

ARKANSAS RIVER COMPACT ADMINISTRATION

SPECIAL MEETING

OCTOBER 27, 1953.

LAMAR, COLORADO

Attendance -

For Colorado:

Harry B. Mendenhall, Rocky Ford; Chairman of Colorado
Representatives
Ivan C. Crawford, Denver; Director, Colorado Water
Conservation Board
Harry C. Nevius, Lamar; Administration Secretary and
Treasurer

For Kansas:

Wm. E. Leavitt, Garden City; Administration Vice Chairman
R. V. Smrha, Chief Engineer, Division of Water Resources,
Kansas State Board of Agriculture
Roland H. Tate, Garden City; Chairman of Kansas Representatives

For the United States:

Brig. Gen. Hans Kramer, San Francisco, Calif.; Chairman of the
Administration

Others Attending:

John T. Martin, U. S. Corps of Engineers, Albuquerque
Col. Vernon A. Shurm, U. S. Corps of Engineers, Albuquerque
George W. Colburn, Colorado Water Conservation Board, Denver
L. E. DesRosiers, John Martin Anchorage, Inc., Caddoa
Ross W. Moor, U. S. G. S., Lamar
Guy M. Vincent, Kansas Water Resources, Garden City
Ralph Adkins, Colorado Fuel & Iron Corp., Pueblo
James E. Bone, U. S. Corps of Engineers, John Martin Dam

A special meeting of the Arkansas River Compact Administration was called to order by the Chairman at 10:00 A. M. in the Court House, Lamar, Colorado, October 27, 1953.

Introduction was made of Col. Vernon A. Shurm, C.E., Executive Officer, Albuquerque Engineer District, attending in place of the District Engineer, Col. L. C. Barnes, C.E.

Corrections were noted and ordered in the Minutes of the meeting of July 28, 1953. On motion by Mr. Crawford, second by Mr. Smrha and vote by the Administration, the Minutes were approved as corrected.

In the approved Minutes of April 2, 1953, corrections as follows were ordered; no reissue of the Minutes to be made:

1. Pg. 1., Par. 1. should read "Compact" instead of "Company".
2. Pg. 2., Par. 4: Correct the spelling of Mr. Leavitt's name.

Chairman Kramer stated he had no written report but gave brief verbal reports covering the following items:

1. National Reclamation Association Convention in Reno, Nevada, earlier in the month.
2. U. S. Forest Service trip with Mr. Kirby of that organization.

Secretary Nevius gave the following report:

1. A tentative budget had been sent to the Colorado Water Conservation Board because of their necessity to present a budget to the State of Colorado.
2. Several letters to the Special Committee had been received and would be presented later.
3. Reminded the Administration of the need of the annual audit.

On motion by Mr. Mendenhall, seconded by Mr. Crawford, and approved by the Administration, the Secretary was authorized to engage a Certified Public Accountant to make the annual audit, and to draw a voucher for the payment thereof.

The Treasurer's report was accepted for the record as follows:

ARKANSAS RIVER COMPACT ADMINISTRATION
Report of the Treasurer, October 27, 1953.

Balance on hand October 31, 1952, Auditor's Report		\$3446.95
Receipts		
12/31/52	National Surety Corp. Treas. Bond reduction	\$18.77
9/18/53	Colo. Payment July 28 call	1440.00
10/ 8/53	Kans. " " " "	<u>960.00</u>
		2418.77
		<u>\$5865.72</u>
Disbursements		
Vouchers 85-103.	Reported July 28, 1953	1647.35
Voucher. Date.		
104	9/8 Lamar Daily News, Supplies	\$12.30
105	9/8 Mt. States Tel. & Tel. July, Aug. Service & Tolls	105.60
106	9/8 Sec. Sal. July, Aug. (less \$3.00 F. I. C. A.)	197.00
107	9/8 Sec. Expense & Mileage	37.80
108	10/20 J. L. Wade. Nat. Surety Corp. Treas.	25.00
109	10/20 Sec. Sal. Sept. (less \$1.50 F. I. C. A.)	98.50
110	10/20 Mt. States Tel. & Tel. Sept. Service, Toll	24.40
111	10/20 Treas. of U. S. Deposit by states (F.O.A.S. Ins.)	<u>9.00</u>
		509.60
		<u>2156.95</u>
Balance on hand October 27, 1953		<u>\$3708.77</u>

The proposed budget was then considered. Motion was made by Mr. Crawford, seconded by Mr. Smrha, as follows:

"The budget, as herein shown, be adopted and the Secretary is directed to forward the same to the respective Governors and State Officials."

On vote the motion carried and the budget adopted as follows:

BUDGET
ARKANSAS RIVER COMPACT ADMINISTRATION
For Fiscal Year July 1, 1954 to June 30, 1955

	1953-54 Budget	Expenditures 10/31/52-10/31/53	1954-55 Budget
Personal Services			
Secretary Salary	\$1200.00	\$1083.50	\$1200.00
Social Security	----	90.00	25.00
Gage Reports	500.00	----	500.00
Auditor Report	100.00	75.00	100.00
Capital Outlay	300.00	----	300.00
Maintenance and Operation			
Bond	50.00	25.00	25.00
Printing	600.00	500.00	600.00
Official Publication	100.00	----	100.00
Travel	150.00	85.40	150.00
Typing and Mailing	200.00	----	200.00
Investigation and Inspection	150.00	----	150.00
Telephone and Telegraph	300.00	279.20	300.00
Office Supplies	150.00	18.85	150.00
Total	<u>\$3800.00</u>	<u>\$2156.95</u>	<u>\$3800.00</u>
State proportions:		Estimated carry-over as of 6/30/54	<u>1400.00</u>
		Balance to be appropriated by States	<u>2400.00</u>
60% Colorado	-----		1440.00
40% Kansas	-----		<u>960.00</u>
Total:			<u>\$2400.00</u>

A discussion was held on the matter of the motion before the District Court of Bent County on Adjudication proceedings by the Plains Water Conservation Corporation. Present information, according to Secretary Nevius, is that claims are now limited to Adobe Creek and probably will have no effect on the Administration.

On question, Col. Shurm said he was observing only, and that he had no report or request to make.

Mr. Martin reported that recent studies by the Corps of Engineers had indicated that the area-capacity table for the John Martin Reservoir was substantially correct at the lower levels of the reservoir. Inflow-outflow studies had indicated agreement within 2%. Further discussion was held on the above question and Mr. Martin said he would be in contact with Mr. Bell of the U.S.G.S. on other phases.

A request was made of Mr. Martin for information regarding evaporation at John Martin dam and for monthly data for the period of record, the period of 1952-53 to be furnished first and earlier periods as time is available for working up of records. Mr. Martin said the Corps of Engineers would be glad to furnish these data.

The Administrative and Legal Committee had no report. The Committee was reminded that it was to draft an amendment to the By-Laws as noted in the Minutes of July 28, 1953.

Congratulations were extended to Representative Tate who was recently appointed Judge of the largest Judicial District in Kansas, comprised of 7 counties.

The Engineering Committee Report was made by Mr. Smrha on the Pinon Canyon Dam. The written report follows:

Report of Engineering Committee
Arkansas River Compact Administration
Lamar, Colorado
October 27, 1953

- - -

Pursuant to action of the Arkansas River Compact Administration at their Regular Meeting on July 28, 1953, the Corps of Engineers Project Report on Pinon Canon Dam, Trinidad, Colorado, has been given further study by the Engineering Committee, and they submit the following report:

Pinon Canon Arroyo drains a watershed of 911 acres from which flash floods are discharged through the City of Trinidad to the Purgatoire River. It is proposed to construct a detention dam about 0.6 mile above the city at which site the watershed is 730 acres.

The structure would be a rolled-earth fill dam 695 feet long and about 73 feet high with a spillway weir in the left abutment and an open 2-foot square reinforced concrete outlet conduit at streambed level. It would create a reservoir below spillway crest in which 45 acre feet of capacity are allocated for sediment and 361 acre feet for flood control. The project is designed to reduce peak inflow of 2,000 second feet to an outflow of 303 second feet when the flood volume does not exceed 393 acre feet. The outflow together with discharge from the uncontrolled area between the dam and the city would result in a flow of 1,070 second feet at Trinidad.

The report contains no information as to water rights between Trinidad and the John Martin Reservoir. The regulation provided by the detention dam would afford an opportunity for a somewhat larger volume of water to be diverted from the Purgatoire River. No analysis is given of the effect which the detention dam might have on water supplies which otherwise would reach the John Martin Reservoir. It is believed that the effect probably is very minor but it is not evaluated in the report.

Respectfully submitted,

/s/ Ivan C. Crawford
Ivan C. Crawford

Engineering Committee
Arkansas River Compact
Administration

/s/ R. V. Smrha
R. V. Smrha, Chairman

A portion of the report on this project by the Colorado Water Conservation Board (letter of February 19, 1953 in Minutes of July 28, 1953) was read by the Chairman. Discussion ensued in which Mr. Martin said that it was his professional opinion that the conclusions drawn by the Administration in the motion which follows, were correct.

The motion by Mr. Smrha, seconded by Mr. Crawford, is as follows:

"On the basis of the report of the Engineering Committee on the Project Report of the Pinon Canyon Project, it is the conclusion of the Administration that under the provision of Article IV-D of the Compact the proposed Pinon Canyon Project would not materially deplete the water supply for John Martin Reservoir."

The motion carried.

The matter of the peak-volume relationship in flash floods was discussed. Mr. Martin presented such data that had been secured and sent certain graphs to Mr. Bell for coordination with the U. S. G. S.

The Engineering Committee had no report on the Granada Project.

The Operations Committee made its report as follows:

At the date of our last meeting of July the 28th there was 5,340 acre feet in storage and the reservoir was declared empty at 8:00 A.M. on July the 30th. On August the 2d there was a peak of 1,755 c.s.f. at the Nine mile dam on the Picketwire. On August the 5th there was another peak at Nine mile dam of 3,625 c.s.f. On August the 6th John Martin was discharging 1,268 feet. The discharge decreased until August the 17th when another flash flood came down over the Nine mile dam with a peak of 2,760 c.s.f. and on the next day Caddoa was discharging 1,418 feet and there was 3,500 over the Highland Dam. On August the 19th there was 4,150 acre feet behind the dam with a discharge of 1,850 c.s.f. On August the 22d water behind the dam amounted to 5,037 acre feet. This gradually reduced until it was depleted on August the 30th. Since that time river flow has passed freely through the dam.

There was a discussion of the report.

Chairman Kramer called attention to the fact that the Secretary had ordered releases up to 2,000 c.f.s. of river flow during August 1953 while the Reservoir was officially empty. The Chairman also referred to the State Engineer of Colorado's objection to such an order in his letter dated July 28, 1952. The Chairman then stated his official opinion, independently of the Colorado State Engineer's objection, that he considered such an order to be in violation of the Compact, adding that he was making this statement for the record to obviate any implication that silence indicated concurrence.

Mr. Nevius stated that the order was in accordance with the action of the Administration taken July 22, 1952; and that it was needed to supply the ditches below the dam

Mr. Nevius and Gen. Kramer discussed their views which were in disagreement.

The division in viewpoints was recognized and it was requested that suggestions be made to resolve the difference.

Mr. Leavitt stated that he had originated the 2,000 c.f.s. figure and that, although there was a basis for it, it was a rounded figure and was more or less picked out of the air and did not represent a firm fact.

The suggestion was offered by Chairman Kramer that since it is a difference in interpretation, it could be presented to the Attorney General's office of the States for opinions.

The Kansas Chairman stated that it affected Colorado almost wholly, but that Kansas would be agreeable to the above suggestion.

Gen. Kramer stated that he saw it as a basic legal question to be solved. It could not be solved satisfactorily by any individual or group unofficially.

Mr. Crawford stated that he subscribed to the suggestion that it be referred to the Attorney Generals of the States. He further thought it was a matter for consideration by the whole Administration. In any case, he would be guided by the opinion of the Attorney General of Colorado.

Mr. Mendenhall differed and indicated that the fluctuation in the reservoir, as given in the report of the Operations Committee, showed the operations were governed by common sense and good judgment.

Mr. Crawford said he, as Director of the Colorado Water Conservation Board, must be protected by the legal advice of the Attorney General and further that he did not mean any of his remarks to be construed as criticism of anyone.

Gen. Kramer stated that since the matter could not be resolved at this time it should remain in status quo until authoritative legal opinion is obtained.

The meeting recessed at 12:30 P.M. to reconvene at 2:00 P.M.

AFTERNOON SESSION

The meeting was reconvened at 2:15 P.M.

Mr. Crawford made the following motion:

"Mr. Tate, as Chairman of the Legal Committee, be requested to contact the Attorney Generals of the two states and ask that they give their legal opinions on the following questions: "The Arkansas River Compact Administration adopted the following motion on July 22, 1952:

'That the further study of the problems pertaining to operation of John Martin Reservoir and Dam during periods when the reservoir is empty and Colorado is operating under decreed priorities is referred to the Operations Committee of the Arkansas River Compact Administration, and during the interim pending adoption of additional rules and regulations relating to operation of the reservoir and dam by the Administration, all river flow up to and including 2,000 c.f.s. shall be passed through the reservoir as expeditiously as practicable; Provided that the present status quo shall be preserved during such interim except as herein otherwise provided'

Question 1. Is the 2,000 c.f.s. limitation in the above motion in conformity with the Arkansas River Compact ?

Question 2. If not, what is the limiting figure ?"

Mr. Tate seconded the motion.

The question being raised the vote was as follows:

<u>State</u>	<u>Member</u>	<u>Vote</u>	<u>State Vote</u>
Colorado	Nevius	No	
	Mendenhall	No	No
	Crawford	Yes	
Kansas	Smrha		
	Tate		No
	Leavitt		

The motion was defeated. Mr. Mendenhall stated that he considered the 2,000 c.f.s. figure to be incorrect and saw no need for a legal opinion.

Representative Tate, as Chairman of the Legal Committee, offered a proposed amendment of the By-Laws to be included with the call of the next meeting, as follows:

BE IT RESOLVED that Article IV, Meetings, Section 3 of the By-laws of the Arkansas River Compact Administration be amended to read as follows:

3. (a) Special meetings, etc. ...

(b) Special telephonic meetings of the Administration may be held by telephonic communications between the several members of the Administration in respect to all matters arising under Article VF of the Compact: Provided, that such special telephonic meetings may be called by the Chairman, Vice-Chairman or any member of the Operations Committee, and in any case at least two representatives of each State shall participate personally in such special telephonic meetings and concur in the action taken as a result of any such meeting. And provided further, that the Secretary of the Administration shall prepare minutes of any special telephonic meeting and such minutes shall be acted upon by the Administration at the next regular meeting or special meeting held under sub-section (a) hereof.

Mr. Mendenhall, Chairman of the Special Committee on Revision of the Rules and Regulations, gave the following report:

1. The committee met in Colorado Springs, August 27, 1953 Those present were Messrs. Tate, Leavitt and Mendenhall. Mr. Nevius was also present although not a member of the Committee. Mr. Ireland was unable to attend.
2. The Committee had no suggested changes to offer.
3. Through the Arkansas Valley Ditch Association, letters were sent out to water users asking for constructive criticism.

Some discussion relative to the letters ensued. They will be presented for the record at a later meeting. Comments were made by Mr. Adkins, representing the C. F. & I. Corporation, regarding the policies of the Administration on operation.

Mr. Mendenhall stated that no written criticism had been received, that all had been favorable when offered. He further expressed his opinion that on this basis he believed that public hearings would serve no useful purpose.

Chairman Kramer said he was of the opinion that the Administration should be in a position to review the work of its committee and not sit as a hearing board.

Mr. Mendenhall felt that there was no apparent interest in a public meeting and asked for comments from the rest of the committee.

Chairman Kramer insisted that the Administration was bound by the Minutes of July 28, 1953 to hold the hearing.

Mr. Crawford suggested that the next meeting of the Administration be conducted as a "hearing" meeting.

Chairman Kramer stated that since the December meeting was the Annual Meeting, that the "hearing" meeting be deferred to a special date -- perhaps in January -- at a date to be set at the December meeting and in the interim the matter would be left in the hands of the Special Committee.

The Administration then took up the preparation of its annual report using the 1952 Report as a model. Mr. Crawford's office will prepare and distribute draft copies of the 1953 Report in advance of the annual meeting.

The date of the annual meeting was set for 10:00 A. M. at the Court House in Lamar, Colorado, December 8, 1953.

Meeting adjourned at 3:20 P. M.