

MINUTES OF
ARKANSAS RIVER COMPACT ADMINISTRATION
REGULAR MEETING

March 22, 1955

LAMAR, COLORADO

Attendance -

For Colorado:

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

For Kansas:

Wm. E. Leavitt, Garden City
Roland H. Tate, Garden City, Vice Chairman & Chairman of Kansas
Representatives

For the United States:

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

Absent:

R. V. Smrha, Topeka, Kansas

Others Attending:

Francis M. Bell	U. S. Geological Survey	Denver, Colo.
Wallace A. Doe	Twin Lakes Res. & Canal Co.	Ordway, Colo.
R. J. McGrath	Water Comm. #67	Lamar, Colo.
F. C. Snyder	Div. Engineer #2	Pueblo, Colo.
Guy M. Vincent	Irrigation Engineer, Kansas	Garden City, Kans.
L. E. Des Rosiers	Self	Caddoa, Colo.
James E. Bone	Resident Eng., U.S.C.E.	Lamar, Colo.
Wm. Pattie	Sup't. Amity Mutual Irrig.Co.	Holly, Colo.
Arthur C. Gordon	Ft. Lyon Canal Co.	Lamar, Colo.
George W. Colburn	C.W.C.B.	Denver, Colo.

The regular meeting of the Arkansas River Compact Administration of March 22, 1955 was called to order by Brig. Gen. Hans Kramer, U.S.A. Ret., U. S. Representative and Chairman, at 9:35 A. M. in the Court House, Lamar, Colorado. All members of the Administration were present except Mr. Smrha of Kansas who was unable to attend because of pressing official business. Others attending are shown on the attendance roster.

The minutes of the annual meeting of December 14, 1954 were corrected and on motion by Judge Tate, seconded by Mr. Crawford and vote were approved as corrected.

Chairman Kramer made his report as follows:

He stated that he had made official distribution to Federal officials of the 6th Annual Report of the Administration. He further stated, in passing, that the Report had been edited by Mr. Crawford's office and printed in the usual good form.

He had been in communication with the Chief of Engineers, U. S. Army, with respect to the action of the Administration taken December 14, 1954 on the Trinidad Project. He gave for the Administration's record a letter from himself to the Chief of Engineers dated December 27, 1954 and the reply dated January 31, 1955 as follows:

ARKANSAS RIVER COMPACT ADMINISTRATION
Principal Office - Court House
LAMAR, COLORADO

December 27, 1954

Major General S. D. Sturgis, Jr.
Chief of Engineers, U. S. Army
Washington 25, D. C.

My dear General Sturgis:

The Arkansas River Compact Administration at its meeting on December 14, 1954 adopted the following motion with respect to the pending "Review Report on Survey for Flood Control, Purgatoire (Picketwire) River, Colorado":

The Administration does not at this time approve the project as proposed by the Corps of Engineers on the Purgatoire River.

The foregoing motion was favored by all three Kansas representatives and by two of the three Colorado representatives on the Administration. The Kansas position was consistent with the official comments of the Governor of Kansas in his letter to you dated August 5, 1954. The position of the Colorado representatives, other than that of the dissenting one who is also

the Director of the Colorado Water Conservation Board, was in opposition to the official comments of that Board as submitted to you in its letter dated June 23, 1954.

The main argument voiced in objection to the Purgatoire Project was apprehension regarding its possible depletion effect on the water supply reaching John Martin Reservoir for use under the Arkansas River Compact. This objection was adhered to not withstanding the analyses contained in the Survey Report and the results of a supplemental study made by the Administration's Engineering Committee.

As Representative of the United States and ex-officio member of the Administration (without vote) I pointed out to the Administration before its action on Dec. 14, 1954, the interests of the United States under my interpretation of Article IV-D of the Arkansas River Compact (which I drafted during the compact negotiations). I also stated my official conclusion that the Purgatoire Project would not materially affect the availability of water under my interpretation of the letter and intent of Article IV-D.

I would like to express my appreciation of your courtesy in having afforded the Administration extensions of time for its consideration of the Purgatoire River Survey Report.

Sincerely yours,

Hans Kramer

cc: Division Engineer, Southwestern Division, Dallas, Texas
District Engineer, Albuquerque, New Mexico
Each Administration Member

HK/pm

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON 25, D. C.

31 January 1955

Brigadier General Hans Kramer, USA, Ret.
Chairman and Representative of the United States
Arkansas River Compact Administration
417 Montgomery Street
San Francisco 4, California

Dear General Kramer:

Receipt is acknowledged of your letter of 27 December 1954, concerning the motion adopted by the Arkansas River Compact Administration at its

meeting on 14 December 1954, with respect to the review report on survey for flood control on the Purgatoire (Picket Wire) River, Colorado. The referenced motion was worded "The Administration does not at this time approve the project as proposed by the Corps of Engineers on the Purgatoire River."

As indicated in your letter, the official comments of the State of Kansas, transmitted by the Governor of that State in his letter dated 5 August 1954, were unfavorable to the Purgatoire River project. The official position of the State of Colorado, however, is favorable to the improvement as proposed by the Corps, as stated in the letter from the Colorado Water Conservation Board.

It is noted that the motion disapproving the Purgatoire report was favored by the three Kansas representatives and two of the Colorado representatives, and that you, as representative of the United States without vote, have stated your official conclusion that the Purgatoire project would not materially affect the availability of water under your interpretation of Article IV-D of the Arkansas River Compact.

The Purgatoire River report is now with the Bureau of the Budget for comment as to its relationship to the program of the President. The official comments of the two States concerned were also sent to the Budget. In order that the Bureau of the Budget may be informed of the position of the Arkansas River Compact Administration, a copy of your letter, together with a copy of this reply, is being forwarded to that agency.

Sincerely yours,

S. D. STURGIS, Jr.
Major General, USA
Chief of Engineers

Dr. Nevius gave his report as Secretary by noting his distribution of the 6th Annual Report to the Governors of the respective States and other interested parties.

He presented for the record a letter from the Model Land and Irrigation Company and his reply as follows:

THE MODEL LAND & IRRIGATION CO.
INCORPORATED
OFFICE OF SECRETARY
2 Colorado Bldg.
Trinidad, Colorado

December 20, 1954

Mr. H. C. Nevius, Secretary-Treasurer
Arkansas River Compact
Lamar, Colorado.

Dear Mr. Nevius:

Our President, Mr. C. O. Cozrine, among others from Trinidad, attended your meeting last Tuesday and wishes to report to the annual meeting of the stockholders of this Company a true account of the results of the meeting as they pertain to the discussion regarding the proposed dam some few miles above Trinidad.

For the purpose of making such a report Mr. Cozrine would like to have a transcript, or copy of the minutes of the meeting insofar as the minutes pertain to the Purgatoire River dam near Trinidad.

Would you please mail a copy or transcript of the said minutes to The Model Land & Irrigation Company, Box 360, Trinidad, Colorado in time to be available before our meeting on January 8, 1955. Thank you.

Yours very truly,

/s/ S. A. Morse
S. A. Morse, Secretary

3 January 1955

Mr. S. A. Morse, Secretary,
The Model Land & Irrigation Co.,
2 Colorado Bldg.,
Trinidad, Colorado.

Dear Mr. Morse:

In response to your letter of December 20, 1954 stating that Mr. Cozrine had attended the meeting of the Arkansas River Compact Administration in Lamar and would like a complete copy of the

minutes, insofar as they pertain to the Purgatoire Dam Project near Trinidad. I have requested our recorder Mr. Colburn to furnish me with an additional copy of the preliminary minutes of that meeting which I expected to receive this morning and forward to you. This was not in the mail this morning but I fully expect it tomorrow morning and will forward it immediately for your use.

Since much of the record pertaining to action on this Project was contained in minutes of the October 26, 1954 meeting in Denver I am enclosing parts of these minutes which pertain to the Purgatoire Dam Project.

I hope that all of this material will arrive in time so that Mr. Cozrine will have the opportunity to study it fully before your meeting of January 8th.

If there is any other information that we can furnish you, we will be glad to do so at any time.

Sincerely yours,

Harry C. Nevius, Secretary.
Arkansas River Compact Administration

HCN:dn

As Treasurer, Mr. Nevius gave his report as:

ARKANSAS RIVER COMPACT ADMINISTRATION
Report of the Treasurer, March 22, 1955

Balance on hand October 31, 1954, Auditor's Report \$1514.62

Receipts

Call authorized October 26, 1954	
Colorado 60% 12-31-54	1440.00
Kansas 40% 2-16-55	<u>960.00</u>
	<u>2400.00</u>
	3914.62

Disbursements

Voucher	Date		
140	12-31-54	Robert W. Rollins, Audit	\$65.00
141	12-31-54	Mtn. States T & T Nov. & Dec. Service & Tolls	24.10

Forwarded:-

3914.62

Disbursements (Continued)

Voucher	Date		
142	12-31-54	Secretary Salary Nov. & Dec. (less 4.00 F.I.C.A.)	196.00
143	12-31-54	Treasurer of U.S., Deposits by States	8.00
144	3-10-55	Secretary Salary Jan. & Feb. (less 4.00 F.I.C.A.)	196.00
145	3-10-55	Mtn States T. & T. Co. Jan. & Feb. Service & Tolls	25.35
146	3-10-55	Peerless Printing Co. Annual Reports	<u>476.00</u>
			<u>990.45</u>
		Balance on hand March 22, 1955	2924.17

The Operations Committee Report was given orally by Mr. Mendenhall. He said that as of midnight, March 21, 1955, John Martin Reservoir contained 5,838 A. F. The contents were approximately one-third that of a year ago. River flow was being passed thru the reservoir and amounted to about 11 c.f.s.

On question by Mr. Mendenhall, Mr. Snyder, Division Engineer, stated that present prospects for the 1955 irrigation season were very poor. The Salida gage had been estimated to be about 75% normal if the country had normal precipitation from now on. He said he had found the ground very dry and that small storms had little effect on the gages due to ground absorption.

There was a brief discussion regarding the requirements and releases for the ditches, and of the probable need for a telephonic meeting to invoke Article IV-F of the Compact.

The Engineering Committee had no report to give. Chairman Kramer asked Mr. Bell to give his ideas on the credibility of the AVDA reports on the flow at Garden City. Mr. Bell said that because of extreme shifting conditions, it was very hard to keep a rating table up to date. Mr. Snyder uses the latest one available, but because he has only a gage reading to go by, in some instances there is an erroneous report. Mr. Vincent and Mr. Snyder assured the Administration that they would attempt to remedy the discrepancies.

The Administrative Committee had no report to give.

Chairman Kramer requested Vice-Chairman Tate to assume the Chair and to recognize him as the Representative of the U. S. Upon such recognition, General Kramer offered his Memo dated March 22, 1955, and the draft of a Resolution attached thereto for the record as follows:

ARKANSAS RIVER COMPACT ADMINISTRATION
Principal Office - Court House
LAMAR, COLORADO

March 22, 1955

MEMORANDUM FOR: Members of the Arkansas River
Compact Administration

SUBJECT: Purgatoire River Project

Since our meeting on December 14, 1954 I have given serious thought to the schism that has developed within the Administration in its views on the proposed Purgatoire River Project.

I believe we are all agreed on at least one fundamental point, namely, that ultimately the proposed transfer of the Model storage right will have to be thrashed out and decided in the courts of Colorado. In these proceedings our own stumbling point of possible depletion effect will necessarily be argued by opposing water users so that the court's decision will certainly give consideration to that vital issue. Hence, the cause of our own disagreement will and must be resolved in the course of the inevitable legal action. If my line of reasoning is sound, it follows that the ultimate determination of the feasibility of the Purgatoire Project will rest, not with any State executives nor with any Federal officials nor with Congress, but on the decision of the courts of Colorado.

The attached draft of a resolution for consideration by the Administration constitutes a simple attempt on my part to recognize the obvious facts of life. Its substance is not intended to modify the positions previously taken by the Governors of Kansas and Colorado, nor is it inconsistent with the Administration's previous action.

It is my feeling that adoption of a resolution of this kind would be no disservice to any one concerned. Indeed, I believe that it would clear the atmosphere by putting the Administration in a rational, unified position.

Hans Kramer

HK:MR

1 encl.

DRAFT OF RESOLUTION

(to accompany Memorandum dated March 22, 1955)

WHEREAS the Corps of Engineers' Review Report on Survey for Flood Control, Purgatoire River, Colorado, June 1953, recommends construction of the Purgatoire River Project subject to certain conditions, and

WHEREAS a primary requisite to the consummation of the said Project is the transfer of a decreed storage right of the Model Land and Irrigation Company from its Model Reservoir to the proposed Trinidad Reservoir, and

WHEREAS such transfer can be effected only by legal process under the laws of Colorado, and

WHEREAS the Governors of the affected states have, pursuant to the Flood Control Act of 1944, submitted comments to the Chief of Engineers with respect to the said Project, Colorado on June 23, 1954 and Kansas on August 5, 1954, and

WHEREAS the Arkansas River Compact Administration has given careful consideration to the said Project, particularly in the light of Article IV-D of the Arkansas River Compact which states:

"This Compact is not intended to impede or prevent future beneficial development of the Arkansas River basin in Colorado and Kansas by Federal or State agencies, by private enterprise, or by combinations thereof, which may involve construction of dams, reservoirs, and other works for the purposes of water utilization and control, as well as the improved or prolonged functioning of existing works: Provided, that the waters of the Arkansas River, as defined in Article III, shall not be materially depleted in usable quantity or availability for use to the water users in Colorado and Kansas under this Compact by such future development or construction."

and

WHEREAS such consideration has left reasonable doubt as to the ultimate effect of the said project on the water supply available to the water users in Colorado and Kansas under the Arkansas River Compact, and

WHEREAS such doubt will be resolved legally in the courts of Colorado in the adjudication of the transfer of the storage right presently decreed to Model Reservoir, and

WHEREAS it is in the public interest to have such adjudication concluded before any Federal or other funds are committed to the construction of the said Project.

NOW, THEREFORE BE IT RESOLVED by the Arkansas River Compact Administration that such adjudication be made a condition precedent to the construction of the said Project and that such condition precedent be expressly embodied in any authorizing legislation adopted by the Congress, and

BE IT FURTHER RESOLVED that the Arkansas River Compact Administration will interpose no objection to the construction of the said Project if the required transfer of the Model Reservoir's right receives approval in the courts of and under the laws of Colorado.

General Kramer moved that the Administration adopt the resolution. General Kramer then reassumed the Chair so that Judge Tate could act freely as the Chairman of the Kansas Representatives.

The ensuing discussion found Judge Tate stating personally that he, as his first reaction, could not support the resolution. Mr. Crawford spoke in the affirmative on it and seconded the adoption of the resolution.

Mr. Mendenhall said he did not think that the land under the Trinidad Project could stand his computed charge of \$421 per acre if the Project were built, and he was, therefore, in opposition to the adoption of the Resolution and the Trinidad Project.

Mr. Crawford requested a copy of the above computations as he would like to have the proper governmental agencies check against the figures. Mr. Mendenhall quoted verbally his data and asked since he had assumed certain interest rates and repayment terms, what were the correct rates? Mr. Crawford suggested that this was a matter for the proper governmental agencies to compute and not a matter for the Administration to consider.

Mr. Nevius stated that he objected to the last paragraph of the resolution.

After further discussion, Judge Tate moved that the consideration and action on the resolution be postponed until the next meeting. Mr. Crawford seconded, and on vote, the motion carried.

Chairman Kramer asked, as a matter of information, as to the status of the Trinidad Project. Mr. Crawford said that on his recent trip to Washington he had been informed that it was now in the Bureau of the Budget.

Mr. Bell asked if he could address the Administration and draw its attention to the item of \$500.00 carried in the budget for gaging reports. He cited additional expenses of his department due to the radio gages, and requested the Administration to enter into a cooperative agreement on a fund matching basis with the U.S.G.S. to assist in defraying the additional expense.

After a brief discussion, Judge Tate moved that the Administration authorize the expenditure of \$500.00 in a cooperative agreement with the U.S.G.S. for the gaging station program ending Fiscal Year June 30, 1955. Further, that the Secretary be authorized to enter into such an agreement for the Administration.

Mr. Crawford seconded the motion and upon vote, the measure was passed.

Chairman Kramer reminded the members that the next regular meeting would be Tuesday, July 26, 1955 at Lamar, Colorado. Discussion was held suggesting alternative meeting places. Mr. Crawford moved that the July 26, 1955 meeting be held in Colorado Springs, Colorado at a place to be arranged for by Mr. Leavitt. Judge Tate seconded the motion which was duly passed.

No further business being presented, Mr. Mendenhall moved and Mr. Crawford seconded a motion to adjourn, which motion was passed at 10:40 A. M.

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The attached minutes were approved by action of the Administration
July 12, 1955.

Hans Kramer (Brig. Gen. U.S.A.-Ret.)
Administration Chairman

Harry C. Nevius
Administration Secretary