

MINUTES  
OF  
SPECIAL MEETING  
ARKANSAS RIVER COMPACT ADMINISTRATION

Denver, Colorado  
January 31, 1950

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Attendance--

Brig. Gen. Hans Kramer, San Francisco, California; Federal Representative and  
Chairman of the Administration.

For Colorado:

Harry B. Mendenhall, Rocky Ford; Chairman of Colorado Representatives.  
Harry C. Nevius, Lamar; Administration Secretary.  
Clifford H. Stone, Denver

For Kansas:

George S. Knapp, Topeka; Chairman of Kansas Representatives.  
Roland H. Tate, Garden City

Absent:

William E. Leavitt, Garden City; Kansas Representative.

Others Attending:

Ray E. Peterson, Denver; recorder.  
Henry C. Vidal, Denver.  
Allen Moore, Denver, Deputy Attorney General, State of Colorado.

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The meeting was called to order at 10:10 a.m. in Room 330, State Office  
Building in Denver, by Chairman Kramer.

Rep. Knapp reported that Rep. Leavitt of Kansas would not be present for  
the meeting, due to participating in a court case in Wichita, Kansas.

Rep. Knapp suggested a further minor correction for the approved minutes  
of the November 14 meeting of the Administration, as follows: That on Page 13  
of the mimeographed copy of the November 14, 1949 meeting, the first sentence  
of the fourth paragraph from the bottom of the page should read " x x x Rep.  
Knapp presented the report on gaging stations of the Engineering Committee x x x"  
(inserting the words "on gaging stations", to clarify). The correction was  
approved and ordered made.

Chairman Kramer directed that no corrective memo be issued, but that the record of the current meeting (January 31, 1950) should report the correction for the November 14 minutes adopted retroactively.

Following agreement on text corrections, the Administration approved the minutes of the meeting of December 13, 1949. All corrections are included in the revised mimeographed draft of the December 13 minutes, now labeled as the "official minutes" for that meeting. Chairman Kramer announced the minutes for the December 13 meeting approved, as edited.

In the Chairman's report to the Administration, General Kramer stated:

a. That he had received an acknowledgement from the office of Secretary of the Interior, regarding the Administration resolution on use of USGS funds for gaging stations.

b. That he had received a letter from USGS, stating that no provision for gaging station funds had been anticipated for the 1951 USGS budget. The Chairman reported he had suggested the possibility of deficiency appropriations for the USGS budget, to cover the gaging stations item.

c. That word had been received of the appointment of Col. Charles H. McNutt as District Engineer of the Albuquerque, N. M., office of the Corps of Engineers, succeeding Lt. Col. Joseph Killian in that position.

d. That he (Kramer) had conferred with M. C. Hinderlider, State Engineer of Colorado, on December 30, 1949, regarding possible use of personnel of the state engineer's department in the Arkansas Valley to assist in administration of the Arkansas River Compact. He said he had urged the Colorado State Engineer to permit R. J. McGrath, water commissioner for District 67, to serve as outlined in an initial draft of proposed Rules and Regulations, on a trial basis to ascertain if the arrangement would be satisfactory, and that Mr. Hinderlider was urged to consult with the Attorney General's office to check on possible legal obstacles to the plan. He said the State Engineer was invited to attend the January 31 meeting, or send a deputy.

Rep. Stone supplemented the information given by the Chairman on the request for USGS funds for gaging stations. Rep. Stone, just returned from Washington, reported he had conferred with Carl G. Paulsen of USGS and with Colorado Congressional representatives.

He reported these conferences emphasized that the proper approach at this time for USGS funds for gaging stations would be a request from members of Congress from the interested states, delivered to the Bureau of the Budget, asking that a budget estimate to cover the gaging stations program be included in the Bureau of Budget recommendations. It was agreed that Rep. Stone, for Colorado, and Rep. Knapp, for Kansas, would supply information to the Congressional delegations of the two states, needed for the approach to the Bureau of the Budget regarding the Arkansas River needs.

It was decided to delay consideration of proposed Rules and Regulations until afternoon. Chairman Kramer agreed to contact the State Engineer to urge his participation in the afternoon session, and Rep. Stone was instructed to convey similar invitation to Deputy Attorney General Allen Moore.

In his report as Secretary-Treasurer, Rep. Nevius announced:

a. That, as directed, letters had been sent to Congressmen and Senators from both Colorado and Kansas, informing them of the Administration resolution and action regarding the need for USGS funds for Compact gaging stations.

b. That Administration instructions were desired for distribution of the Legislative Report, a compilation of documents covering State and Federal action on ratifying the Arkansas River Compact. It was decided that the Legislative Report would include a copy of the Administration's first annual report (1949).

It was decided that the expected 60 copies of the Legislative Record would be distributed as follows: Eight copies to Chairman Kramer to include distribution to Federal agencies, three copies for Archives (National and in two States); eight copies to members of original Compact Commission, including A. M. Mitchell (Kansas), National Bank of Topeka Building, Topeka, Kan., and Charles L. Patterson, 2780 Shakespeare Drive, San Marino, Calif.; two copies to Ditch Association secretaries (Colorado and Kansas), leaving 39 copies to go as follows: 13 to Mr. Knapp's office in Topeka, 13 to Colorado Water Conservation Board, Denver, and 13 for Administration files at Lamar.

c. Distribution for the Administration's first annual report (1949) was determined as follows:

To interested Federal Agencies and Officials.

To all newspapers and press services on Administration's mailing list.

To directors of interested ditch companies in Colorado and Kansas.

To State Senators and Representatives in each State, in the affected irrigation sections.

To the Congressional delegation of both States.

100 copies for Administration files in Lamar.

d. That no additional signed agreements from Ditch Companies in the Arkansas Valley in Colorado had been received, but contacts indicated that agreements would be obtained from all companies. The Secretary explained the smaller ditch companies hold meetings less often, and their agreements would be delayed until such meetings had been held to approve the action.

e. The Secretary called attention to printed copies of the first annual (1949) report of the Administration, and reported a bill for \$245 had been received from Peerless Printing Company, Denver, for printing and binding. The Chairman ruled the printing bill would be considered as "office expense" to be handled by the Secretary-Treasurer, and that no further action for payment was necessary by the Administration.

f. The report of the Treasurer was submitted for the record as follows:

On hand, First National Bank in Lamar, December 13, 1949	\$2,000.00
Disbursements	
12-13-49 James L. Wade, Agent, National Surety Corp.	\$50.00
Voucher #2 1-28-50 Out West Ptg. & Stationery Co.	26.02
Voucher #3 1-28-50 Lamar Daily News	<u>26.75</u>
	102.77
On hand, January 31, 1950 . . . . .	<u>1,897.23</u>

Rep. Stone announced the Legal and Administrative Committee had no further report to present. The Administration having already considered the printed annual report, Rep. Stone said he could only add that the draft copy had been prepared by Rep. Tate and himself, with statistical tables provided by Rep. Knapp of the Administration's Engineering Committee.

In response to inquiry by Chairman Kramer, the Legal and Administrative Committee reported it had reviewed copies of the first agreements received from ditch companies in the Arkansas Valley, and had approved the form used, but that no further reviews had been made. The Chairman suggested each agreement be reviewed individually as received to check conformity to provisions of the Arkansas River Compact.

It was explained agreements should be executed in triplicate, so identical copies could be made available to (1) the State Engineer, (2) the Administration files, and (3) a copy retained by the ditch company. Chairman Kramer advised that letters of transmittal should accompany each agreement when filed, and that the Administration, through its Secretary, should acknowledge receipt of each agreement by an official letter.

Discussion was had regarding distribution of the 60 sets of the official record of the Arkansas River Compact Commission, which negotiated the Colorado-Kansas water pact. Distribution was decided as follows: Eight sets to Chairman Kramer for Federal distribution, eight copies to members of the Commission; and the remainder (44) divided equally to Colorado and Kansas.

Rep. Mendenhall of the Operations Committee reported water in storage at John Martin Dam and Reservoir, as follows: 1/29/48 -- 126,479 acre feet; 1/25/50 -- 148,836 acre feet; and estimated as the current storage -- 150,000-plus acre feet.

The Administration recessed until 1:45 o'clock.

Afternoon Session

January 31, 1950

The meeting was called to order at 1:50 o'clock by Chairman Kramer.

Chairman Kramer reported on his noon-hour contact with M. C. Hinderlider, State Engineer. He said the State Engineer informed him the proposal to have Mr. McGrath assist the Administration in its administrative functions was not acceptable, and that the State Engineer was of the opinion official duties of the state engineer's staff should be independent of any tie-in with the Compact Administration.

In view of the State Engineer's announced position, the Administration decided to re-draft the proposed Rules and Regulations, eliminating paragraphs which had anticipated acceptance of the plan of cooperation by the state engineer, and setting up an exact delineation of duties and responsibilities for all participating agencies.

Allen Moore, deputy Attorney General, reported that no conference had been asked by the State Engineer, and no communication had been received by the Attorney General's office, regarding the proposed cooperative plan. He said that the State Engineer's earlier-expressed opposition to the plan was apparently unchanged.

Chairman Kramer proposed the Administration set up its own pattern for administering the Compact, with the Secretary of the Administration at Lamar to be the key man in the administrative program, through whom authority for water releases would be channeled. Chairman Kramer announced that USGS had offered to make its Arkansas Valley representative (Mr. Ross Moor) available to assist the Secretary of the Administration. It was unanimously agreed to accept the proffered services and assistance of the USGS field man.

The text of the draft copy of the proposed Rules and Regulations was read and studied, paragraph by paragraph, with revisions being made in content and phraseology to conform to the administrative pattern already endorsed in principle by the Administration.

It was decided mimeographed copies of Rules and Regulations, as edited at the meeting, would be prepared in the office of the Colorado Water Conservation Board by Rep. Stone, and submitted by mail to Administration members and others, for final inspection and review before being released for official publication as required by the by-laws. It was agreed that, if possible, the publication of the Rules and Regulations, by the Secretary, would be on a schedule to permit the Rules and Regulations to become officially effective April 1, 1950.

The Kansas representatives announced official publication in Kansas would be in the Garden City Daily Telegram, but that arrangements might be possible to have the text of the Rules and Regulations printed in other newspapers of the valley in Kansas. Official publication in Colorado was designated for the Lamar Daily News, but mimeographed copies of the Rules and Regulations will be provided for all ditch companies in the valley east of Pueblo.

Chairman Kramer accepted assignment to contact F. M. Bell, district engineer of USGS at Denver, to acknowledge Administration acceptance of the assistance of the USGS hydraulic engineer in the Arkansas Valley, and to express thanks of the Administration.

It was announced the next meeting of the Administration would be on the next regularly scheduled date, at Lamar, as provided in the by-laws, on Tuesday, March 21, 1950.

The meeting adjourned at 5:30 o'clock.

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Harry C. Nevius,  
Administration Secretary.

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Ray E. Peterson,  
Recorder

(These Minutes were approved by action of the Arkansas River Compact Administration on Friday, March 24, 1950.)