

(RESOLUTION RECEIVED FROM THE FORT LYON CANAL COMPANY
ON OCTOBER 15, 1959)

RESOLUTION

WHEREAS, The Fort Lyon Canal Company, which has its principal office at Las Animas, Colorado, is a mutual ditch company distributing water to its stockholders in Otero, Bent and Prowers Counties, Colo., owning, occupying and irrigating 90,000 acres of land, the said water being diverted largely from the Arkansas river for storage and direct irrigation at points west and above the John Martin Reservoir; and,

WHEREAS, the rights of the water right owners deriving their water through the Fort Lyon system have been and are vitally affected by the provisions of the Kansas-Colorado Compact, and use of the water stored in the John Martin Reservoir, and the method of operation of the reservoir; and this company unsuccessfully fought the adoption of the Compact at the time of its adoption by the Colorado legislature in 1949, because the company believed it contained unfair and unworkable provisions; and,

WHEREAS, the company believes the operation of the reservoir the past few years has amply proved its contentions made many years ago, and finds that lately the attention of the public has been called to the reservoir because of the loss of all fish therein and certain recreation facilities; and,

WHEREAS, the Board of Directors believes that this is an opportune time to state its position with reference to the creation and use of a permanent pool in the John Martin Reservoir for fishing and recreation privileges, and has therefore adopted this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Fort Lyon Canal Company as follows:

1. That all of the water and water rights owned by the stockholders of The Fort Lyon Canal Company cannot be disposed of, changed or affected except by action of the stockholders in an annual or special meeting, this Board having no power to act in the matter, except in an advisory capacity.

2. No fault should be found with any of the water right owners because the reservoir became empty except perhaps the using of too much water too fast from the reservoir as nothing could be done to prevent it under existing laws. There has been a lot of talk and publicity about this matter but nothing concrete has been done, in spite of the fact that the same condition has existed for almost fourteen years. The Army engineers and water officials were helpless in view of the existing laws and the Colorado-Kansas Compact, the great over appropriation of the Arkansas river and the pressing need of almost all ditches for all available water for irrigation.

3. In principle this Board is not opposed to the establishment of a permanent pool in the John Martin Reservoir for fishing and recreation purpose, but, on the contrary, favors the establishment and maintenance of such a pool, provided it can be done without injury to the rights of the owners of vested rights for the use of water from the Arkansas river, confirmed by decrees and created by the Kansas-Colorado Compact.

4. This Board has no right whatever to relinquish, surrender or modify any of the rights to the use of water owned by its stockholders, and the water from this is distributed through the Fort Lyon system, so it cannot legally or equitably permit any change in the present method of administration of such water rights confirmed by its decrees and by the Kansas - Colorado Compact as long as the present provisions of the Compact are in effect.

5. The only feasible way to have and maintain a permanent pool in the John Martin Reservoir is to have "new" water purchased and stored therein in a sufficient amount to provide no more than 10,000 acre feet for a pool and make up any losses occasioned by evaporation and seepage.

6. This program will necessitate a change in the Kansas-Colorado Compact and approval thereof by the legislatures of both states as well as by the Congress of the United States.

7. The Board recommends that a complete and careful study of the situation be made by state and Federal authorities before any definite plan be adopted and financed, and that the public be given a chance to see the results of such study, and make such suggestions or objections with reference thereto as may seem desirable, thus avoiding the unfortunate result of the present Kansas-Colorado Compact.