

**ARKANSAS RIVER COMPACT ADMINISTRATION**

**Regular Meeting**

**July 23, 1957**

**The regular meeting of the Arkansas River  
Compact Administration will be held in the Court  
House, Lamar, Colorado, on July 23, 1957, at  
9:30 A. M.**

**Arkansas River Compact Administration**

MINUTES OF  
ARKANSAS RIVER COMPACT ADMINISTRATION

REGULAR MEETING

July 23, 1957

COURT HOUSE  
LAMAR, COLORADO

Attendance:

For Colorado

Ivan C. Crawford, Denver  
David Jenkins, Las Animas  
Hacket Smartt, Lamar

For Kansas:

Logan M. Green, Vice Chairman, Garden City  
Carl E. Bentrup, Deerfield

Secretary:

Harry C. Nevius, Lamar

Absent:

R. V. Smrha, Topeka, Kansas  
U. S. Representative (vacancy)

Others Attending:

F. C. Snyder	Div. Eng., State Eng. Office	Pueblo, Colo.
R. J. McGrath	Water Comm. Dist. 67	Lamar, Colo.
Arthur C. Gordon	Atty. Ft. Lyons Canal Co.	Lamar, Colo.
R. A. Buckhagen	Corps of Engineers	John Martin Dam, Colo.
Jack M. Terry	U. S. G. S.	Denver, Colo.
Ross W. Moor	U. S. G. S.	Lamar, Colo.
John T. Martin	Corps of Engineers	Albuquerque, N. Mex.
Vance D. Herzog	Ft. Lyon Canal Co.	Las Animas, Colo.
Jim Romer	Amity Canal Co.	Holly, Colo.
Guy M. Vincent	Kansas Div. of Water Resources	Garden City, Kansas
Robert R. Elliott	Colo. Game & Fish Dept.	Colo. Springs, Colo.
G. E. Kimble	Sportsmens Club	Swink, Colo.
Fred L. Boydston, Jr.	Colo. Water Cons. Board	Denver, Colo.

The regular meeting of the Arkansas River Compact Administration was held in the Court House at Lamar, Colorado July 23, 1957.

Mr. Crawford called the meeting to order at 9:35 A. M.

The first order of business was the selection of a Vice Chairman. Mr. Bentrup nominated Mr. Green for Vice Chairman and he was duly elected to that office. A Chairman has not been appointed by the Federal Government, and Mr. Green conducted the meeting.

Mr. Smartt moved that reading of the minutes of the meeting of March 29, 1957 be dispensed with and that they be approved as drafted. The motion was seconded and passed.

Secretary Nevius distributed copies of minutes of telephone meetings April 18, 1957, and May 16, 1957. The Administration approved these minutes.

#### Minutes of Telephone Meeting of April 18th, 1957.

In as much as the winter storage in John Martin Reservoir was very little and Colorado started releases April 13th and Kansas on April 17th, which on April 18th made a combined release of 850 cfs, with only 7,245 af remaining in storage. On this day the question of these releases in relation to the remaining stored water and the time of giving notice to the State Engineer of Colorado was considered by telephone. Mr. Leavitt and Mr. Tate for Kansas and Mr. Crawford and Mr. Nevius for Colorado.

It was agreed that commencing on the 20th of April, unless a change of conditions justifies cancellation or modification of this notice that Mr. Whitten, State Engineer of Colorado should be prepared to administer the rights of water users in Colorado in accordance with their decreed priorities.

Formal notice to this effect was made as follows:

The reservoir was declared empty at 8:30 P.M. on April 22, 1957.

#### FINDINGS AND NOTIFICATION by ARKANSAS RIVER COMPACT ADMINISTRATION

WHEREAS, Article VF, of the Arkansas River Compact which became effective on May 31, 1949, provides as follows:

"In the event the Administration finds that within a period of fourteen (14) days the water in the conservation pool will be or is liable to be exhausted, the Administration shall forthwith notify the State Engineer of Colorado, or his duly authorized representative, that commencing upon a day certain within said fourteen (14) day period, un-

less a change of conditions justifies cancellation or modification of such notice, Colorado shall administer the decreed rights of water users in Colorado Water District #67 as against each other and as against all rights now or hereafter decreed to water users diverting upstream from John Martin Dam on the basis of relative priorities in the same manner in which their respective priority rights were administered by Colorado before John Martin Reservoir began to operate and as though John Martin Dam had not been constructed. Such priority administration by Colorado shall be continued until the Administration finds that water is again available in the conservation pool for release as provided in this Compact, and timely notice of such findings shall be given by the Administration to the State Engineer of Colorado or his duly authorized representative. Provided, that except as controlled by the operation of the preceding provisions of this paragraph and other applicable provisions of this Compact, when there is water in the conservation pool the water users upstream from John Martin Reservoir shall not be affected by the decrees to the ditches in Colorado Water District 67. Except when administration in Colorado is on a priority basis the water diversions in Colorado Water District 67 shall be administered by Colorado in accordance with distribution agreements made from time to time between the water users in such District and filed with the Administration and with the State Engineer of Colorado or, in the absence of such agreement, upon the basis of the respective priority decrees, as against each other, in said District."

NOW, THEREFORE, acting pursuant to the above quoted provisions of the Arkansas River Compact, and in the exercise of the powers set forth in Article VIII of such Compact, the Arkansas River Compact Administration finds:

That, based upon the present quantity of water stored in and anticipated release of water from, and inflow to, the John Martin Reservoir, the conservation pool thereof, within a period of fourteen (14) days from this 18th day of April, 1957, will be, or is liable to be, exhausted.

NOTIFICATION: in further compliance with the above quoted provisions of the Arkansas River Compact, the Arkansas River Compact Administration hereby notifies the State Engineer of Colorado as follows:

That, commencing on the 20th day of April, 1957, unless a change of conditions justifies cancellation or modification of this notice, he is required, under the terms of the Compact, to administer the decreed rights of the water users in Colorado in the manner and for a period of time determined in accordance with the provisions set forth in the above quoted Article VI of the Compact.

The above findings have been made, and notification thereof given, by the Arkansas River Compact Administration on this 18th day of April, 1957.

ATTEST: /s/ Harry C. Nevius  
Secretary

/s/ Roland H. Tate  
Vice-Chairman

Minutes of Telephone Meeting, May 16, 1957.

Rains throughout the Arkansas Valley on May 16th started flood conditions in many of the side streams from Pueblo to Lamar. Reports by the Water Commissioner in District #17 were to the effect that 24,000 cfs had passed the Oxford Dam. Streams below Caddoa were furnishing water to District #67 and Kansas. The gates on Caddoa Dam were closed at 6:45 A.M., May 16th, 1957.

The question of declaring storage and notifying the State Engineer of Colorado was considered by telephone. Mr. Mendenhall and Mr. Nevius acting for Colorado, and Mr. Leavitt and Mr. Tate for Kansas. Mr. Whitten was called by telephone and notified of stored water in John Martin Reservoir and Mr. Snyder, District Division Engineer at Pueblo was also called by telephone and the following notice was sent to Mr. Whitten by mail on May 16th, 1957.

May 16th, 1957

Mr. J. E. Whitten  
State Engineer of Colorado  
State Capitol Building  
Denver, Colorado

Dear Mr. Whitten:

This will confirm our telephone conversation today concerning action of the Arkansas River Compact Administration regarding water stored in John Martin Reservoir and in the Arkansas River at the Las Animas gaging station which is now available. Storage in John Martin Reservoir commenced at 6:45 A.M. this morning.

The Arkansas River Compact Administration finds this date that water is available in the Conservation Pool for release to water users in Kansas and in Colorado water district #67 as provided in the Compact, and notice is hereby given you, the State Engineer of Colorado, under the provisions of Article V F of the Arkansas River Compact.

Respectfully submitted,

/s/ Harry C. Nevius  
Harry C. Nevius,  
Secretary

HCN:dn

cc: F. C. Snyder, Division Engineer, Pueblo, Colorado.

The Secretary read a letter to the President of the United States, April 6, 1957 and the acknowledgement by the Special Assistant to the President, and requested they be inserted in the minutes of this meeting. Mr. Crawford so moved that the letter and acknowledgement be inserted in the minutes. The motion was seconded and passed.

ARKANSAS RIVER COMPACT ADMINISTRATION  
Principal Office - Court House  
Lamar, Colorado

April 6, 1957

Dwight D. Eisenhower  
President of the United States  
White House  
Washington, D. C.

Dear President Eisenhower:

On February 16, our Chairman Hans Kramer, Brig. Gen. USA, Ret. died at his home in San Mateo, California.

General Kramer had been Chairman and Representative of the United States on the Colorado-Kansas Arkansas River Compact Administration since it was organized in July 1949. Before that he had acted in a similar capacity on the Commission that formulated the Compact between the States of Kansas and Colorado which was approved by Congress May 31, 1949.

Regarding membership of the Administration, Article VIII C of the Compact provides as follows: "The President of the United States is hereby requested to designate a representative of the United States, and if a representative is so designated he shall be an ex-officio member and act as chairman of the Administration without vote."

I have been instructed by the Arkansas River Compact Administration to bring this vacancy, caused by the death of General Kramer, to your attention.

Very respectfully yours,

/s/ Harry C. Nevius  
Harry C. Nevius  
Secretary

HCN:dn  
cc:

Senator Andrew Schoeppel  
Senator Frank Carlson  
Senator Gordon Allott  
Senator John Carroll  
J. Edgar Chenoweth M. C. Colorado  
J. Floyd Breeding M. C. Kansas  
Governor George Docking, Topeka, Kansas  
Governor Stephan L. R. McNichols, Denver, Colorado

THE WHITE HOUSE  
WASHINGTON

April 16, 1957

Dear Mr. Nevius:

The President has asked me to reply to your letter of April sixth. He appreciates your courtesy in bringing this matter to his attention and wishes me to thank you for writing.

Sincerely,

/s/ Robert Gray  
Robert Gray  
Special Assistant

Mr. Harry C. Nevius  
Secretary  
Arkansas River Compact Administration  
Court House  
Lamar, Colorado

The Secretary read a letter to Governor McNichols of Colorado, June 1, 1957. Mr. Bentrup moved that the letter be incorporated in the minutes. Seconded and passed.

1 June 1957

Governor Stephen McNichols  
State Capitol Building  
Denver, Colorado

Dear Governor McNichols:

Your attention is directed to the Arkansas River Compact, Article VIII C.

The terms of the following members on the Administration are expiring:

Harry B. Mendenhall, Rocky Ford, Colorado, Water District 14 and 17.  
Appointed by Governor Lee Knous June 28, 1949.  
Reappointed by Governor Dan Thornton in 1953.

Harry C. Nevius, Lamar, Colorado, Water District 67.  
Appointed by Governor Lee Knous June 28, 1949.  
Reappointed by Governor Dan Thornton in 1953.

Ivan C. Crawford, Director of the Colorado Water Conservation Board is the other Colorado member of the Administration.

Terms of the administrators are according to the Compact, not to exceed four years.

Respectfully yours,

Harry C. Nevius  
Secretary

HCN:dn

Secretary Nevius read a letter from Mrs. Hans Kramer, April 24, 1957. Mr. Smartt moved that the letter be incorporated in the minutes. Seconded and passed.

Mrs. Hans Kramer  
462 Nevada Road  
San Mateo, California

April 24, 1957

Mr. Harry C. Nevius, Secretary  
Arkansas River Compact Administration  
Lamar, Colorado

Dear Mr. Nevius:

Bunny and I are touched and honored by the beautiful memorial resolution adopted by the Administration on March 29, 1957, copy of which you sent us with your letter of April 6th. Because we personally know each of the members of the Administration and consider them our good friends, it means more to us than similar resolutions adopted by other groups, professional societies and the like honoring Hans' memory.

I have written to nearly every member of the Administration, as well as to you and Mrs. Nevius, in response to expressions of sympathy, but since the adoption of this beautiful resolution (Dean Crawford tells me that Roland Tate prepared it) was an official act, I request that you express my thanks to the members of the Administration, as a body, at their next meeting.

Sincerely,

/s/ Alice Harvey Kramer  
(Mrs. Hans Kramer)

The Secretary read a letter dated July 16, 1957, from Robert R. Elliott, Regional Coordinator for the Colorado Department of Game and Fish, requesting that a few minutes time be scheduled at this meeting for him to discuss proposed impoundments for fishing purposes. Mr. Nevius' telegraph reply was also read which suggested that Mr. Elliott confer with Mr. Crawford. Mr. Crawford stated that he had told Mr. Elliott that the best time for his discussion would be around 10:30 A. M.

Mr. Nevius then presented the Treasurer's report to July 23, 1957. After a discussion of a budget meeting and an item in the report concerning a cooperative agreement with the U. S. Geological Survey, the report was accepted by the Administration.

Report of the Treasurer, July 23, 1957

Balance on hand October 31, 1956 Auditor's Report		\$ 971.73
Receipts		
Call authorized October 26, 1956	\$3000.00	
Colorado 60% 12-19-56	1800.00	
Kansas 40% 1- 4-57	<u>1200.00</u>	<u>3000.00</u>
		\$ 3971.73
Disbursements by the Administration		
Voucher 195 - 199 inclusive 12-31-56		
201 - 205 " 2-28-57		
Reported March 29, 1957		<u>1065.69</u>
Voucher Date		
206 4-30-57 U.S.Geological Survey, Budget and Finance Branch, Cooperative agreement	392.81	
207 Harry C. Nevius, Secretary Salary March and April (less \$4.50 F.I.C.A.)	195.50	
208 Mtn States T & T Co., March and April Service and Tolls	34.80	
209 H. C. Nevius, Secretary, Stamps \$10.00, Expense, \$37.60	47.60	
210 Treasurer of U. S. Deposits by States, Fed. Old Age & Surv. Ins. Trust Fund.	9.00	
211 6-30-57 U.S.Geological Survey, Budget and Finance Branch, Cooperative agreement	107.19	
212 Mtn States T & T Co., May and June Service and Tolls	32.85	
213 Harry C. Nevius, Secretary Salary, May and June	195.50	
214 Treasurer of U.S. Deposits by States, Fed. Old Age & Surv. Ins. Trust Fund.	<u>9.00</u>	
		<u>1024.25</u>
Expenditures since October 31, 1956		<u>2089.94</u>
Balance on hand July 23, 1957		\$ 1881.79

The Secretary stated that he had a sketch of General Worsham's qualifications for the Federal Representative post on the Arkansas River Compact Administration, and this would be available to anyone who cared to look at it. The other candidate being considered for the post is Mr. Carl G. Paulsen.

Vice Chairman Green suggested that selection of committee members be postponed until a Federal Representative is appointed, but Mr. Nevius pointed out that an operations committee was necessary. Mr. Crawford then moved that Mr. Smartt and Mr. Bentrup be the operations committee with Mr. Smartt as Chairman. The motion was seconded and passed.

Mr. Bentrup moved to postpone selection of other committee members until a Federal Representative had been appointed. Mr. Smartt proposed an amendment to the motion to postpone the selection of other committee members until the next regular or next called meeting of the Administration. The motion was seconded and passed as amended.

Mr. Crawford then suggested that the present Administration Secretary hold office until the next annual meeting. The other members of the Administration concurred.

Mr. Jenkins raised the question as to how more benefits can be obtained from the stored water. A lengthy discussion was held on methods of conserving the stored water, during which Mr. Romer of the Amity Canal Company requested the Administration to release some river inflow as well as reservoir water for the next two or three weeks. After some discussion, Mr. Jenkins moved that action on the request for river releases be postponed until the afternoon session. Seconded and passed.

Mr. Elliott of the Colorado Game and Fish Department was called on for his discussion and he asked the Administration what their attitude would be with respect to a proposed fisheries project to be constructed on Alkali Creek, a tributary of the Purgatoire. The proposed reservoir would have a surface area of about 50 acres and an average depth of about 8 to 10 feet. A discussion ensued on evaporation losses and losses to John Martin Reservoir and benefits to people in the vicinity of the fisheries project. It was agreed to defer any action until the afternoon session.

Mr. Green adjourned the meeting at 11:30 A. M. to reconvene at 1:00 P. M.

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Afternoon Session

The meeting was reconvened at 1:15 P. M., by the Vice Chairman. He opened the discussion on demands for release of river inflow from John Martin Reservoir. After some discussion, Mr. Jenkins moved to deny the request for additional releases. The motion was seconded and passed.

After additional discussion as to the legal rights of the Administration to consider additional releases, Mr. Smartt moved to reconsider the motion just passed for the purpose of obtaining legal clarification. The motion was defeated for lack of a second.

Discussion of the plans for the Colorado Game and Fish Department proposed fisheries reservoir was continued. Mr. Crawford moved that consideration of the proposed project be referred to the Engineering Committee for a report at the next meeting. Seconded and carried.

Mr. Jenkins said it had been brought to his attention that there were frequently no attendants at John Martin Reservoir on Saturdays and Sundays to open and close the gates. Mr. Nevius said there had never been any trouble like that. Mr. Crawford suggested that if an additional attendant was required on week-ends, perhaps the ditch companies would pay for such services.

The budget for the next year was discussed and Mr. Bentrup moved that the budget for the next year be approved for the same as was budgeted last year. The motion seconded and carried.

A motion by Mr. Crawford for adjournment was seconded and passed.

The meeting was adjourned at 1:50 P. M.