passed.

Mr. Sparks discussed acquisition of water rights to make up the evaporation from the reservoir. He said that in 1958, the Game, Fish and Parks Department had acquired the Setchfield Reservoir. It has a 14,000 acre-foot storage right decreed in 1907. The dam had gone out in the recent flood, and although the right was not worth the entire 14,000 acre-feet decreed to it, they have recommended that Setchfield not be reconstructed, and the decreed right be transferred to John Martin Reservoir in lieu of evaporation from the permanent pool.

Mr. Sparks said that other rights would also be necessary for this purpose and that he desires approval of the pending legislation by the Administration. He therefore moved that the Administration go on record as approving the legislation contained in H.R. 7166. In discussing the matter of the legislation, Mr. Sparks said that all of the water in John Martin Reservoir belongs to the U.S. Government.

Mr. Smrha said that he did not subscribe to that viewpoint, and noted that the permanent pool proposed has been before the Administration several times.

Mr. Green said that Kansas has been neutral, and that the Administration should neither support nor object to the permanent pool. He said that to defeat this motion would not necessarily indicate that they disapprove of a permanent pool, but merely wish to hold a neutral position.

Mr. Smartt asked if the permanent pool would damage Kansas, and Mr. Smrha replied that he was not in a position to say.

Mr. Sparks said that the motion applied only to the proposed legislation, and that it was not the intent to submit an operation procedure until the legislation was passed. He said that Colorado gets requests frequently for fish pools on some of these tributaries, and that if once a permanent pool is established in John Martin, no more tributary pools would be considered. Mr. Sparks then made a substitute motion that the Arkansas River Compact Administration go on record that it has no objection to enactment of H.R. 7162. Mr. Reyher seconded the motion. Mr. Smrha requested another recess for consultation with the Kansas members.

The meeting reconvened at noon. There being no further discussion, a vote was called for. Colorado voted 'yes'. Kansas voted 'no'. Mr. Bentrup

again said that the "No" vote is not to be construed that Kansas wants other than to be neutral. Mr. Bell declared the motion defeated, and questioned if it was necessary to point out that the Administration wished to remain neutral on the subject. A discussion ensued.

Mr. Sparks emphasized that in the legislation there is a provision for the operating principles to be agreed to by the Administration.

Mr. Bentrup thought that the Administration should have a certain concrete proposal to act upon. A discussion of the meaning of Kansas' position was held and Mr. Sparks then moved that the Administration go on record as stating its position that it remain neutral on the subject of pending legislation in H.R. 7162, with the feeling that this is a matter entirely up to the U.S. Congress. After considerable discussion, Mr. Bell declared that the motion was defeated for lack of a second, and said that the minutes will show Kansas' position on the original motion, and also the Colorado vote.

Mr. Bell said that Mr. Hackett had a matter to discuss with the Operations Committee and called upon Mr. Hackett to state his problem.

Mr. Hackett said that some of the ditch companies below John Martin request that the flows be decreased to allow them to repair their ditches. He said that the only way is to close the Kansas demand of 500 c.f.s. temporarily. He said that under present conditions the town of Granada and several farms are in danger of floods and the ditches have to be repaired. He said that twelve hours would be needed to divert the river and make repairs.

Mr. Jameson of the XY Ditch Company said that twelve hours would be sufficient to divert the waters, make the necessary repairs and redivert the river to its original course.

Mr. Bell asked if they could divert to another ditch and a discussion ensued on the possibility of dropping the flow back into Horse Creek. It was estimated that about 200 c.f.s. could be handled in this manner. Mr. Bell suggested that the Operations Committee could work out something in this manner and in the discussion which followed, it was suggested that Kansas water could be held up temporarily, and then substitute flows would repay them later, or that all flows be cut proportionately, or that all flows be cut entirely. It was agreed that the Operations Committee could work with the Water Commissioners of Colorado and Kansas to work out a solution to this problem.

The meeting adjourned at 12:25 P. M. subject to call, or the Annual Meeting.