Note:
Materials in this file previously marked confidential are open to researchers.

Please consult staff with any questions.

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Send the following Telegram, subject to the terms on back hereof, which are hereby agreed to.

To Mr. Robert E. Ellison
of Midwest Oil Company
Casper, Wyoming

Confidential Re Bill Alcova Project Stop Colorado Senators approved measure in assurance Wyoming Senators that no present or future projects in Colorado would be affected Stop Bill dates back project to Nineteen Hundred fire and while I have no objection such dating as regards down stream development would be materially threatened
Send the following Telegram, subject to the terms on back hereof, which are hereby agreed to.

To

or injured unless step is accordingly
have recommended that it be amended
by inserting additional proviso at end
section and providing project shall not
claim rights or preferred right to use
North Platte water as against tributaries
or her water users and are willing such
proviso be broadened to include Wyoming
users above Pathfinder Reservoir, if Wyoming
parties so desire it. Stop. There is some
quitting, however, insignificant headwater
Send the following Telegram, subject to the terms on back hereof, which are hereby agreed to.

To

diversions from North Park to Poudre River which must be protected along with other North Park diversions. Stop

This wire merely to advise you of conditions.

Dolph E. Carpenter

# and have further offered to make a tentative understanding.

Supercede promise.
May 1, 1926

Honorable Lawrence C. Phipps,
Senate Office Building,
Washington, D.C.

My dear Senator Phipps:

Re: Colorado - Interstate Streams.

I had wanted to get in to see you again before leaving Washington last week whether I had gone to represent the City as special counsel. Unfortunately, however, I was called back to Denver by telegram and for that reason did not call upon you a second time.

There are two measures which have gone through the Senate, and I believe both of them through your committee, concerning which I wish to speak to you because they may well give the people of Colorado and Denver great concern.

One of them was the bill for a federal project at Casper, Wyoming. Under the decision of Wyoming against Colorado, that project, if consummated, would strip Colorado of the last drop of her North Platte water to the extent of any and all increased uses for irrigation. If this bill should be enacted it would be a terrible blow not only to northeastern Colorado but to the City of Denver which depends so much upon the prosperity of its agricultural and stock-raising industries. That part of the waters to be impounded would be flood waters does not lessen the objection from the Colorado standpoint. If Wyoming vs. Colorado holds the priority would be acquired just the same. It seems that the bill has been reported out of the House Committee favorably and is now before the House for consideration. I cannot understand how the measure escaped so completely our Colorado Senators and Representatives. It seems that Congressman Ed Taylor is going to do his best to delay and to defeat the bill before the House but I fear that he has very little chance unless in some way you and Senator Means can assist him.

The other measure causing equal concern is the bill which was passed by the Senate after being introduced by Senator Cameron and which had for its purpose the extension of the authority of the Secretary of the Interior to increase leasing privileges for power privileges on federal
The bill was a general one and undoubtedly a ten year period is a little too short for leases to private power companies where of course they must have time in which to amortize their investments. On inquiry, however, I found beyond doubt that the bill owes its existence more largely to the Yuma Water Association than to anybody else and that primarily it was to provide a means whereby the Secretary of the Interior could lease the power privileges of the Laguna Dam to a private company. So far as Colorado is concerned the fact that the proposed lessee is a private company is no more objectionable than if the United States itself were to operate the plant. The point is that no matter by whom operated the plant with its proposed draft of from 4,000 to 8,000 second feet of water is a very substantial draft on the waters of the river and if Wyoming v. Colorado is the governing law the project, in the absence of ratification of the Colorado River compact, would acquire a priority against increased uses of Colorado and Denver in respect to the waters of the Colorado River.

If the same water which would be used by the power plant were later to be used by the Imperial Valley Irrigation District the proposed project would scarcely be open to objection because the amount of water being used for power purposes would not represent any increase of water over the amount already being used by the Imperial Valley for irrigation. However, there is a contract between the Secretary of the Interior and the Imperial Valley Irrigation District whereby the head-gate of the Imperial Valley Ditch is to be extended on up to the Laguna Dam. With that change made and with the power plant using water immediately below the dam it follows that the power plant use would be in addition to the use being made by the Imperial Valley Irrigation District and it becomes decidedly objectionable from every standpoint of the welfare of the people of Colorado and of Denver.

I went over to the Department of the Interior last week and found out that no licenses whatever have been made by the Secretary of the Interior to any one for power privileges connected with the Laguna Dam and also that no construction work of any kind has been started. There are two power companies which are after the privileges of that dam, the Arizona Power Company and the Southern Sierras Power Company. The one most talked about and which is the one considered most likely to get the power privilege, should the bill be passed, is the Southern Sierras Power Company; although that point is immaterial for as stated above it would be just as objectionable if the United States itself were to operate a plant there in advance of ratification of the compact.
The Bill, after passing the Senate and apparently escaping the observation of all of the Senators of the Upper States is now in the House committee. I have lodged a protest there in the name of the City of Denver. Is there not something that you and Senator Means can do to defeat the bill for the Casper project before it gets through the House and something which you may do to keep the Cameron Bill in the House Committee. I have been in Washington enough to realize the influence which you have in matters of legislation and feel confident that you can still save the day.

In conclusion I wish to say that although at the present time I am acting as special counsel to the City of Denver and at times have represented officially the State of Colorado in certain phases of the Colorado River work, nevertheless the bulk of the time which I have spent in the last few years in the service of the water interests of Colorado and of Denver has been given for nothing. That being true it hurts me beyond measure to see those water rights of precious value slipping from us gradually when it would be so easy to prevent it if only we would adopt the right course.

Commissioner Delph Carpenter is the Inter-state Water Commissioner of Colorado and I am sure would be only too glad to be informed, as indeed I too should be, of measures pending in the Congress affecting the water interests of our State and of Denver. With the knowledge and experience of many years work I am sure we could be of great service to you and the others representing Colorado at Washington if only we had some notice of these pending bills and be permitted to report upon the way in which they would affect our State and City.

Sincerely yours,

LWBF
COPY OF
WESTERN UNION TELEGRAM

Greeley, Colo.
May 24, 1926.

Hon. Edward T. Taylor,
House Office Bldg.,
Washington, D.C.

Cheyenne Friday in the Casper Alcova bill stop conference had nothing to do with our amendments between Colorado and Wyoming which still stand. Stop Wyoming Colorado and Nebraska commissioners conferred respecting amendments to suit Nebraska and we finally agreed upon proposal wired Saturday night Congressmen Winter by Hopkins and Emerson of Wyoming proposing striking out certain parts of bill to overcome Nebraska objections stop would suggest you confer with Winter but see to it that Colorado Wyoming amendments still stand.

Delph E. Carpenter
State of Nebraska
ADAM McMULLEN, GOVERNOR

BRIDGEPORT, Nebraska
May 29, 1926

Honorable Delph E. Carpenter,
Greeley, Colorado.

Interstate streams

Dear Mr. Carpenter:

If agreeable with you and Mr. Hopkins we can hold a hearing in Lexington at 9:00 AM on June 9th.

Let me know if this will be satisfactory and I will notify parties interested in the Tri-County and Lower Platte Valley projects.

Very truly yours

R. H. Willis
Commissioner for Nebraska
June 1, 1926.

Hon. R.H. Willis,
Bridgeport, Nebr.

My Dear Mr. Willis:

June 9th will be satisfactory with me. If you decide to have a meeting on that day be sure to have parties sufficiently notified.

Will you arrange for a court reporter to act as temporary secretary and report the meetings of the proceeding?

Very truly yours,

Delph F. Carpenter
Commissioner for Colorado.

ENC: RB
CC: S.Y. Stephens
State of Nebraska

ADAM McMULLEN, GOVERNOR

BRIDGEPORT, NEBRASKA

June 2, 1926

Honorable Delph E. Carpenter,
Greeley, Colorado.

Interstate River Commission

Dear Mr. Carpenter:

Your letter of the 1st inst., acknowledging June 9th as a satisfactory date for the meeting of the Interstate River Commission at Lexington is at hand.

I hardly know what to do since your letter is the only acknowledgment I have received. I was in hopes of getting a letter from all interested by the evening of the 31st so that I could get a notice in the papers in the vicinity of Lexington and Holdredge. I also arranged with the Lincoln office for a reporter.

It will be too late now to get a notice in the Lexington and Holdredge papers by the time I hear from Mr. Hopkins and others interested. I just now tried to get Mr. Hopkins on the phone but the operator reports that she can get no answer.

In case the meeting is postponed I will wire you.

Very truly yours,

R. H. Willis
Commissioner for Nebraska
State of Nebraska
ADAM McMULLEN, GOVERNOR

BRIDGEPORT, Nebraska
June 4, 1926

Honorable Delph E. Carpenter,
Greeley, Colorado.

Interstate River Commission

Dear Mr. Carpenter:

The following is confirmation of telegram sent to you today:

"I find that it is necessary to postpone hearing until later date."

Just received letters from several representatives of projects east of North Platte stating that the date conflicts with previous appointments and also too short to make preparations.

It seems advisable to postpone hearing to some later date. Perhaps in July. Will be glad to hear from you on this point.

Very truly yours

R.H. Willis
COMMISSIONER FOR NEBRASKA
Received at 711 Eighth Avenue, Greeley, Colo.

52V D 72 GOVT 1/60

CS WASHINGTON DC 319P JUNE 7 1926

HON DELPH E CARPENTER

GREELEY COLO

I OBJECTED TO BOTH THE SENATE AND HOUSE CARSON ALCOVA BILLS AND HAD BOTH STRICKEN FROM THE CALENDAR TODAY STOP ON JUNE THIRD I INTRODUCED BILL GRANTING REQUEST OF CONGRESS TO AN INTERSTATE COMPACT AM MAILING YOU COPY STOP I GAVE COPY TO SENATOR TENDRICK AND HE INTRODUCED IT IN SENATE ON JUNE FIFTH STOP I THINK THIS ACTION NECESSARY AS A PRECAUTIONARY SAFEGUARD STOP SEE MY SPEECH IN TODAY'S CONGRESSIONAL RECORD

EDWARD T TAYLOR

22 9P
Mr. Delph E. Carpenter,
Water Commissioner,
State Capitol Bldg.,
Denver, Colo.

My dear Mr. Carpenter:

Senator Kendrick has introduced in the Senate two bills, S. 4409 and S. 4410, which I understand to be duplicates of those introduced in the House by Congressmen Taylor and Winter.

You will note that the two bills relate to an equitable division and apportionment between the states of the water supply of the North Platte river and its tributary streams and that the first mentioned bill would authorize a compact between the States of Nebraska and Wyoming, while the other would authorize a compact between the States of Colorado and Wyoming.

It occurs to me that, dealing with the same sources of water, it would be better to have one tri-state compact rather than two separate compacts, and I am, accordingly, sending copies of these bills to you for your advice. As we are getting so near to the close of this session, I would request that you wire me immediately, expressing your views on this subject.

Awaiting your reply, and with personal regards,

Yours sincerely,

[Signature]

P.
Encl.
A BILL

Granting the consent of Congress to compacts or agreements between the States of Nebraska and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

That the consent of Congress is hereby given to the States of Nebraska and Wyoming to negotiate and enter into comp-
acts or agreements providing for an equitable division and apportionment between such States of the water supply of the North Platte River and of the streams tributary thereto and of other streams in which such States are jointly
terested.
Sec. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

Sec. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Sec. 4. The right to alter, amend, or repeal this Act is herewith expressly reserved.
A BILL

Granting the consent of Congress to compacts or agreements between the States of Nebraska and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

By Mr. Kendrick

June 5, 1926
Read twice and referred to the Committee on Public Lands and Surveys
IN THE SENATE OF THE UNITED STATES

JUNE 5, 1926

Mr. Kendrick introduced the following bill, which was read twice and referred to the Committee on Public Lands and Surveys.

A BILL

Granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

That the consent of Congress is hereby given to the States of Colorado and Wyoming to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the North Platte River and of the streams tributary thereto and of other streams in which such States are jointly interested.
Sec. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

Sec. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Sec. 4. The right to alter, amend, or repeal this Act is herewith expressly reserved.
A BILL

Granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

By Mr. Kendrick

JUNE 5, 1926

Read twice and referred to the Committee on Public Lands and Surveys
COPY OF
WESTERN UNION TELEGRAM

Greeley, Colorado, June 14, 1926.

Edward T. Taylor, M.C.
House Office Bldg.,
Washington, D.C.

Re your bill consent congress compact Colorado and Wyoming re waters North Platte would suggest that words quote from the department of the interior end quote in section two be stricken leaving appointment national representative to the discretion of the president stop make this suggestion by reason of knowledge that legal adviser interior department very adverse to any interstate agreement but wish to run the entire river through bailiffs appointed by Omaha District Court as result of suit they propose to bring in that court stop I call your attention to fact that my commission consisting of representatives Colorado, Wyoming Nebraska and United States was appointed 1924 to arrange three-state compact and that hearings and investigation are nearly completed stop will not your bill tend to confuse stop.

Delph E. Carpenter.
WASHINGTON DC JUNE 15 1926

HON. DELPH C. CARPENTER

STATE WATER COMMISSIONER GREELEY, COLO.

I INTRODUCED MY COLORADO WYOMING COMPACT BILL AND SUGGESTED KENDRICKS INTRODUCE COPY WHICH HE DID PRIMARILY TO COMPELL ADOPTION OF OUR AMENDMENT TO THE CASPER ALCOVA BILL IN CASE IT CAME UP FOR CONSIDERATION IN THE HOUSE BY INSPECTION OF THE RULES OR OTHERWISE STOP THERE WAS DANGER OF ITS PASSAGE WITHOUT THAT AMENDMENT.
Received at 711 Eighth Avenue, Greeley, Colo. Telephone Greeley 3

14V 0 2/73

BUT I HAVE GOT IT HEATED OFF NOW FOR THIS SESSION STOP THE SECRETARY'S VERY FAVORABLE REPORT ON ALL OF MY FIVE INTERSTATE COMPACT BILLS HAS PREVENTED ANY CONSIDERATION OF THEM AT THIS SESSION NOT-WITHSTANDING HE MADE VERY FAVORABLE REPORT ON THE IDAHO WYOMING BILL WHICH WAS IN IDENTICALLY THE SAME LANGUAGE AS MINE STOP EVERY MEMBER OF THE COMMITTEE WAS IN FAVOR OF THEM MY IDEA WAS TO HAVE YOU GO
14V 0 3/78

AHEAD THIS SUMMER AND FALL AND IF POSSIBLE BRING ABOUT THOSE INTERSTATE AGREEMENTS BEFORE NEXT WINTER SO THAT LEGISLATURES MIGHT ACT ON THEM AND CONGRESS APPROVE THEM AT SHORT SESSION I FEEL SECRETARY WORKS ACTION VERY UNFORTUNATE STOP THIS CONGRESS HAS ALREADY AUTHORIZED SEVEN NEW RECLAMATION PROJECTS AND THERE ARE THIRTY OTHER BILLS NOW BEING VIGOROUSLY PUSHED FOR NEW ONES STOP NONE OF THESE IN COLORADO AND IF COLORADO DOES NOT COME TO AN AGREEMENT WITH HER SISTER
14V D 4/73

States very soon we are certain to have serious trouble whether the Colorado River compact is ratified or not stop we must if possible agree between ourselves because if the upper four states do not very soon come to an agreement between ourselves as to division of our waters these Washington bureaucrats will do the dividing themselves without consulting us stop you know what that means stop i am perfectly confident that several
14V D 5/82

GENTLEMEN IN HIGH PLACES ARE OFF ON THE WRONG TRACK IN THIS MATTER AND I HOPE YOU WILL HELP ME STRAIGHTEN THEM OUT FOR THE WELFARE OF OUR STATE STOP I KNOW I AM RIGHT AND THEY ARE WRONG STOP I HAVE NO THOUGHT OF CONFUSING OR INTERFERING WITH ANY PENDING NEGOTIATIONS BUT TO LEGALIZE AND EXPEDITE THEM BETWEEN ALL ADJOINING STATES STOP WILL STOP OFF IN DENVER ON MY WAY HOME AND HOPE I MAY HAVE A CONFERENCE WITH YOU THEN

EDWARD T TAYLOR

812A JUNE 16
COPY OF WESTERN UNION TELEGRAM

Hon. Edw. S. Taylor
House Office, D.C.
Washington, D.C.

Please send me copies Secretary
Adverse Report
on your fine interstate
compact bills.

Delph E. Carpenter
COPY OF
WESTERN UNION TELEGRAM

Greeley, Colo., June 16, 1926.

SENATOR
MR. LAWRENCE C. PHIPPS,
WASHINGTON, D.C.

ANSWERING YOURS EIGHTH RE KENDRICK BILLS FOUR THOUSAND

FOUR HUNDRED NINE AND FOUR THOUSAND FOUR HUNDRED TEN SAME APPEAR UNNECESSARY AT THIS TIME AS COMMISSION TO EQUITABLY APPORTION WATERS NORTH PLATTE RIVER BETWEEN STATES COLORADO, WYOMING AND NEBRASKA APPOINTED BY GOVERNORS IN NINETEEN HUNDRED TWENTY FOUR AND PRESIDENT APPOINTED HONORABLE STEPHEN B. DAVIS FEDERAL REPRESENTATIVE THIS STOP COMMISSION HEARINGS WILL BE COMPLETED THIS SUMMER AND DRAFT OF COMPACT PROBABLY THIS FALL STOP PROPOSED BILLS WOULD CONFUSE SITUATION STOP IN EVENT PRESENT COMMISSION UNABLE TO ARRIVE AT THREE STATE COMPACT CONGRESSIONAL AUTHORIZATION MAY BE ADVISABLE AT SHORT SESSION.

DELPH R. CARPENTER
June 12, 1926.

Hon. Delph E. Carpenter,
Greeley, Colorado.

Dear Carpenter:

I am enclosing herewith copies of letters sent by Governor Ross to Hon. Elwood Mead, Commissioner of Reclamation and the Senators and Congressman from Wyoming relative to the Guernsey dam.

I want to keep you posted on what transpires from this state in so far as I am advised relative to this matter.

Very truly yours,

[Signature]

S.G.H.-BEK
Commissioner
June 11, 1926.

Hon. Elwood Mead,
Commissioner of Reclamation,
Washington, D. C.

Dear Mr. Mead:

I am writing you concerning the Guernsey dam now being constructed in Wyoming by the Federal Government through your bureau. There is considerable anxiety in the minds of the people in the territory tributary to this structure over what agency is to control the power generated at this dam, and whether by the storage of water and the regulation of the flow of the North Platte river by this structure, it is intended to increase the water appropriation for lands outside of this state. May I inquire:

(a) Is the Guernsey dam and reservoir a part of the government reclamation project known as the North Platte project, if so, what units or canals are to participate in its benefits? Will the lands and water users for which the Warren Act contracts have been issued participate in the benefits to the same degree as those under the Interstate and Ft. Laramie Canals?

(b) Will the lands under the Government Canals be assessed for the construction cost of the Guernsey dam and power plants, if so how much per acre?

(c) Is it intended that the project be turned over to the management of the water users and owners and if so when?

(d) If the management of the irrigation system shall pass to the water users and owners, will the control of the power plant and the power generated at the Guernsey dam pass from the Government to the water users and owners?

(e) When the construction costs and charges of the Guernsey dam and power works are fully paid, will title to the dam and power works vest in the water users and owners of the irrigation system?
(f) Is it intended by regulating the flow of the river and storage of water, by this structure, to enlarge the present appropriation of water for the North Platte project, or to irrigate additional lands, or to sell the water under the Warren Act for additional lands in another state?

The Guernsey dam is located near the little city of Guernsey and within a few miles of some of the greatest iron mines in the world. Not only iron but much copper is being mined. The cheap power that may be generated at this dam will open a field of opportunity for development of important industrial enterprises in that community. Within a reasonable distance of this dam are many thousands of acres of rich bottom lands that may be irrigated by pumping plants if electric power may be obtained from this structure. The cities and towns of central and eastern Wyoming are near enough to this plant to be supplied with electric power from it.

The people of Wyoming consider the water of its streams, the irrigation of its lands and the generation of electrical energy there with, as one of its greatest assets. The southeastern part of the state has expected much from the construction of the Guernsey dam and the utilization of the power therefrom. The people of this state should have the first call for the electric energy generated at this dam for their present and future needs, and they will look with disfavor upon the disposition and control of that power going to another state. They also seriously and emphatically protest the enlargement of water appropriations by this structure for lands in another state. The waters conserved by this reservoir should be used to supply
present legal appropriations below, thus releasing from the Pathfinder reservoir water for irrigation above this structure.

When the Pathfinder reservoir was constructed in this state, it was understood that the waters stored therein would be available for the reclamation of the lands below it in Wyoming. Claims are now being asserted by the people of Nebraska to prior vested rights to all the water conserved in that reservoir. In order that this situation may not be repeated on the Guernsey project, either as to irrigation or power, I believe a thorough understanding should be had before the dam is constructed and rights inimical to this state be vested. If the rights and interests of Wyoming are not clearly protected in the law authorizing the construction of this dam, legislative action should be taken to protect them.

Revenues from the sales of the power generated at this dam will in time pay the construction cost and when so paid for, if title remains in the Government and is not taxable a portion of the revenues therefrom should be paid to the state in lieu of taxes.

I will appreciate it if you will advise me fully on this subject.

Yours very truly,

Nellie Tayloe Ross (signed)
Governor.
June 11, 1926.

Senator John B. Kendrick,
Senator Francis E. Warren,
Congressman Charles A. Winter,

I enclose herewith a copy of a letter I have, this day, written to Hon. Elwood Mead, Commissioner of Reclamation.

It is rumored that the North Platte Irrigation project is soon to be turned over to the control of the water users and the people of Guernsey are much exercised over the possibility that Nebraska farmers will control the power works of the Guernsey dam and the disposition of the electric energy therefrom. If it be true that the Guernsey dam and reservoir are intended to become a part of the North Platte irrigation project, most of which lies outside of our state, I hope congressional action may be obtained separating them, or at least the power plant, from the irrigation system, and that so much of the power as may be needed in Wyoming, shall be reserved for the use of our people.

The attitude of the people on the Government projects in Nebraska in objecting to irrigation development in Wyoming and the use of some of the water from Pathfinder reservoir for that purpose would seem to justify us in the objecting to the enlargement of their water rights, or permitting them to make further draft on the river by the construction of the Guernsey reservoir. If it should be found necessary for congressional legislation to protect the interests of Wyoming, do you not think it advisable that it should be urged before rights are vested, which may further complicate the situation?

Very truly yours,

Mellie Taylor Ross (signed)
Governor.
Fort Collins Chamber of Commerce,  
Fort Collins, Colorado.  

Attention: Miss Ona D. Welliver.  

Dear Miss Welliver:  

The enclosed letter prepared by the Irrigation Committee of this Chamber, fairly expresses the thought and sentiment of the people of this community in connection with opposition to the Casper-Alcova project that has developed in Colorado.  

We believe that when misunderstandings arise, frank expression between the parties at interest should pave the way for greater cooperation and a better mutual understanding. We assure you that it is our desire to be governed, in matters of this kind, by justice and equity and we feel sure that the good people of Colorado are of the same mind.  

Will you kindly present the enclosed open letter for the consideration of your Board of Directors or Executive Committee at the next meeting?  

We will be glad to receive an expression of the views entertained by your organization and if you feel that our position is consistent, we will appreciate your transmitting our views as expressed in this open letter to your members and to the people of your community generally, through your house organ and local newspapers.  

Sincerely yours,  

CASPER CHAMBER OF COMMERCE  

[Signature]  
Secretary-Manager.

Encl.
June 25, 1926.

Hon. Delph Carpenter,
Greeley, Colorado.

Dear Carpenter:

Some days ago I sent you, for your information, copies of letters, Governor Ross wrote to Commissioner Elwood Mead of the Reclamation Service and our Senators and Congressman of Wyoming, relative to the Guernsey Dam.

In order that you may be fully advised as to further developments in this matter, I am enclosing herewith copies of the replies of Dr. Mead and our Senators and Congressman.

I am sure the information contained in these communications will interest you.

Very truly yours,

[Signature]
Commissioner.

P.S. Reel the strawberries and they are nice. Mrs. Ross was much pleased. She is bowling forLOOR Vallo and enjoyed much.
Office of the Commissioner

Hon. Nellie Tayloe Ross,
Governor of Wyoming,
Cheyenne, Wyoming.

Dear Governor Ross:

I have your favor of June 11, with some inquiries regarding the Guernsey Dam and Reservoir, and the principles which control the distribution and use of the waters of the North Platte river. In answer to your inquiries I have to state the following:

"Question (a): Is the Guernsey Dam and Reservoir a part of the government reclamation project known as the North Platte project, if so, what units or canals are to participate in its benefits? Will the lands and water users for which the Warren Act contracts have been issued participate in the benefits to the same degree as those under the Interstate and Ft. Laramie Canals?"

Answer: The Guernsey Dam and Reservoir are a part of the Government Reclamation Project known as the North Platte. They are being built to accomplish the following purposes:

To afford a better regulation of water turned from the Pathfinder Reservoir. The distance of this reservoir from the headgates of the main canals of the North Platte project is such that considerable time must elapse before a notice to turn on the water or to open or close the gates becomes effective. It often happens, therefore, that when an urgent need for water arises, the crops suffer before it can be supplied; or when a heavy rain comes and the need for water ceases, a large amount goes to waste before the gates can be closed. The Guernsey reservoir is located close to the headgates and will be used as a regulating reservoir to provide more effective service and more economical use of the water stored in the Pathfinder Reservoir. It will also enable flood waters from tributaries of the North Platte to be stored and thus materially increase the water supply during the irrigation period.

"Question (b): will the lands under the Government canals be assessed for the construction cost of the Guernsey dam and power plants, if so, how much per acre?"

Answer: Attached hereto is copy of a memorandum submitted to the Secretary of the Interior when the construction of this project was approved. It will be seen that a part of the expense will be allocated against three divisions of the North Platte project. The remainder of the construction cost is to be repaid from the revenues from power. Warren Act purchasers of water will not be directly affected by the Guernsey Reservoir. Their contracts provide for the purchase of specified quantities of
water for which they pay a certain stated rate which cannot be
increased to cover any portion of the cost of this reservoir.
The amounts paid by such purchasers go to reduce the total cost
of the project, and this of course serves to reduce the amounts
the various divisions of the project proper will be required to
refund to the Government.

"Question (c): Is it intended that the project be turned
over to the management of the water users and owners and if so,
when?"

Answer: The title to all reservoirs remains in the Govern-
ment until otherwise provided by Congress. See Sec. 6, Reclama-
tion Act of June 17, 1902. No decision has been reached as to
the management of the Guernsey Dam and power plant after its
construction.

"Question (d): If the management of the irrigation system
shall pass to the water users and owners, will the control of the
power plant and the power generated at the Guernsey dam pass
from the government to the water users and owners?

Answer: As before stated, no decision has been reached
with regard to this.

"Question(e) When the construction costs and charges
of the Guernsey Dam and power works are fully paid, will title
to the dam and power works vest in the water users and owners
of the irrigation system?"

Answer Under the present reclamation law, title to the
dam, reservoir, and works necessary for their protection, will
remain in the United States, until otherwise provided by Congress-
See answer to (c).

"Question (f): Is it intended by regulating the flow of
the river and storage of water, by this structure, to enlarge the
present appropriation of water for the North Platte project, or
to irrigate additional lands, or to sell the water under the
Warren Act for additional lands in another state ?"

Answer: The purpose of this dam was explained in the reply
to question (a). There are no plans at present for an extension
of irrigation in Nebraska. The building of the Guernsey Dam makes
possible more efficient use of the available water supply of the
North Platte River, and so gives additional opportunities for
reclamation, but this might be taken advantage of in constructing
projects above, equally as well as below, and in discussions of
this matter it has been regarded as a factor in determining the
feasibility of the Saratoga or Casper-Alcova projects in Wyoming.

Sincerely yours,

(Signed) Elwood Mead
Commissioner.
The Secretary
Of the Interior.

My dear Mr. Secretary:

The Act of December 5, 1924 (Public No. 292, 68th Congress), contains the following appropriation:

North Platte Irrigation Project, Nebraska and Wyoming:
For continued investigations, commencement of construction of the Guernsey Reservoir and incidental operations, $800,000.

The Act contains the following proviso:

Provided. That no part of the sums herein appropriated shall be used for the commencement of construction work on any reclamation project which has not been recommended by the Commissioner of Reclamation and the Secretary of the Interior and approved by the President as to its agricultural and engineering feasibility and the reasonableness of its estimated construction cost.

The estimated cost of the dam in round numbers is $1,780,000. The estimated cost of a 2,500 kilowatt power development at the dam is $385,000. To the foregoing must be added (a) $121,000, most of which has been already expended in connection with surveys and investigations, the purchase of flooded lands and road construction, and (b) $290,000 needed in connection with a subsidiary power plant at Lingle, Nebraska, and transmission lines connected therewith. The total estimated cost of the dam and power development therefore aggregates $2,616,000.

To recoup this expenditure the Government may look to the following sources: (a) the Interstate Division of the North Platte project. The landowners on this division have agreed in the manner provided by the Act of Congress of August 13, 1914 (38 Stat. 636) to an increase of the construction charge against their land of $15 an acre, a part of which it is provided may be utilised for the building of the Guernsey Reservoir, including a 2,500 kilowatt power development. From this source it is estimated that a return of $966,000 will be available for the Guernsey Reservoir and power development; (b) The Northport division of the North Platte project, from which, under contract with the United States, a total of $154,000 is to be paid for the Guernsey Reservoir and power development; and (c) The Fort Laramie Division of the North Platte project, on which construction charges have not yet been announced, but these charges when announced will include a rate per acre which in addition to other amounts will produce a return of $88,000 applicable to the cost of the Guernsey Reservoir and power development. These figures aggregate $1,358,000.

The above amounts are to be returned from the North Platte project which has been under development for a number of years.
From existing knowledge of the agricultural conditions on the project, I believe the water users on the Interstate, Northport, and Fort Laramie divisions will be able to pay, within the period allowed by the reclamation law, their construction charges, including items in the amounts stated above, for the Guernsey dam and power development.

It will be noted that the anticipated returns from the Interstate, Northport and Fort Laramie divisions of the North Platte project fell short by approximately half a million dollars of producing sufficient returns to repay the entire estimated cost of the development. The remainder, however, will be obtained from the net revenue which will be derived from the sale of power which has been and will be developed at the Guernsey Reservoir. The Act of March 3, 1925 (Public No. 550, 63th Congress) provides, "That all net revenues from any power plant connected with the Guernsey Dam shall be applied to the repayment of the construction costs incurred by the Government on the project, until the obligations are fully paid." The contracts already made and pending insure a net return of about $40,000 per annum, which will pay off the remainder of the construction cost of approximately $500,000, in less than fifteen years. There is also a possible increase in revenue from the sale of additional water for irrigation as the reservoir will have a capacity considerably in excess of the requirements of the areas hitherto named, which will contribute to the repayment of these costs, and the sale of this surplus water to other lands would expedite the payment of construction costs.

The Bureau has investigated, in a preliminary way, several prospective projects in Wyoming and Nebraska to which the surplus water in the reservoir could be sold, but the investigations have not been carried to a point where positive forecasts can be made regarding such sales. This, however, is not necessary.

I therefore recommend that the construction of the Guernsey Reservoir and power plant be authorized.

Respectfully,

April 29, 1925.

(Sgd) Elwood Mead.
Finding and recommendation concurred in Commissioner, and matter referred to the President with recommendation that he approve the Guernsey Reservoir and power plant as to their agricultural and engineering feasibility and as to the reasonableness of their estimated construction cost.

(Sgd) Hubert Work
Secretary of the Interior
Recommendation approved: April 30, 1925.
(Sgd.) Calvin Coolidge
President.
June 19, 1925.

Honorable Hattie Tayloe Ross,
Governor of Wyoming,
Cheyenne, Wyoming.

My dear Governor Ross;

I was pleased to receive your letter of June 11th and to note what you had written to Doctor Mead about the Guernsey Project.

I took up the subject-matter of your letter with the Commissioner and he has favored me with a copy of his letter to you and his letter of April 29, 1925, to the Secretary of the Interior, both of which contain valuable information for you as well as for me.

A few days ago my secretary sent to Mr. Hopkins, at his request, a large amount of printed material and data concerning the Guernsey Project, and I believe that all of the laws relating to it, both as to commencement of the work and as to appropriations thereafter, were included with the material sent to Mr. Hopkins. If, therefore, you find that you want to refer to any such material, I am certain that Mr. Hopkins would be glad to submit the printed matter to you for examination.

I am always pleased to hear from you about the many matters of interest to both of us with respect to the development of our State.

Very sincerely yours,

( Sgd.) F. E. Warren.

L/h
June 14, 1926.

Honorable Nellie Tarlo Ross,
The Governor,
The State of Wyoming,
Cheyenne, Wyoming.

Dear Governor Ross:

I have this morning received your letter of June 11th, referring to the threatened danger to the interests of the people of Wyoming in connection with the transfer to the people of Nebraska of the complete control of the hydroelectric power generated at the Guernsey Dam in Wyoming.

In reply, permit me to say that I have never regarded it as conceivable that the Bureau of Reclamation would be a party to the promotion of any plan calculated to guarantee undue rights in the way of power to the people of Nebraska which would result in discrimination against the people of Wyoming. In view of the experiences of Wyoming in dealing with the people of Nebraska in connection with distribution of the waters of the Platte River, there certainly is a real reason for our people to be anxious to forestall any possible danger of such discrimination.

One thing that I feel justified in saying is that neither Dr. Work, as Secretary of the Interior, nor Dr. Elwood Mead, as Commissioner of the Bureau of Reclamation, will lend themselves to any plan of distributing this power that will prove unfair to the state of Wyoming.

Your request for information I regard as timely and I shall be pleased to cooperate with you in every possible way in an effort to protect the interests of the people of Wyoming in connection with this important matter. If Congressional action becomes necessary as a guarantee of such protection I feel justified in the statement that you may depend upon the Wyoming delegation lending themselves wholeheartedly toward securing the enactment of such legislation.

I am writing Dr. Elwood Mead a letter, asking for information that will make clear the actual situation.

With all good wishes,

Yours very truly,

(Sgd.) John B. Kendrick
Committees:
Public Lands
Irrigation & Reclamation
Mines & Mining
War Claims.

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

June 16, 1926.

Nellie Tayloe Ross,
Governor of Wyoming,
Cheyenne, Wyoming.

My dear Governor:

I write to acknowledge receipt of your communication of the 11th instant, enclosing copy of your letter to Dr. Elwood Mead, Commissioner of Reclamation in regard to the Guernsey Dam. It is a timely letter in reference to the subject and I am glad to have it and also the copy of the letter to the Commissioner. The questions are indeed pertinent.

Before leaving for Wyoming I shall make it a special object to have a personal interview with Dr. Mead and Secretary Work and I shall be pleased to take the matter up further with you either by letter or personally.

Respectfully yours,

(Sgd.) Charles E. Winter.

CEW/adm
Mr Roud McCann,
City.

Dear Mr McCann:

Enclose find communication from the Casper Chamber of Commerce, which the Board of Directors asked me to send to you and have you report back to us at the next meeting, what you thought of it.

Thanking you for your courtesy in this matter,

I am

Very truly yours,

OMW: T

Secretary.
To All Colorado Citizens and Business Organizations interested in Friendly Relations with Casper, Wyoming.

Dear Sirs:

A few days ago there came to the attention of the Casper Chamber of Commerce, and the citizens of Casper, an article in a Colorado newspaper referring to the Casper-Alcova Reclamation project as one which should be blocked from robbing the State of Colorado of its share in the waters of the North Platte River. The use of such terms in connection with such project is bound, if left unchallenged, to arouse resentment not only in the minds of Colorado citizens but in the minds of Casper people and other Wyoming citizens.

The vast expense of mountains and plains within the borders, not only of Wyoming but of Colorado, should normally tend to create a community of interest for the steadfast progressive development of our respective states. With this thought in mind we ask your consideration of the rights, not only of northern Colorado, but of that part of Wyoming situated in the valley of the North Platte river in the future application and use of its waters.

Here in Central Wyoming is situated the largest town in the state, notwithstanding that its population is only 25,000 people. This State has not been as fortunate as Colorado in the building of substantial populous communities in connection with the early development of its mineral resources. Casper is the one outstanding example in the State of such a community for it has been principally developed and equipped to care for the opening and development of the great Salt Creek oil field forty-five miles to the north of it. Realizing that like other mineral deposits, even the vast resources of that great oil pool will in due course be utilized, it is only the natural desire of this community to protect its future and make of this community a permanent tax paying unit, not only of the State and of the Rocky Mountain region, but of the United States as well. This can best be done thru harnessing our natural resources of land and water, and in the establishment of industries in connection therewith while we still enjoy the full growth occasioned by our crude oil production and refining activity. We mention these facts merely to indicate our sincere advocacy of the Casper-Alcova Reclamation project.

We would like now to call to your attention the fact that when the State of Wyoming granted the Federal Reclamation Service authority by permit in 1904 to construct the Pathfinder Dam and reservoir on the North Platte river forty-one miles southwest of us, it was upon the express understanding as evidenced by correspondence between official representatives of the State and of the Federal Government, that the lands of Wyoming in the North Platte valley should be irrigated primarily before the waters so impounded should be utilized elsewhere.

The equity arising from this distinct understanding leads us, we believe, without embarrassment or fear of censure, to term the Casper-Alcova project as an old one and not a new one. The economic needs of our community are such that we must now insist upon the full recognition of our rights and without undue delay or obstruction, either on the part of the Government or of other communities interested in the waters of the North Platte valley.
With over 88,000 acres of irrigable land, the major portion of which lies immediately west of our city limits and is traversed by the main lines of the Chicago and Northwestern and Chicago, Burlington and Quincy Railroads, with improved highways throughout the entire area, with a payroll market now existing of several thousand men and their families, both in this city and in the Salt Creek district, we feel the time is here when our land and water can be combined and made a permanent continuing asset.

We do not ask the State of Colorado or any community situated within the limits of the North Platte River valley to concede any right which will hinder or imperil their future development when the time arrives for same. We believe that any development near the head waters of the North Platte river in the State of Colorado, as long as same is carried on in the water shed of the river, is entitled to full protection in the use of sufficient water for such development, and we commend such development as a means of conserving and regulating as well as making possible a permanent stream flow for the use of all projects in the State of Wyoming lying below such development in Colorado. We do not believe that Colorado should ask Wyoming, however, to consent to the diversion of any water from the valley of the North Platte river for application in other water sheds, at least until the lands of this State and of the lower states dependent upon the North Platte river water shed for water supply are fairly protected and an amount available for diversion elsewhere may be found to exist.

Our position fully recognizes for Colorado the same rights we believe we are entitled to have, and we will join upon such platform in effecting a speedy and definite compact at the earliest possible moment confirming them.

Before closing this statement we would like to bring to your attention the findings of the Board of Review on North Platte cooperative investigations made to the Secretary of the Interior and the Governor of Wyoming under date of September 4, 1920. This report was made and signed by Professor L. O. Carpenter of Colorado, Frank C. Emerson, State Engineer of Wyoming and E. A. Moritz, Engineer appointed by the United States Reclamation Service. While the State of Colorado was not a party to such report, the fact that Professor Carpenter was one of the principal makers of it, upon invitation of the representatives of the Reclamation Service and of the State of Wyoming, and of the recognized authority on such matters, should at least carry weight with the fair minded citizens of Colorado.

In the course of this examination the above named gentlemen traversed the entire North Platte river valley from Kearney, Nebraska, about 100 miles below the mouth of the North Platte river, thru Nebraska and Wyoming and to the headwaters in North Park, Colorado. In the language of the report, "This required an automobile trip of more than one thousand miles and was directed to an examination of the general conditions of the valley as bearing on the questions submitted in the contract and especially to the conditions relating to irrigation under the diverse conditions of elevation, climate and soil; to the physical limitations controlling diversion and storage of water; to possible reservoir sites, and the principal proposed new developments." In analyzing the water supply available from the North Platte river the report states that the analyses of water supply have been made with a view to determine, first, if the water supply is sufficient to provide for all present rights active and potential; and second, to determine what additional areas might be developed with available water.

In the conclusions agreed upon and approved by the unanimous Board of Review, the following of particular interest were formulated:

(a) That such restrictions as have been placed on irrigation development in Colorado and Wyoming in the past on the supposition that there was an insufficient supply of water be removed. These include the refusal to grant rights of way for ditches and reservoirs on public lands; rejection of desert land entries and failure to act on Carey Act segregations.
(b) That no obstacles be placed in the way of irrigation
development in any section of the North Platte Valley.

(c) That development by private enterprise be permitted to
proceed without artificial restrictions. The natural conditions of
the valley provide such limitations that the amount of development is
not apt to exceed the water supply.

From the foregoing unbiased, and, in our opinion, competent
report upon the water supply available in the valley of the North
Platte river, there should be no animosity aroused and none allowed
or tolerated for political or any other purpose so far as the people
of our two states are concerned. Like on any other important matter,
however, our representatives whether State or Federal having to do
with this important matter will undoubtedly appreciate and strive to
carry out the expressed opinion of their constituents.

We frankly admit that while our community in some respects is
and should be competitive with some industries in the state of Color-
ado, that after leaving our state lines in search of service and
commodities required in our business, we in large degree naturally
turn to our neighbors in Colorado. We would like this situation to
continue and our interstate commerce with you increase in every con-
sistent way. This cannot be done of course by misunderstandings or
by any mistaken policy which will tend to restrict or throttle the
natural and permanent development, not only of the communities in
Colorado but of those in Wyoming.

If you feel that our position is fair and reasonable we will
be glad to have your interested advice and cooperation in bringing to
an early and satisfactory determination any differences now existing
between us over the use and disposition of the waters of the North
Platte river. We will be glad to furnish you with a more complete
statement regarding the Casper-Anoiva Reclamation project upon request,
and will also welcome any constructive suggestions and criticism
which may tend to further our mutual interests in this matter.

Respectfully yours,

Irrigation Committee
Casper Chamber of Commerce

By R. S. Killison, Chairman.
W. P. Wilkerson
B. B. Brooks
W. O. Wilson
W. S. Kimball
M. F. Wheeler
T. C. Tonnin
C. A. Cullen
Mark C. Danford
H. B. Durham
W. J. Wohli
P. E. Winton
W. H. Patton
G. R. Hagnas
W. D. Johnston
S. W. Convell

Members.

Attest:

Charles B. McPherson
Secretary-Manager
Casper Chamber of Commerce
June 29, 1926

Mr. Delph E. Carpenter,
Capitol Building,
Denver, Colorado.

Dear Delph:

Re: Colorado-Interstate Streams.

Enclosed is a copy of a letter which I am asking Dr. Fuller Swift to send to the Casper Chamber of Commerce in answer to a letter from that Chamber asking that the Colorado River League come out in support of the Casper-Alcova project.

It is likely that I shall write a personal letter and if I do I will send you a copy.

Very truly yours,

L. Ward Bannister

LWB.F

Encl.
June 30, 1926

Casper Chamber of Commerce,
Mr. Charles E. Stafford, Secy-Mgr.,
Casper, Wyoming.

Gentlemen:

Your communication of June 10th directed to my attention in behalf of the Colorado River League and containing a copy of report dated June 21st of your Irrigation Committee, concerning the Casper-Alcova Project, has been received. I should have answered it before were it not for the fact that before doing so I wanted to consult with Mr. L. Ward Bannister, who is the President of the League and who has been out of the city part of the time, hence the slight delay. What he said confirmed my own view.

The Colorado River League as its name implies and as its by-laws state, has for its sole objective the solution of interstate troubles on the Colorado River. The League concerns itself with no other river and could not without endangering the existence of the League. When the League was first formed we met with some objection from prominent citizens of the Arkansas Valley because controversies between Colorado and Kansas over the Arkansas were not included within the purposes of the League. We pointed out, however, that in such a controversy you of Wyoming and others of the States of New Mexico and Utah could have no interest whatever and therefore we of Colorado were wrong in trying to include the Arkansas within the jurisdiction of the League.

The Colorado controversy is one in which all four upper states, including Wyoming and Colorado, have a common interest in the sense that they are on the same side of the controversy. For the League to lend itself to the question which has arisen between Wyoming and Colorado concerning the North Platte, not only would constitute a departure from the exclusive purpose of the League but would do that purpose no good. Colorado and Wyoming have worked together beautifully in support of their common interests in the Colorado. In this joint working the League has been of material aid. Let us not make the mistake of weakening the organization by diverting it from its original purpose. Rather let us hope that our Commissioners - Hopkins of Wyoming and Carpenter of Colorado, will speedily get together on the details of an interstate compact as to the North Platte
and have it ready for ratification by the approaching sessions of the Wyoming and Colorado Legislatures. These two officers are the officially constituted officers for the negotiation of such a compact.

Very truly yours,
June 29, 1926

Mr. Charles B. Stafford, Secretary-Manager,
Casper Chamber of Commerce,
Casper, Wyoming.

Dear Sir:

Re: Colorado-Interstate Streams.

Dr. Fuller Swift, secretary of the Colorado River League, brought to my attention your letter of June 14th and your committee's report concerning the Casper-Aloova project. The Doctor and I conferred together and he doubtless will communicate to you our common opinion in respect to the advisability of the Colorado River League taking up a matter relating to the North Platte. The substance of our joint opinion was to the effect that the League having been organized exclusively to aid the upper states in their controversy with the lower states over the waters of the Colorado River and being restricted to that purpose by its by-laws, it would be unwise for the League to take on work connected with another river.

Now, in my personal capacity I write to you in the way of comment upon your letter.

Colorado and Wyoming are exclusively appropriation or priority states. Unless the United States Supreme Court should change its ruling in Wyoming vs. Colorado any Federal projects on the river in Wyoming would be entitled to have the water come down to them from Colorado as against later uses in Colorado. This would be true with certain modifications not important to discuss here. Such being the rule you can see at once the danger to Colorado of Government projects in Wyoming without first a compact between the two states reserving to the State of Colorado a definite quantity of water. Your committee I think appreciates this and indicates a spirit of fairness in expressing itself in favor of such a compact. What the committee does not do is to advocate that compact in advance of the authorization of the Casper-Aloova project and it is necessary that the project follow the compact and not the compact the project. Otherwise Colorado is not protected.

I have read with interest the reference of your committee to the joint report of Professor Carpenter, State
Engineer Emerson and Engineer Morris. I note that they all recommend that so far as private enterprise is concerned the Interior Department should lift the ban on the granting of rights of way for ditches and reservoirs, the purpose of their recommendation being that private development may go ahead. There is no way in which one state can stop development in another through control of rights of way over the public domain. Only the Department of the Interior may do this. Private enterprise projects as a rule are not large and, therefore, are not dangerous, not as dangerous as our Federal projects which are larger. The Department of the Interior might well remove the ban referred to and yet when it comes to Federal projects involving large quantities of water it is quite conceivable that of two states upon the same stream one of them might insist that the Government should not take sides by lending its powerful aid in advance of a compact between the states.

Your committee refers to some understanding between the Government and Wyoming whereby the North Platte waters should be used primarily on Wyoming lands before impounded elsewhere. I do not know anything about an agreement, whether express or implied, formal or informal between Wyoming and the Government but surely no State and the Government should be permitted by agreement to deprive another state of water in excess of a fair amount. Now all that I am suggesting is as a private citizen of Colorado and is that the two states themselves determine the amount. What happens after that is immaterial to either.

The negotiation of a compact ought not take long. Wyoming has a capable commissioner in Commissioner Hopkins. I have found him very alert in the protection of the interests of both states in the Colorado River. Colorado likewise has a capable Commissioner and although I have not talked with him lately I am quite sure he is ready at any time to negotiate with the Commissioner of Wyoming. Both of these men are well informed. Why not let them go ahead and negotiate the compact so that both states may ratify and so that in turn development may go ahead in each state without any fear on the part of the other.

If the situations of the two states were reversed as to the North Platte, I am quite sure your Chamber would take the same position which I am taking in this letter and equally sure that the position thus taken would be the one of absolute fairness.

Very truly yours,

LWB.F
June 29, 1926

Mr. Delph E. Carpenter,
Attorney at Law,
Greeley, Colorado.

Dear Sir:

The undersigned is Chairman of the Committee of the local Chamber of Commerce, to whom has been referred a circular from the Casper, Wyoming, Chamber of Commerce, with reference to the Casper-Alcova Reclamation project. It has been suggested to me that you could state just how this affected Colorado and if you care to do so, we will appreciate it very much if you would advise how this affects us, so that we may be guided in our action on this circular.

Very truly yours,

MCL: IS

[Signature]
RECEIVED AT

41V PX 10

CHEYENNE WYO 158P JUNE 30 1926

D C CARPENTER

GREELEY COLO

WILL BE AT YOUR DENVER OFFICE THURSDAY MORNING JULY FOURTH

$ G HOPKINS

208P
July 2, 1926.

Hon. R.H. Willis,
Commissioner for Nebraska,
Bridgeport, Nebr.

My Dear Mr. Willis:

I presume we should be getting into action sometime during July. I have written Judge Davis asking him when he intends to come west. I will advise you of his reply when received.

Mr. Hopkins is getting rather anxious to show some activity as certain people in Wyoming are getting rather critical. I judge this criticism arises from political sources.

I have been giving the matter more or less study recently and will try to get up a draft of compact for our confidential discussion, during the next few days, although I may be interfered with by the meeting of The American Bar Association at Denver, preliminaries of which will begin on the 11th. Give me your ideas.

Very truly yours,

Delph E. Carpenter
Commissioner for Colorado
July 2, 1926.

Hon. Stephen B. Davis,
Solicitor Dept. of Commerce,
Washington, D.C.

My Dear Judge Davis:

Mr. Hopkins is anxious that the North Platte matter proceed and I expect to enter upon the draft of the compact in the immediate future with the idea that we will have it before us for discussion when we meet. I will probably be delayed by the meeting of the American Bar Association. Parties will arrive who will demand more or less of my attention, beginning the 11th and I probably will not be through much before the 20th as Captain Reid of Albuquerque expects to be here a few days after the meeting looking over irrigation in Northern Colorado.

What had you in mind? Do you wish to come out and if so at what time? If you wish to come to the Bar Association meeting, we might hold a hearing at Lexington, Nebraska, for you to attend enroute and hold later meetings at Denver and elsewhere as we may be advised.

Let me have the benefit of your suggestions.

Very truly yours,

Delph R. Carpenter
Commissioner for Colorado.
State of Nebraska

ADAM McMULLEN, GOVERNOR

BRIDGEPORT, Nebraska

July 8, 1926

Honorable Delph E. Carpenter,
State Engineer's Office,
Denver, Colorado.

Interstate River Commission

Dear Mr. Carpenter:

Your letter of the 3rd inst., I found awaiting my return to the office. Do I understand by your letter that you want to have a meeting for the purpose of having a confidential discussion of the tentative draft of compact, or do you wish to have a date set for a hearing to be held in Lexington. I can meet you and Mr. Hopkins at any time for the discussion but if you wish to hold a hearing in Lexington I would like to have about two weeks notice.

I believe we should come to some definite conclusions before Congress convenes again. Perhaps Wyoming is effected more by the delay than Nebraska. I will be pleased to hear from you at an early date.

With kind personal regards, I am

Very truly yours,

[Signature]

Commissioner for Nebraska

R.H. Willis

E
Mr. Delph E. Carpenter,

Greeley, Colorado.

My dear Delph:

I see no reason why I cannot be in Denver about the 20th. I really do not see the necessity of holding any more public meetings, and I am wondering, if you believe it wise to have one at Lexington, if you and the others cannot conduct it without the necessity of my being present.

I have had an idea that probably you would have something pretty definite worked out in the way of a Compact, and perhaps would have the opportunity to discuss it with Hopkins and before I come out, so that perhaps we could close up the matter in Denver within a few days' time.

If necessary, I can come west by way of Denver for a preliminary talk with you, then go down to Vegas for a few days and back to Denver for the formal meeting. Perhaps it would be well if you would wire me your thoughts along these lines when you get this.

The matter of an exact date is immaterial, except that I would like to come out during the last part of July.

Sincerely,
Greeley, Colorado,
July 19, 1926.

Ira Grimsahw,
c/o Solicitor Dept. Commerce,
Washington, D.C.

HAS JUDGE DAVIS STARTED WEST STOP WIRE HIM SATURDAY NO NECESSITY COMING NOW BUT RECEIVED NO ANSWER STOP FROM LOCAL INQUIRIES FEAR HE HAD ALREADY LEFT WASHINGTON

DELPH E CARPENTER
24DW19 GOV

WASHINGTON D C JULY 19 1926

DELPHE CARPENTER

GREELEY COLO

ARRIVE DENVER TUESDAY NEXT WEEK TO MEET YOU THEN TO VEGAS RETURNING DENVER ABOUT AUGUST EIGHTH IS THIS SATISFACTORY

STEPHEN B DAVIS

235P
Greeley, Colo. July 19, 1926,

Stephen B. Davis,
Solicitor Dept. of Commerce,
Washington, D.C.

Yours received all right with me will wire William
and Hopkins and if not satisfactory will advise.

Delph B. Carpenter
Greeley, Colo. July 19, 1926,

S. G. Hopkins,
Cheyenne, Wyo.

DAVIS WIRE: HE WILL BE DENVER NEXT TUESDAY AND WILL GO FROM THERE TO NEW MEXICO RETURNING DENVER AUGUST 17-18TH. STOP BELIEVE WE BETTER HAVE PRELIMINARY DISCUSSION DENVER TUESDAY AND WEDNESDAY THEN HAVE HEARINGS WHILE DAVIS NEW MEXICO AND HAVE FURTHER DISCUSSION AUGUST EIGHTH STOP WIRE YOUR VIEWS

DELT H. CARPENTER
COPY OF
WESTERN UNION TELEGRAM

Greeley, Colo. July 19, 1926.

R.H. Willis,
Bridgeport, Nebr.

DAVIS WIRES HE WILL BE DENVER NEXT TUESDAY AND WILL
GO FROM THERE TO NEW MEXICO RETURNING DENVER AUGUST EIGHTH
STOP RELIEVE WE BETTER HAVE PRELIMINARY DISCUSSION DENVER
TUESDAY AND WEDNESDAY THEN HAVE HEARINGS WHILE DAVIS NEW MEXICO
AND HAVE FURTHER DISCUSSION AUGUST EIGHTH STOP WIRE YOUR VIEWS

DELPH E. CARPENTER
RECEIVED AT

34 V D 6

BRIDGEPORT NEBR 1020A JULY 20 1926

DELPHE C ARPENTER

GREELY COLO

NEXT TUESDAY AND WEDNESDAY MEETING SATISFACTORY

R H WILLIS

1130A
DX WASHINGTON D C JULY 20 1926

DELPH E CARPENTER

GREELEY COLO

I WILL BE DENVER TUESDAY ONLY AND DOUBT NECESSITY MEETING ALL COMMISSIONERS

BUT USE YOUR OWN JUDGEMENT

STEPHEN DAVIS
RECEIVED AT

31V D 8 1 EXTRA

CHEYENNE WYO 1049A JULY 20 1926

D E CARPENTER 31

GREELEY COLO

ARRANGEMENTS YOU SUGGEST IS SATISFACTORY TO ME

S G HOPKINS

COMM 1052A
CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its character is indicated by a symbol in the check or in the address.

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, TREASURER

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination, is the Standard Time.

Received at

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CHICAGO ILL 444P JULY 24 1926

DELPH E CARPENTER 62

GREELEY COLO

ARRIVE THREE TUESDAY AFTERNOON ALBANY HOTEL

DAVIS

401P
DELPH E CARPENTER

2562

CARE RALPH I. MEEKER STATE ENGRS OFFICE DENVER COLO

IT IS AGREEABLE WITH MR COCHRAN THAT THE COMMISSION MEET AT LEXINGTON IN THE AFTERNOON OF AUGUST NINETH STOP WILL YOU NOTIFY DAVIS AND HOPKINS

R. H. WILLIS

Telephone No.

415P

Time Delivered

By

From

Mrs. MEEKER

4:30

Mail

To

Deliver
THE WESTERN UNION TELEGRAPH COMPANY
TELEGRAM RECEIVED BY TELEPHONE

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SPECIAL INFORMATION

TIME FILED: 809P

GREELEY COLO AUG 17 1926

S G HOPKINS

CARE CHAMBER OF COMMERCE CASPER WYO

REGRET UNABLE ATTEND CASPER MEETING STOP YOU ARE AUTHORIZED TO SAY THAT COLORADO AGREEABLE TO SUBSTANCE AGREED AMENDMENTS KENDRICK-WINTER BILL BUT PREFER THAT SAME BE EMBODIED IN INTERSTATE COMPACT ACCOUNT SOVEREIGN CONTROL WATERS BY STATES AND DOUBT OF JURISDICTION OF CONGRESS OVER SUBJECT MATTER STOP CONFIDENTIALLY CASPER PEOPLE BETTER WORRY ABOUT NEBRASKA AND NOT COLORADO AND SHOULD QUIT EXAGGERATING IMPORTANCE TRIVIAL INTERMOUNTAIN DIVERSIONS AT CAMERON PASS STOP DENVER CHAMBER OF COMMERCE LETTER UNAUTHORIZED BY COLORADO OFFICIALS BUT CASPER CHAMBER MUST EXPECT COLORADO PEOPLE TO DEFEND OWN TERRITORY

DELPHE E CARPENTER

SUBSCRIBER'S NAME

D E CARPENTER

SENDER'S NAME

SENDER'S ADDRESS

GNB BLG
DENVER CHAMBER OF COMMERCE

DENVER, COLORADO

July 31, 1926

Mr. Delph E. Carpenter,
State Irrigation Commissioner for Colorado,
State Capitol Building,
Denver, Colorado.

Dear Mr. Carpenter:

We are enclosing a copy of resolutions adopted by the Board of Directors of the Denver Chamber of Commerce and pertaining to the Casper-Alcova Irrigation Project, but more particularly to the division of the waters of the North Platte River between the States of Wyoming and Colorado.

Several weeks ago we received a letter from the Casper Chamber of Commerce enclosing a detailed report on this project by a special committee of the Casper Chamber. Our attention was called to the attitude taken by certain Colorado newspapers and to certain public utterances regarding this project. The Denver Chamber was specifically requested to go on record in the matter.

Accordingly, the Board of Directors requested Mr. L. Ward Bannister, formerly President of the Chamber, to draft proper resolutions covering the questions involved. The attached resolutions were adopted by our Board of Directors after a very careful discussion of the whole situation.

The Denver Chamber of Commerce feels that those who are public officials, who have insisted on Colorado’s rights being protected, are deserving of the highest commendation. We believe that these resolutions are directly in line with your policy and we hope that they will prove of assistance to you in carrying on negotiations for the interstate compact. If at any time the Denver Chamber can be of any assistance to you in your work in the interest of Colorado in this or other questions, please call upon us promptly and be assured of our most hearty cooperation.

Very sincerely yours,

[Signature]

Edw. W. Melville, Secretary.
RESOLUTION CONCERNING THE CASPER-ALCOVA
IRRIGATION PROJECT

WHEREAS the North Platte is an interstate stream draining portions of the States of Colorado, Wyoming and Nebraska and there should be among the states a fair division of the use of its waters for irrigation and other purposes, and

WHEREAS there has been introduced in the Congress a bill for Federal aid for a proposed irrigation project of major importance to be situated not far from Casper and which would draw its water supply from the North Platte system, which bill is supported by many Wyoming citizens and has already passed the Senate and has been reported favorably to the House by the House Committee on Irrigation and Reclamation and

WHEREAS the passage of said bill by the Congress in advance of a compact between the States of Wyoming and Colorado for a division of the waters of the North Platte would be a great disaster to the Northwestern part of Colorado in that without such a compact the project referred to might acquire a priority of right to the use of the waters of the North Platte as against later uses in Colorado and thereby fail to effect a fair division of the waters between the two states and it is doubtful whether any amendment of the bill could be made that as a matter of law could give certainty to the protection of Colorado, and

WHEREAS the States of Wyoming and of Colorado have their respective interstate stream Commissioners whose authority and duty it is to report to the Legislatures of their respective states for ratification a compact or agreement for a division of the waters of the North Platte and the Casper Chamber of Commerce has addressed the Denver Chamber of Commerce a communication calling attention to the fact that opposition to the bill and project referred to has developed in Colorado and in the interest of friendship between the two states seeking a solution of the controversy

NOW THEREFORE BE IT RESOLVED:

First: That the Denver Chamber of Commerce extends its most cordial greetings to the Casper Chamber of Commerce and expresses the hope that pending the solution of the controversy over the proposed Federal project on the North Platte the citizenship of both states preserve the self-restraint and consideration for each other which are so necessary for peaceful and fair settlement.

Second: That while the Denver Chamber of Commerce can do nothing but commend the action of the Colorado Representatives in the House whose alertness alone protected Colorado against the acquisition against her of unduly large water priorities in advance of interstate compact nevertheless in order that Colorado's opposition to the proposed project in Wyoming may be withdrawn the Denver Chamber of Commerce by way of constructive suggestion expresses the earnest hope that both states will recognize that the proper solution of the controversy which has arisen is through interstate compact made in advance of Federal aid irrigation projects and that the interstate stream commissioners of both states who already have the matter in hand should be allowed and should
be urged to continue to proceed with their negotiations to the end that at the coming sessions of the Wyoming and Colorado Legislatures a compact between the two states may be ratified and Colorado's opposition to the Casper-Alcova project, which has been so regrettable and yet so necessary, may cease.
Emma J. Hedges
Reporter - Notary - Stenographer
811 Security Mutual Bldg.
Lincoln, Nebraska
Dear Ralph,

It seems to me as though I must be in Chicago Thursday, if next week is possible, meeting Wednesday. I am leaving Denver 11th. Wednesday morning, at latish.

I am not at all anxious to go to Lexington and would like to change if possible. I would much like for me to examine Brown Tuesday morning, staying.

Brown Tuesday morning? Or until Wednesday morning.

There is nothing to be done, should not arrive until Wednesday.

Write same morning.

We are enjoying the roof here.

Yours,

[Signature]
September 3, 1926.

Mr. R. I. Meeker,
State Engineer's Office,
Denver, Colo.

Dear Mr. Meeker:

When the North Platte River Commission held its last session at Denver, Judge Davis suggested and you wrote down some tentative provisions to go into a compact protecting present appropriations or as I recollect it the use of return waters flowing past Nebraska head gates to take care of Nebraska appropriations.

Mr. Carpenter was to send me a copy of that provision you wrote out, but neglected to do so. When I saw him at Greeley some days ago, he said, it was in his basket at his Denver office. I am anxious to get hold of a copy of it as I cannot remember its text. I wonder if you could go up to his office and locate it and copy it for me? If you can, I will appreciate it very much.

Very truly,

[Signature]
Commissioner.

SGH:BEK
September 3, 1926.

Hon. Delf E. Carpenter,
Capitol Building,
Denver, Colo.

Dear Mr. Carpenter:

Charles E. Stafford, Secretary of the Chamber of Commerce at Casper, Wyoming has had some correspondence with the bureau of reclamation at Wash. concerning a contract of May 25, 1920, between the Reclamation Service and the Gering and Ft. Laramie irrigation districts.

I am enclosing herewith a copy of this correspondence, which I think will interest you.

Very truly,

[Signature]

Commissioner

SGH: EMK
August 19, 1926.

Mr. P. W. Dent, Acting Commissioner,
U. S. Reclamation Service,
Department of the Interior,
Washington, D. C.

Dear Mr. Dent:

This will acknowledge receipt of your letter of August 14, to which you attached a copy of the contract of May 25, 1920, between the Reclamation Service and the Gering and Ft. Laramie Irrigation District.

Is this contract what is generally termed a "Warren Act Purchase"? What is its standing in relation to preference with the project on the North side of the River? Does this contract give the unconstrued portion of the Gering and Ft. Laramie Irrigation District a priority of appropriation over the proposed Casper-Alsotva Irrigation Project, providing of course that our project should receive an appropriation for construction and should be constructed prior to the completion of unconstrued portion of the Gering and Ft. Laramie Irrigation District.

If you can enlighten us on this subject, the information will be very much appreciated.

very truly yours,

CASPER CHAMBER OF COMMERCE

CBS: P

Secretary-Manager
CO PY
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON

August 25, 1926.

Mr. Charles B. Stafford,
Secretary-Manager,
Chamber of Commerce,
Casper, Wyoming.

My dear Mr. Stafford:

Your letter of August 19, 1926 has been received. The Warren Act is not mentioned in the contract of May 25, 1920, but the contract recites in the preamble that it is made under the "provisions of the Act of Congress of June 17, 1902, 32 Stat., 386, known as the Reclamation Act, and acts amendatory thereof and supplementary thereto". The Warren Act was approved February 21, 1911, 36 Stat., 925, and so of course was on the Statute books when the contract of 1920 was made. Being an act amendatory of the Reclamation Act, the Warren Act, so far as applicable, would be within the sweep of the language quoted above.

It seems clear that the contract of 1920 was not made under Sec. 1 of the Warren Act, which gives the purchaser of a water right thereunder merely a surplus water right; that is, a contractor purchasing water under Sec. 1 of the Act would be entitled to receive water only after the requirements of the project proper had been supplied. Such is not the case in connection with the contract of 1920. Article 6 of which recognizes the Gering and Fort Laramie District lands as a part of the North Platte project. The contract act of 1920 may, therefore, be said to be under Sec. 2 of the Warren Act, and all other pertinent portions of the Reclamation law in existence at the date of the contract.

I doubt if it would be profitable to attempt a categorical answer to the abstract and difficult question which you propound in regard to priority of water rights. Final and authoritative answer could be given only by the courts should controversy arise. For practical purposes, I believe it sufficient to say that Congress would probably consider it unwise to appropriate money for the construction of a project dependent upon the same water supply as the North Platte project, including the Gering and Fort Laramie District area, if the water supply is not regarded as sufficient for both projects.

The foregoing is not to be regarded as a statement that the water supply of the North Platte project is sufficient only for the land now under the project. Such data as are at hand indicate that the supply would be sufficient for the Casper-Alcoa land as well as for the present North Platte project. In calling attention to the matter I wish merely to emphasize the practical consideration that Congress would probably not appropriate money for the extension of the North Platte project, or for the construction of new projects dependent upon the present project water supply, unless it is convinced that there is sufficient water for the present project as well as for the new land.

If the water supply is sufficient for both the Casper-Alcoa lands and for the present North Platte project, the anticipated difficulty with which your inquiry deals, would not arise.

The foregoing, I realize, is not very definite, but it is, I believe as definite a reply as can be given at this time. Should the Casper-Alcoa project be constructed, and the water supply for it and for the lands now under contract in the present North Platte project, prove to be insufficient, a difficult situation would be created which would necessarily be handled by the courts. I am sure under such circumstances you can appreciate our difficulty in attempting to forecast the result of such litigation.

Very truly yours,
(signed) P.W. Dent
Acting Commissioner.
Oct. 12, 1824,

Dear Carpenter,

What do you think of this? Some of my political friends are urging me, "I call you so" because I hope better terms will be arranged in my name. We have a new matter about it & it's very instructive.

Yours, etc.

[Signature]

You may show it to Friends & I will show my Friends the same as others are to.
There are some aspects of the governmental administration in Wyoming during the last few years which the taxpayer hardly may contemplate without inclination to weep. Conspicuous among them is the defeat, through administration muddling and procrastination, of the legislative efforts to protect the priceless waters of the state from the aggressions of neighboring states. The facts speak for themselves:

In 1923 the Wyoming Legislature passed a law providing for the appointment of an Interstate Stream Commissioner, and providing further that this Interstate Stream Commissioner should negotiate agreements and compacts with other States relative to our interstate streams. This law carried with it an appropriation of $25,000.00 for the Interstate Stream Commissioner to conduct this work.

Pursuant to the provisions of this act, Governor W. B. Ross appointed his political friend, S. G. Hopkins, as Interstate Stream Commissioner, at a salary of $400.00 per month, which is in excess of the salary received by any elective state officer except the governor.

Two years later the legislature convened again and found that virtually no constructive results whatsoever had been accomplished by Commissioner S. G. Hopkins to carry out the provisions of the 1923 Act. Hopkins did not even file a formal report with the Legislature, there was so little to report.

Finding that the taxpayers’ money had been spent and nothing achieved, the 1925 Legislature passed a bill doing away with a special Interstate Stream Commissioner, and placing all matters in connection with that office in the hands of the State Engineer and the Attorney General.

This bill was vetoed by Governor N. T. Ross, with these words: “Satisfactory progress has been made in the negotiations.” In the veto message the governor further said “IT (THE BILL) WOULD TAKE AWAY FROM THE EXECUTIVE OFFICE RESPONSIBILITIES WHICH PROPERLY REST THERE.”

What are “the responsibilities” which Governor N. T. Ross accepted by vetoing this measure, in addition to the personal responsibility of continuing S. G. Hopkins in office?

Although the bill was passed almost four years ago, not a single compact or agreement has been made with other states under the provisions thereof. Out of the $25,000.00

(Turn to page 7, column 1)
ADMINISTRATION PROCRISTINATION
COSTS TAXPAYERS NEARLY $20,000
WHILE WATERS REMAIN UNPROTECTED

(Continued from first page)

fund appropriated there remains but $6,940.52 and the salary and expenses of Hopkins will soon consume that.

Further than this, the Casper-Alcova project bill passed the United States Senate without a dissenting vote. It reached the House of Representatives and was placed on the consent calendar. Upon two occasions Congressman Winter attempted to call up this bill for consideration, but was unable to do so because of the objections of Representatives of the states of Colorado and Nebraska, based upon the fact that no compacts or agreements with respect to the waters of the North Platte river had been made.

On June 7, 1926, Representative Taylor of Colorado blocked consideration of the so-called Casper-Alcova bills, which were up for consideration at that time, closing his remarks with the following statement:

"The rights of Colorado are in jeopardy too seriously to take any more chances of this kind until we can have some business-like and systematic understanding. I therefore insist that both be stricken from the calendar."

At the same time, in connection with the same subject, Representative Simmons of Nebraska had the following to say:

"The Nebraska and lower Wyoming people on the North Platte project feel that this project (Casper-Alcova project) should not be built until the states of Nebraska and Wyoming have entered into a compact protecting the water rights, that are now on the lower North Platte, to their present supply of water. We do not object to the development of Wyoming but we must protect our own rights, and for these reasons I join the gentleman in objecting."

BEAR IN MIND THAT THE WYOMING LEGISLATURE PASSED ITS BILL IN THE YEAR 1923 REQUIRING THE INTERSTATE STREAM COMMISSIONER TO NEGOTIATE THESE COMPACTS AND AGREEMENTS.

THE ABOVE DISCUSSION IN THE HOUSE OF REPRESENTATIVES WAS HAD UNDER DATE OF JUNE 7, 1926. THREE YEARS HAD PASSED AND NOTHING HAD BEEN ACHIEVED.

Contrast the above three years of "do nothing" and inactivity, with the record of State Engineer Frank Emerson and the Colorado River compact.

Emerson represented the State of Wyoming in connection with the Colorado River compact along with his other official duties, at a total expense of less than $1500.00. A compact was actually made which has been ratified by all of the states except one, and the time consumed in reaching the agreement between representatives of all of the states was less than a year. Herbert Hoover, who represented the Federal Government at that time, publicly pronounced Emerson one of the most effective and valuable workers on the commission.

This is the story of how the Ross administration has "PROTECTED" the waters of the state.
Received at

70V H 27 GOVT

DC WASHINGTON DC 206P OCT 19 1926

DELPH E CARPENTER 70

GREELEY COLO

CHIEF WILL BE DENVER TWENTY SEVENTH ALL DAY STOP DO NOT BELIEVE CHICAGO
TRIP NECESSARY STOP HAVE YOU ANY IDEA WHEN YOU WANT TO FINISH NORTH PLATTE

STEPHEN DAVIS

1246P
DC WASHINGTON DC 1113A NOV 5 1926

DELPH E. CARPENTER

GREELEY COLO

IS THE NORTH PLATTE MATTER IN SHAPE TO CLOSE AND WHEN DO YOU WANT TO MEET

STEPHEN DAVIS

937A
WES TERN UNION

Received at

119V H 10

BRIDGEPORT NEBR 510P NOV 5 1926

DELPH E CARPENTER 119

GREELEY COLO

CAN YOU MEET WITH ME SUNDAY OR MONDAY IN DENVER

R H WILLIS

518P
Greeley, Colo., Nov. 5, 1926,

Stephen B. Davis,
Solicitor Department of Commerce,
Washington, D.C.

REPLYING YOURS AS YOU KNOW NEBRASKA HAS BEEN INDIFFERENT ABOUT CONCLUDING COMPACT AND WILLIS CONSIDERABLY EMBARRASSED STOP HOPKINS ALWAYS VERY ANNOYING TO PROCEED BUT POLITICAL SITUATION IN WYOMING SUCH AS TO MAKE MATTERS QUITE TUMULANT STOP BY WAITING PATIENTLY WILLIS NOW ADVISES NEBRASKA PARTIES ANXIOUS TO PROCEED AND HE AND HOPKINS ARE URGING MY ATTEMPT AT PRELIMINARY DRAFT STOP WILL EMBARK UPON UNDERTAKING NEXT WEEK UNLESS CALLED TO NEEDLES CALIFORNIA ON COLORADO RIVER CONFIDENTIAL CONVERSATIONS STOP WILL KEEP YOU ADVISED STOP WHEN DO YOU DESIRE TO COME WEST

DELPH B. CARPENTER
Greeley, Colorado, Nov. 5, 1926.

R.H. Willis
Bridgport, Nebr.

Meeker and I will meet you in Denver Monday.

Delph E Carpenter
November 20, 1926.

S.G. Hopkins,
State Capitol Bldg.,
Cheyenne, Wyo.

Dear Mr. Hopkins:

Hereewith corrected minutes of Lexington meeting of the North Platte River Commission which were received during September from Miss Emma J. Hedges (811 Security Mutual Building) Lincoln, Nebraska, the reporter for the commission.

I have made pencil corrections for my portion of the minutes. Kindly make corrections of your portion and then forward the record to Willis for correction by him and return to Miss Hedges.

Very truly yours,

[Signature]

DEC: 123
November 20, 1926.

My Dear Miss Hedges:

I regret that illness delayed my earlier correction of the record of the Lexington meeting which you mailed me in September. I have corrected my part of the record and have forwarded it to Cheyenne with request that Mr. Hopkins correct and forward to Mr. Willis, he to correct and return to you.

Very truly yours,

Miss Emma J. Hedges,
811 Security Mutual Bldg.,
Lincoln, Nebr.
Greeley, Colorado, Dec. 24, 1926.

Stephen B. Davis, Jr.,
Solicitor Dept. Commerce,
Washington, D.C.

Mr. Meeker and I have been working on almost continuously the draft north Platte Compact past thirty days except for time off with illness. Stop.
Believe we have project about ready for draft for submission other
Commissioners next week. Stop Hopkins' Congressional term expires first
January but Emerson will continue a few days if necessary. Stop
Legislative Bill approving must be introduced first fifteen days of session in
Colorado and Wyoming. Stop Willis and Hopkins can meet at any time.
Stop How will you be fixed? Stop Seasons greetings to yourself and Chief
with families.

Dilph E. Carpenter
DX WASHINGTON DC DEC 27 1926

MR DELPH E CARPENTER

GREELEY COLO

BECAUSE OF MATTERS PENDING CONGRESS ON WHICH I AM SUBJECT TO CALL AT SHORT NOTICE IMPOSSIBLE FOR ME TO COME TO DENVER STOP COULD MEET IN CHICAGO OR ST LOUIS FOR FEW DAYS BEGINNING JANUARY SECONG STOP WOULD THIS BE SATISFACTORY AND HOW MUCH TIME DO YOU BELIEVE WILL BE NECESSARY

STEPHEN DAVIS

840P
Greeley, Colorado,
December 31, 1926.

R.H. Willis,
Bridgeport, N. M.

My Dear Mr. Willis:

Mr. Meeker has tabulated and typed a list of diversions from Whalen Dam to Kearney, Nebraska, arranged in their order of priority regardless of state lines. This list also contains memorandum of such information as Mr. Meeker has respecting the second feet of each diversion and the acreage irrigated thereby.

As you have already informed us, the acreage submitted by you respecting canals diverting from the river in Nebraska is largely conjectural. I am now preparing a draft of compact which will be based upon the acreage now actually irrigated. This acreage and the amount of water authorized for irrigation thereof will be compiled on a temporary administrative list to be attached to the compact. If the plan I am now working on is adopted by the Commission as the basis of a compact it will be important that the temporary list conform to the actual facts as they exist on the date of the compact and for this reason we suggest that you revise the list as regards Nebraska canals giving the acreage irrigated by each canal as accurately as you can, also the amount of water authorized by Nebraska law for the irrigation of such acreage in each instance.

Our Legislature meets the 5th. Any bill to approve a compact must absolutely be introduced before January 20th. It is therefore important that we conclude our compact before that date.

Judge Davis wires me that he is required to be within 100 miles of Washington during this session of Congress and does not think it advisable to come west of Chicago or St. Louis but will be willing to meet us at either of these points during the fore part of January.

This would mean that if the three states can agree upon a compact our draft must be forwarded to Davis for consideration by him and the attorney and engineers of the Department of Reclamation before it would be advisable for him to meet with us for final consideration. In fact, circumstances may require that we all go to Washington.
Mr. Hopkins advised me by phone that he has not been advised of his future status but I was informed by Governor Emerson some days since that he would not disturb Mr. Hopkins in his official capacity, pending the conclusion of a compact within a short time, hence I believe it safe to proceed with assurance in that regard.

Mr. Meeker informs me that you stated that you may be able to meet us in Denver next Wednesday morning. If you do not come then I will expect you on Thursday. Our Legislature meets Wednesday morning and there will be considerable confusion during the day. I must be in Denver on that day as a matter of courtesy to the Governor.

By way of suggestion, our court house at Greeley is a very modern building with every convenience and with ample room available for our use. Owing to the confusion in the capitol building at Denver, would it not be advisable for us to meet at Greeley?

Very truly yours,

DEC: EB
January 4, 1926.

Hon. S.B. Davis,
Solicitor Department of Commerce,
Washington, D.C.

My Dear Judge Davis:

I herewith enclose a copy of the preliminary draft for a North Platte River Compact to be submitted to the Commissioners for the states when they meet at Denver day after tomorrow (Thursday). I wish you would look the compact over right away so as to be informed of its provisions in case I wire you. You will note the compact proceeds upon the basis of protecting all perfected active rights to the use of water within the basin of the North Platte and along the main Platte in Nebraska. The seepage and return waters entering the river below the Nebraska-Wyoming line are practically adequate to take care of all ordinary demands by established ditches in Nebraska.

The Government project is essentially a Wyoming project in view of the fact that the storage and diversions are made in that state and are protected by its Constitution, laws and decisions of its courts. However, a declaratory clause has been inserted in the form of an article. The Government canals divert at Whalen dam and come under the joint cooperative administration provided for the Lower Section.

I have prepared this draft during the past six weeks of study of every phase of the subject, with Mr. Meeker. I believe that we have arranged to protect every perfected water right and at the same time have done no violence to any property right or to the Constitution or laws of either the United States or the states.

When the Commission meets at Denver Thursday we will decide what our next step will be and will advise you by wire. It will be necessary for the compact to be signed on or before January 19th in order to permit of its approval by the present Legislature as the time for introduction of bills closes on the 20th.

Very truly yours,

Delph E. Carpenter
January 11, 1927.

Mr. Delph E. Carpenter,
Greeley, Colorado.

My dear Delph:

I received your proposed draft of the North Platte Compact.

Before I reach any conclusion as to my part in the matter, obviously I want to get the judgment of the Department of the Interior and the Reclamation Service. At first, I had the idea when I received this draft, of referring it immediately to the Secretary of the Interior for comment. On second thought, however, I concluded that since this was merely a tentative draft, not agreed to by anybody, such action would be premature and I consequently have held it and done nothing with it, waiting to hear from you.

If rapid action becomes necessary, I may be wise for you to give a copy directly to the Reclamation Service in Denver.

I assume that if an agreement is reached between the three State Commissioners, the appropriate legislation can be introduced in the legislatures without waiting for my signature.

I am still tied up here to the same extent as when I wrote you before, although I could meet you halfway, say in Chicago, if it is necessary.

Yours,

[Signature]

SBD/N
January 13, 1927.

Stephen B. Davis,
Solicitor Department of Commerce,
Washington, D.C.

Dear Mr. Davis:

The state representatives of the North Platte Commission met at Denver, Colorado, January 5-8, inclusive. The discussion settled around a preliminary draft of January 4th which I had prepared and a copy of which I mailed you.

Mr. Hopkins of Wyoming was in rather a beligerent mood. It has always been his theory and contention that Wyoming must supply all water necessary to take care of present perfected appropriations in Nebraska but he has never given the matter sufficient consideration to realize that (1) such rights and the extent thereof must first be determined and (2) that after determination they must be administered and that competent administrative machinery must be provided for that purpose. He is very fixed in his opinion that the compact should specifically set apart 375,000 acre feet of water in Pathfinder Reservoir for the use of Wyoming projects yet to be built, this, too, in the face of the fact that the project has been built by the Reclamation Service and charged to the water users under the Interstate and Fort Laramie Canals. In fact, I fear that Commissioner Hopkins has been rather uncertain in his own views and that he has not given the task that degree of studious thought and deliberation the subject required.

Commissioner Willis of Nebraska was very constructive in his discussion and consideration of the problems presented and believes that a compact somewhat along the lines of the proposal will solve the entire river problem. He states that if Wyoming will guarantee a distribution of water on the basis of priority regardless of state lines as to all present diveters between Whalen Dam and Kearney, Nebraska, will take her chances on the return flow and the surplus from Wyoming in supplying any new works. He was pleased with the preliminary draft and suggested a number of constructive amendments.

The Government project stores, carries and diverts all its water in Wyoming (except that necessary to satisfy a few Warren Act contracts), and is, strictly speaking, a Wyoming project, as the Wyoming law controls both the place of storage and the points of diversion and the project was built under Wyoming permits. Therefore, the government project is entitled to the
full benefit of the Wyoming law in the protection of its interests as a Wyoming appropriator operating under Wyoming permits. This feature, fortunately, takes care of many problems which otherwise would be injected into interstate relations. Under the plan I proposed the government canals diverting at Whalen come into the general scheme of interstate administrative distribution of water in the lower section, as Wyoming appropriations protected and administered by Wyoming laws and officials.

After a three days discussion, attended by Mr. Meeker and State Engineer Whiting of Wyoming a number of amendments were prepared by me as a result of suggestions and constructive criticisms of my preliminary draft and a second or amended draft was prepared and a copy mailed to you on Monday, the 10th. Upon adjournment of the Commission on Friday evening Commissioner Hopkins went to Cheyenne and Commissioner Willis remained in Denver for the completed redraft of the proposed compact. This he took to Lincoln, Nebraska to meet the Governor, State Engineer and other officials on Monday this week. He has a general conference at Bridgeport on tomorrow, January 14th. I rather regret that he has called this general conference for the matter is still in a crude state and the whole subject should be more clarified before presenting it for open discussion. However, he has doubtless adopted this method as a matter of good policy owing to human problems.

Commissioner Hopkins will advise me of his final conclusions after conferring with his people and giving the matter more mature consideration. He does not seem to grasp the idea that under the proposed compact Wyoming and the Government Project would have the right to the first use of all unappropriated waters in that state.

fail to

Further, he seems to comprehend that the relation of the government plant to Wyoming affairs is a domestic or local problem with Wyoming in which the other states are not interested and that if the Government has been granted liberal water rights by Wyoming it is the fault of Wyoming and no one else is to blame and Wyoming cannot now, by interstate compact, alter the status of those rights, but must proceed to deal with the subject as a local problem controlled entirely by the Wyoming constitution and the rights by it protected.

I do not anticipate an expression of reaction by either state before Friday or Saturday of this week. If Wyoming and Nebraska desire further conference that will probably occur during the fore part of next week. In the meantime the period for introduction of bills before the Legislature is rapidly passing. How-
ever, it is the earnest desire of Governor Emerson and of the Colorado officials that the whole matter be concluded as rapidly as possible and to this end Governor Emerson has temporarily continued Mr. Hopkins in office with the understanding that unless some conclusion is reached Emerson will appoint some other man in his place. I fear that if Mr. Hopkins expressed the unalterable demand of Wyoming that the Commission attempt to interfere with the Government's control of Pathfinder Reservoir in the matter of sale of water, etc., it will be impossible for Mr. Hopkins to conclude a compact at this time for it would not only embarrass you but would meet with opposition before Congress.

Very truly yours,

Delph E. Carpenter
Commissioner for Colorado.
Department of Commerce  
Office of the Secretary  
Washington  

November 13, 1926.

Mr. Delph E. Carpenter,  

Greeley, Colorado.

My dear Delph:

I am in no special hurry about closing up the North Platte River matter but my recollection is that on account of the expiration of certain appropriations some of the commissioners wanted to finish by December. On general principles, I think we ought to close it up. I could come West any time after December 1st and meet you in Denver, the earlier the better as I would want to make the trip and get back here before Christmas. If things are not ready to close, it might not be necessary to have a meeting of all the commissioners, but at least you and I could discuss the situation.

Yours,

[Signature]

33D/N
January 13, 1927.

Hon. R. H. Willis,
Bridgeport, Nebr.

My Dear Mr. Willis:— In Re: North Platte Commission.

Answering yours of 12th inst. respecting charges of $100.55 by Emma J. Hedges for reporting the Lexington hearing of the North Platte River Commission, Colorado is willing to pay its one-third of these charges if that arrangement is agreeable to Wyoming and Nebraska. If such is your desire have Miss Hedges make out her bill on the enclosed voucher for one-third of the amount and return same to me.

The bill should be made out as for services rendered since December 1, 1926, as all bills incurred before that date must have been paid out of appropriations which existed at the end of the biennial period for 1925-6 which terminated December 1, 1926. Hence, if this bill is to be paid by Colorado it must be made out as for services rendered since December 1, 1926.

Very truly yours,

DEC:BB
State of Nebraska
ADAM McMULLEN, GOVERNOR

BRIDGEPORT, Nebraska,
January 12, 1927

Honorable Delph E. Carpenter,
Greeley, Colorado.

Interstate River Commission.

Dear Mr. Carpenter:

Just received a statement of charges from Emma J. Hedges, for reporting the Lexington Hearing and transcript of same, amounting to $100.55. How shall we pay this? Shall I have her file a claim voucher with the State of Nebraska for the full amount? Please advise me at your earliest convenience.

With kind personal regards, I am

Very truly yours,

R. H. Willis
COMMISSIONER FOR NEBRASKA.

Encl.
Nebraska State Irrigation Association

1926

BRIDGEPORTE, Nebraska, January 10, 1927

Board of Directors
C/o Secretary.

Gentlemen:

The Commissioners of the States of Colorado, Wyoming and Nebraska will submit a tentative compact covering the disposition of the water of the Platte River Basin, to the representatives of all irrigation projects in Nebraska which are affected by this compact. Whether your project has membership in our Association or not you are requested to send a representative to a meeting to be held in Bridgerton on Friday, January 14th at 2:00 P.M. If your project has an Attorney it would be well to have him accompany your representative.

The meeting is for the purpose of discussing the terms of the Compact before it it presented to the Legislatures of the three States.

Very truly yours,

NEBRASKA STATE IRRIGATION ASSOCIATION,
B. J. SEGER, President,
R. H. WILLIS, Secretary.

R. H. Willis
BRIDGEPORT, Nebraska,
December 23, 1926

Honorable S.C. Hopkins,
Cheyenne, Wyoming.

Interstate River Commission.

Dear Mr. Hopkins:

Your letter of the 27th inst., together with your rough draft of proposed compact, as also the suggestions you made to me about two weeks ago, are at hand.

I was in Denver on the 19th and 20th, for the purpose of working with Mr. Meeker on the discharge records of the North Platte River above Whalen. Mr. Carpenter was in the hospital several days and I did not care to bother him under the circumstances. Mr. Meeker stated that Mr. Carpenter was preparing a tentative compact and it was about seventy-five percent completed when he went to the hospital.

I will make a study of the draft submitted by you and hope to be in a position to discuss it at our next meeting.

With kind personal regards, I am

Very truly yours,

COMMISSIONER FOR NEBRASKA.

R.H. Willis
E
CC to Delph E. Carpenter.
February 7, 1927.

Stephen B. Davis,
Solicitor Department of Commerce,
Washington, D.C.

Dear Mr. Davis:

During this week I expect to start in to prepare redraft of the proposed North Platte Compact embodying the results of last week's conference at Cheyenne.

We met at Cheyenne as per the request of Governor Emerson. It was hoped that Wyoming and Nebraska could agree on some basis of settlement. They failed.

As I previously wrote you, N. B. Hopkins could not orient himself to grasp the meaning of the proposed compact or to abandon certain proposals of his own which were impossible of acceptance by Nebraska. At the conclusion of our Denver meeting he left before the commission had adjourned and went to Cheyenne for the purpose of considering the compact and suggesting amendments, saying that he had not fully grasped the problem and wanted time for consideration. The following day Mr. Willis went home and called a meeting of the irrigators in Western Nebraska at which the proposed compact was discussed. Upon full understanding of the proposals everybody was agreeable except Mathers and Whitehead, leaders of the Government Project crowd who immediately took the position that they did not want any compact at all and threw cold water upon the whole undertaking. This is quite disappointing to Willis who feels that the general plan outlined in the compact is practical and should become the basis of an agreement.

When we again met at Cheyenne last week Willis was more or less disheartened and we were all disappointed upon learning that Hopkins had written an open letter to the Scottsbluff papers trying to argue his idea of Wyoming rights and also had similar correspondence with the Casper Chamber of Commerce. To add to this unfortunate circumstance Hopkins started in at the head set to argue with Willis and traverse the grounds many times covered and presumably settled at previous meetings. Hopkins continued in this mood until the afternoon of the last day when he got down to business and finally showed a proper spirit. But the damage was done by this time and Governor Emerson made up his mind to dispense with Hopkins' services and put in a new man. He has appointed J. A. Whiting, newly appointed State Engineer who sat with us in the Denver and Cheyenne meetings and is rapidly absorbing the facts.
when Willis left for Nebraska he was thoroughly discouraged and in such a frame of mind that I seriously doubt the advisability of resuming negotiations at an early date. However, the whole matter will come out all right if everybody keeps quiet until the evil effect of Hopkins' letter is forgotten. With the passing of time we may also be able to arrive at a permanent list of ditches to attach to the compact and thereby simplify its terms.

Very truly yours,

Commissioner for Colorado.
Greeley, Colorado,
February 17, 1937.

R.H. Willis,
Bridgeport, Nebr.

My Dear Willis:

Your letter of the 9th inst. to Mr. Whitehead is a good one and should be the beginning of favorable results.

I look for better progress under present arrangements with Wyoming.

Very truly yours,

Delph E. Carpenter

DEC: RB
BRIDGEPORT, Nebraska,
February 9, 1937

Mr. J. T. Whitehead,
Mitchell, Nebraska.

Interstate River Commission.

My dear Jim:

I am writing you assuming that you have no ulterior reasons for opposing a compact or treaty between the States of Colorado, Wyoming and Nebraska, and to apprise you of my attempt to make some changes in the tentative compact, which was submitted to the members of the Nebraska State Irrigation Association recently, to meet the objections that you and Mr. Mathers had made. I also assume that the preamble stated in Article One is not objectionable to anyone.

Perhaps there can be no tangible benefit coming to Nebraska by entering into a compact with Wyoming and Colorado, other than establishing interstate comity. However, if we may retain all the rights we now have and have nothing in the compact that will lessen the opportunity for further development in Nebraska, and, at the same time, consent to Wyoming developing her reclamation possibilities with the unused waters of the Platte River Basin, it would be generous and unselfish on our part. We are not giving them anything but simply letting them do the thing that they desire without injury to ourselves. The Platte River Basin is a large drainage area (29000 square miles) lying within the boundaries of the three states, (69% in Wyoming) wherein each state has an interest which should be respected by the others.

The Conklin-Wecker Report, The Board of Review Report and the research work of our Department removes all doubt as to the water supply being sufficient to reclaim all the arable lands in the basin that are likely to be developed, based upon a beneficial use.

Any reclamation development that might be done in Wyoming is bound to benefit the "Lower Section." Any contemplated development by Wyoming that would result in putting to beneficial use the unused water now going to waste should receive a hearty encouragement on the part of Nebraska, at least not hinder her.
J.T. Whitenead
February 9, 1927.

Paragraph twelve of Article Six provides that Wyoming shall have the first use of the "unused water". Paragraph three of Article Seven gives protection by Wyoming, of all storage rights. Article Nine provides for a complete recognition of your contracts with the United States Government, and thereby permits the release of the amount of storage water stipulated therein.

I will appreciate a cheerful and unstinted assistance from yourself, Mr. Mathers and others who are in an influential position to contribute materially towards putting over a compact, between the three states, that will encourage an unlimited economic development of the Platte River Basin.

I am enclosing the same tentative compact, which you have previously read, with the changes made as a result of a recent conference in Cheyenne. There are more changes contemplated before acceptable to Nebraska. Mr. Hopkins was a member of the Commission when these changes were made. Mr. Whiting is his successor and I believe is much more reasonable.

It will please me very much to hear from you with any constructive suggestions.

Very truly yours,

[Signature]
Commissioner for Nebraska.

R.H. Willis
E
Encl.
February 17, 1927.

Edward T. Taylor, M.C.
House Office Bldg.
Washington, D.C.

Dear Mr. Taylor: In Re: North Platte River Negotiations.

Negotiations for a compact on North Platte River very nearly, if not quite, resulted successfully. After weeks of labor I worked out a plan or basis for agreement and then prepared a preliminary draft for a compact. This draft was then considered by the three state commissioners at a meeting at Denver. Unfortunately, the Wyoming Commissioner, although honest, could not orient himself to an open-minded consideration of the plan or the phrasing of the preliminary draft. This resulted in a recess and discouragement of the Nebraska Commissioner.

We prepared a redraft of the compact which the Nebraska Commissioner submitted for consideration of his people at a public meeting called for that purpose. The leaders of the farmers organization under the Government canals of the North Platte project promptly criticized and opposed any compact. They take a position of complete independence and of opposition to any agreement between the states asserting that they deraign their rights directly from the United States and that the states have no interest in the subject matter. They are doubtless encouraged in this attitude by the attorneys for the Bureau of Reclamation. At any rate they caused an adjournment of the meeting without action either way.

In the meantime the Wyoming Commissioner hearing of criticisms of his attitude by Nebraska people proceeded to write letters for publication in Nebraska papers in which he outlined certain claims for Wyoming. Of course this did no good and simply aggravated the situation.

After this Governor Emerson asked the Commissioners to meet at Cheyenne. This meeting resulted in the further improvement of the draft of compact but in no definite agreement, as by this time, the Nebraska Commissioner had been warned by his people not to sign a compact embodying the Wyoming demands or any compact not first approved by the Nebraska people.
Finally, Governor Emerson became convinced that his Commissioner (Hopkins) could not succeed in negotiating a compact and thereupon accepted his resignation and appointed J.A. Whiting, Present State Engineer of Wyoming as Commissioner for that State.

If the leaders among the water users of the North Platte project could be brought into a reasonable frame of mind there would be little doubt of the prompt conclusion of a compact but I fear that the matter will be delayed several months as the Nebraska Commissioner does not care to proceed with the conclusion of a compact that will be rejected by his Legislature through influence of North Platte water users.

There is no doubt in my mind of the attitude and activity of the attorneys and legal advisors for the Bureau of Reclamation. They resent any and all effort by the states to deal with the waters of the river, claiming that they own the water regardless of the states and that the government may do with it as it may will. They bitterly opposed the appointment of the commission in the first instance and have always been a silent though potent factor in opposition to and obstruction of the whole understanding. I regret that compact could not have been concluded so as to be available for ratification by the three state legislatures at their present sessions and also so that friend Winters could have gotten his Casper-Alcova bill through at this session. But I am happy in the thought that the delay is no fault of Colorado.

When Nebraska gets ready Colorado and Wyoming will promptly conclude a compact. I hope this will be in the near future.

Very truly yours,

Commissioner for Colorado.
February 17, 1927.

J.A. Whiting,
Cheyenne, Wyo.
Dear Mr. Whiting:

I received yours of the 7th inst. addressed to me from Basin. When I prepare a redraft I will include your suggestions.

In re yours of the 11th, I am rather curious to know the results of your conference with the superintendents of the North Platte project.

I regret that I do not recover my health as rapidly as I should. My throat has not been in condition to prepare the redraft.

Very truly yours,

[Signature]

DEO: KB
Feb 7 1927

Mr. Delkop E. Conpects,
Freney Co.

Mr. Dear Mr. Conpects:

I would suggest in your new draft of the contract that you provide for further Cols. official to keep measurements of all present and future diversions out of North Platte and Lookup River watershed. Sand Official to report to you for your official. Provisions made to have Cols. Official do their own Cols. Appurtenances and stay within their division, that convey water out of the main water. Such in case of damage for Cols. will be by F.R. again on the money of the F.R. and...
Hon. Delph E. Carpenter,  
Greeley,  
Colorado.

My dear Mr. Carpenter:

Expecting to make a trip over to Mitchell on February 16th to consult with the Superintendents of the North Platte Project regarding the establishment of gaging stations on the North Platte River in Wyoming.

Should you have the proposed Compact rewritten by that time, please send a copy and I will take it with me to discuss with some of the more prominent individuals on the Projects in Nebraska.

With kindest regards, I am

Very truly yours,

John A. Whitney
State Engineer.

JAW: BJ
The State of Wyoming
State Engineer's Office
Cheyenne

February 16, 1927.

Hon. Delph E. Carpenter,
Greeley,
Colorado.

My dear Mr. Carpenter:

Your letter of February 17th received. Owing to a misunderstanding about the repairing of the State Engineer's car I was compelled to abandon my trip to Mitchell until next week.

Regarding my suggestions in a letter to you from Basin Wyoming, I wish you would wait on your redraft until after my trip to Mitchell, when I will make arrangements to drive down to Greeley and have a short conference with you.

The closing days of the legislature are rather strenuous and will require all of my time until Monday of next week.

Expect to go to Mitchell about the middle of next week provided the weather conditions are favorable.

With kindest regards, I am

Very truly yours,

[Signature]

State Engineer.

JAW:BJ
The State of Wyoming
State Engineer's Office
Cheyenne

March 24, 1927.

Hon. Delph E. Carpenter,
Greeley,
Colorado.

My dear Mr. Carpenter:

Had a pleasant conference at Scottsbluff March 15, 16 and 17. Returned to Cheyenne on the 17th, ill with tonsilitis and was unable to go to Denver for the conference with Mr. Mead and Mr. Work.

Please do not re-draft the Tri-State Compact until it is possible for Mr. Willis and yourself to meet me in Cheyenne and go over the minor changes suggested by the Nebraska people.

I hope that your health is continuing to improve and that it will be possible for you to come to Cheyenne sometime early in April for the aforesaid conference.

Very truly yours,

[Signature]

JOHN A. WHITING
State Engineer.

JAW: BJ
Honorable Delph E. Carpenter,
Greeley, Colorado.

Interstate River Commission

Dear Mr. Carpenter:

Just received letter from Mr. Whiting requesting that we meet with him this week or next. However, I cannot attend a meeting until after the eleventh. After that any time that will be convenient with you will suit me.

Very truly yours,

Commissioner for Nebraska.

R.H. Willis

E
April 9, 1927.

Mr. Chas. B. Stafford, Secretary,
Casper Chamber of Commerce,
Casper, Wyoming.

My dear Mr. Stafford:

There has been on file in our Office since 1904 an application filed by the U. S. Reclamation Service through its duly authorized agent for a canal diverting water from the North Platte River at Casper and running East along the south side of the North Platte to Douglas. This canal was known as the Casper canal.

In 1920 a filing was made in this Office for what is known as the Casper-Alcova Project taking water from the North Platte to Alcova some 25 miles further up the stream than that of the filing in our Office, known as the Caspers. The name shown on the application and maps for the Casper-Alcova was known as the Casper, and was of the same name as the application filed in our office some 16 years before but for entirely different lands.

In order to avoid confusion in our records and among the various appropriators on the North Platte River and at the request of the Land Commissioner on behalf of the State Land Board I have changed the name of the Canal of the Casper-Alcova from Casper to Alcova-Casper Canal.

I trust that this will be agreeable to the Irrigation Committee of the Casper Chamber of Commerce and I am sure that it will be the means of avoiding much misunderstanding in the future.

Very truly yours,

JOHN A. WHITING
State Engineer.

C. C. to R. H. Willis, Bridgeport Nebr.
Delph E. Carpenter, Greeley, Colo.
J. T. Whitehead, Mitchell, Nebr.
Chas. Kearney, Morrill, Nebr.
April 9, 1927.

Hon. John A. Whiting,
State Capitol Bldg.,
Cheyenne, Wyo.

My Dear Whiting:

Replying to yours of the 5th I can come up most any time although think it wise to wait until after the Legislature has adjourned which will probably be within the next ten days. The bill for the appropriation of my department has not passed as yet. I do not expect any trouble but had better be around watching.

I have so completely tried to forget my work during the past two weeks that I am not clear on the proposals you made at the time of your last visit.

Will you kindly drop me a line, giving me in a few words the several matters we discussed. If you will do this I will be working on the proper phrasing.

Very truly yours,

Delph E. Carpenter
Commissioner for Colorado.

DEC: BB
Hon. Delph E. Carpenter,
Greeley,
Colorado.

My dear Mr. Carpenter:

Have written Mr. Willis of Bridgeport asking him to take the matter up with you regarding a date that will be satisfactory to Mr. Willis and yourself for meeting at my office in Cheyenne to go over the Tri-State Compact and discuss such matters as were raised by the Nebraska appropriators in our recent conference at Scottsbluff.

I wish that this conference could be held here this week or next week. I wish that you would prepare a rough draft of the propositions that I submitted to you on my last visit to Greeley, and if you so desire you can dictate such changes in the Compact as the three Commissioners may agree upon at this conference, to one of our stenographers and we will gladly prepare these copies for you and Mr. Willis.

With kindest regards, I am

Very truly yours,

JOHN A. WHITING
State Engineer.
DELPH E CARPENTER

GREELEY COLO

CAN I SEE YOU IN DENVER DURING THE FIRST WEEK IN MAY

STEPHEN DAVIS

1016A
The State of Wyoming  
State Engineer's Office  
Cheyenne  

April 28, 1927.

Hon. Delph Carpenter,  
Greeley, Colo.

My dear Mr. Carpenter:

It has occurred to me that if Mr. Willis and yourself could meet me here next Tuesday, May 3rd, and go over the suggested changes that have been made by Nebraska people so that a re-draft of the Compact could be made for future use in conferences, that this would be a good idea.

I have written Mr. Willis to this effect and if you cannot meet here next Tuesday please inform me at once and I will wire Mr. Willis. If Mr. Willis informs me that he cannot come here next Tuesday, I will wire you.

Very truly yours,

John A. Whiting  

[Signature]

John A. Whiting,  
Interstate Streams Commissioner.

JAW: BJ
The State of Wyoming
State Engineer's Office
Cheyenne
June 2, 1927.

Hon. Delph E. Carpenter,  
Greeley, Colorado.

Dear Mr. Carpenter:

We received the copies of the two telegrams you sent yesterday to Dr. Work and Commissioner Spry, regarding the withholding of the Rock Creek Carey Act Segregation List Number Seventy-one, from restoration to the State until the State had had sufficient time to make a showing.

The Governor, about five o'clock last evening received a wire from Dr. Work, stating that the opening had been postponed twenty days in order that the State of Wyoming might make this showing.

Let me express to you my appreciation for your kindness in this matter. If we can be of service to you at any time please feel free to call upon us. However we want to reimburse you for every expense which you incurred in this matter. Please put my mind at rest by sending a list of the expenses so that we can reimburse you.

Very truly yours,

[Signature]

JOHN A. WHITING,  
State Engineer.

JAW:BJ
75V KJ 10

CHEYENNE WYO 315P MAY 2 1927

DELPH E CARPENTER

INTERSTATE STREAMS COMMISSIONER GREELEY COLO

WILLIS UNABLE TO ATTEND MEETING TOMORROW WILL ADVISE LATER DATE

JOHN A WHITING

326P
Greeley, Colo. May 2, 1927.

Stephen B. Davis,
Department of Commerce,
Washington, D.C.

Just returned from Utah stop can meet you Denver any time this week or fore part next

DELPHE CARPENTER
WESTERN UNION

TELEGRAM

NEWCOMB CARLTON, PRESIDENT  GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown in the receipt line, is corrected by the symbol appearing after the date line.

Received at 711 Eighth Avenue, Greeley, Colo.  Telephone  Greeley 3

R7OV KJ 21 GOVT

F WASHINGTON DC 458P MAY 3 1927

DELPHEE CARPENTER  GREELEY COLO

WILL ARRIVE IN DENVER MONDAY STOP DO NOT ADVISE OTHER MEMBERS AS I PREFER FIRST TO DISCUSS MATTERS WITH YOU ALONE

STEPHEN DAVIS

315P
Received at 711 Eighth Avenue, Greeley, Colo. Telephone Greeley 3

44V D 8

KANSASCITY MO 1104A MAY 7, 1927

DELP H E CARPENTER

GREELEY COLO

MEET DAVIS COSMOPOLITAN HOTEL DENVER ON MONDAY PLEASE

GRIMSHAW

1032A
May 17, 1927.

My Dear Dr. Work:

Stephen B. Davis, Solicitor Department of Commerce, may resign about June 1st. You will recall that he is the Federal representative upon the North Platte River Commission. That work is about completed and it is very important that there be no further change in personnel.

Governor Emerson and I have talked the whole matter over very frankly with Judge Davis and have requested him to remain upon the Commission if agreeable with you. We see nothing in his new employment which will interfere with the proper discharge of his duties on the Commission.

I am dropping you this confidential communication in order that you may be advised in advance of events.

Yours very truly,

To Hon. Hubert Work,
Secretary of the Interior,
Washington, D.C.

DEC: BB
Send the following message, subject to the terms on back hereof, which are hereby agreed to

Greeley, Colo. June 1, 1927.

Hon. Hubert Work,
Secretary of Interior,
Washington, D.C.

PERSONAL STOP RG ROCK CREEK MATTER CONCERNING WHICH SEPARATE WIRE SITUATION IS FORMER DEMOCRATIC ADMINISTRATION WYOMING BADLY HANDLED MATTER AND PRESENT ADMINISTRATION SURPRISED BY ACTION FORMER OFFICIALS AND DESIRE TIME AND OPPORTUNITY TO TAKE APPROPRIATE PROCEEDING STOP EARNESTLY BELIEVE VERY ADVANTAGEOUS TO ALL CONCERNED THAT WYOMING'S REQUEST FOR TIME BE GRANTED

DELPH
Greeley, Colo. June 1, 1927.

Hon. Hubert Work,
Secretary of Interior,
Washington, D.C.

PERSONAL STOP RE ROCK CREEK MATTHER CONCERNING WHICH SEPARATE WIRE SITUATION IS FORMER DEMOCRATIC ADMINISTRATION WYOMING BADLY HANDLED MATTER AND PRESENT ADMINISTRATION SURPRISED BY ACTION FORMER OFFICIALS AND DESIRE TIME AND OPPORTUNITY TO TAKE APPROPRIATE PROCEEDING STOP BARKESTLY BELIEve VERY ADVANTAGEous TO ALL CONCERNed THAT WYOMING'S REQUEST FOR TIME BE GRANTED

DELPH
85V KJ 26 COLLECT NL

WASHINGTON DC JUNE 1 1927

DELPH E CARPENTER

GREELEY COLO

AT YOUR REQUEST AND THAT OF GOVERNOR EMERSON AND CONGRESSMAN WINTER OPENING OF CAREY ACT SEGREGATION LIST SEVEN ONE IS POSTPONED UNTIL JUNE TWENTY SECOND

SPRY

712P
Send the following message, subject to the terms on back hereof, which are hereby agreed to.

Greeley, Colo., June 1, 1927.

Honorable Hubert Work,
Secretary of Interior,
Washington, D.C.

RE ROCK CREEK WYOMING CARRY ACT SEGREGATION
NUMBER SEVENTY ONE AM FAMILIAR WITH SITUATION AND TAKE LIBERTY
OF SUGGESTING THAT ACTION BY UNITED STATES THROWING PROJECT OPEN
TO SETTLEMENT BE DELAYED UNTIL W Y O M I N G A U T H O R I T I E S H A V E B E E N
AFFORDED OPPORTUNITY TO MAKE SHOWING STOP THIS NECESSARY TO PROTECT
SETTLERS WHO HAVE PROCEEDED IN GOOD FAITH

DELPH E CARPENDER
July 19, 1937.

My Dear Dr. Work:

I wish the installation of any more power machinery at Guernsey Dam on the North Platte River could be made conditional upon the conclusion of the North Platte River compact now in process of negotiation.

The compact would have been signed and approved last winter had it not been for Whitehead and Hathaway who threw cold water on the whole proposition. They stated that the United States had appropriated the whole North Platte River and that the states had no interest in the stream and that a compact is unnecessary. With this base excuse they refused to engage in further conversation. We were at a loss to understand their sudden change of attitude until it leaked out that their purpose now is to delay everything until a maximum power development is reached at Guernsey Dam out of which they can claim a prior appropriation of the whole river and thereby block any upstream development.

Mr. Whiting, State Engineer of Wyoming, advises me that the draft on the upper river to run the present power plant in other than irrigation seasons is such as to cause an unnecessary waste of water. Increase of the amount of water from Pathfinder to supply power development at Guernsey will afford correspondingly opportunities of waste.

Power developments are not subordinate to agricultural needs unless made so by the laws under which they vest or by interstate compact. Hence prior appropriation of water for power at Guernsey would materially interfere with future irrigation expansion in Wyoming and in North Park in Colorado.

If these people were given to understand that you were serious when you asked the Governors to appoint a Commission to conclude an interstate compact and that you will not approve the expenditure of any more money on Guernsey Dam until such a compact is concluded, we will make short shift of the job of signing the compact as the only stumbling block we encounter in that of the water users under the Government project backed up by the Reclamation officials. In other words, the employees of the Reclamation Bureau have not been given to understand that they are expected to aid in consummating a compact, but, evidently under the advice of the legal department, have been given to understand that the Bureau of Reclamation does not want a compact and that without a compact the United States will always administer the river, thereby furnishing jobs in perpetuity.
Dr. Work #2.

Without possible question there is ample water in the North Platte for all feasible irrigation development in Colorado and Wyoming without injury to the Government project, providing that project is not so entrenched in a legal way as to dictate the future policy of the river.

Sincerely yours,

Commissioner for Colorado.

To Secretary Robert Work,
630 Franklin,
Denver, Colo.

Dec: 38
July 19, 1927.

Hon. R. H. Willis,
Bridgeport, Nebr.

My Dear Willis:

I enclose herewith a carbon copy of my letter of this date to Dr. Work, which will be self-explanatory.

Yours very truly,

DEG: RB

P.S. Please keep confidential.
July 19, 1927.

John A. Whiting,
State Engineer,
Cheyenne, Wyo.

Dear Mr. Whiting:

I enclose herewith a carbon copy of my letter of this date to Dr. Work, which will be self-explanatory.

Yours very truly,

DEC: HB
May 3, 1923

AIR MAIL

Mr. Delph E. Carpenter,
Greeley, Colo.

My dear Mr. Carpenter:

For your consideration I am forwarding herewith, by air mail, printed copies of S. 4504 and S. 4505, Senator Kendrick's latest bills to authorize the construction of the Casper-Alcova and Saratoga reclamation projects.

I note that, in order to protect our State, he has included your suggestion that a compact between two states, at least, should be required as a condition precedent, and do not assume that his omission of the words "consent of the Congress is hereby given said States to enter into such compacts" is important. However, he does not add your suggested section relative to rights of way, which I understand may be needed in order to furnish protection against Nebraska.

In any event, I shall appreciate your careful consideration of the new bill together with word from you as quickly as possible.

Very sincerely yours,

[Signature]

F/b

Encls.
Received at
48V D 48 DL GOVT

SN WASHINGTON DC 1254P MAY 12 1928

DELPH E CARPENTER

GREELEY COLO

ON MAY THIRD I SENT YOU BY AIR MAIL PRINTED COPIES OF CASPER ALCOVA AND SARATOGA BILLS IN LATEST FORM STOP COMMITTEE DESIRED TO ACT. ON SAME NEXT WEEK STOP IF YOUR RECOMMENDATION NOT ALREADY IN MAIL SUGGEST YOU WIRE ME AND CONFIRM TELEGRAM BY MORE DETAILED LETTER

LAWRENCE C PHIPPS

1140A

SENATOR LAWRENCE C PHIPPS
SENATE OFFICE BUILDING
WASHINGTON D C

ANSWERING YOURS CASPER-ALCOVA BILL SATISFACTORYLY INCLUDED
AMENDMENTS I SUGGESTED BUT WOULD SUGGEST BILL BE AMENDED AS FOLLOWS
PAGE TWO LINE TWENTY AFTER THE WORD QUOTE DISTRIBUTED END QUOTE
INSERT THE WORDS QUOTE AMONG PROJECT WATER USERS END QUOTE AND IN
LINE TWENTY THREE AFTER THE WORDS QUOTE EXISTING RIGHTS END QUOTE
INSERT THE WORDS QUOTE OR THE RIGHTS OF OTHER USERS OF WATER FROM
SAID RIVER OR THE JURISDICTION OF THE STATES IN WHICH SUCH STORAGE
AND DISTRIBUTION OCCURS END QUOTE STOP SARATOGA BILL INCOMPLETE
AND SECTION SIX OF CASPER-ALCOVA BILL SHOULD BE INSERTED AFTER
SECTION FIVE OF SARATOGA BILL STOP LETTER FOLLOWS

DELFH R. CARPENTER
May 14, 1928.

Senator Lawrence C. Phipps,
Senate Office Building,
Washington, D. C.

My dear Senator Phipps:

Your letter of the 3rd inst enclosing copies of S. 4304 (Casper-Alcova) and S. 4305 (Saratoga) bills was received in due season and answer delayed in the hope that I might have the opportunity of consultation with Governor Emerson before writing you.

Unfortunately, no such opportunity presented. I am also in receipt of your telegram of the 12th and I am today wiring you as follows: "Answering yours Casper-Alcova Bill satisfactorily included amendments I suggested but would suggest bill be amended as follows: "Page two, line twenty, after the word "distributed", insert the words "among project water users" and in line twenty three, after the words "existing rights", insert the words "or the rights of other users of water from said river or the jurisdiction of the states in which such storage and distribution occurs" Stop Saratoga bill incomplete and section six of Casper-Alcova Bill should be inserted after section five of Saratoga Bill Stop Letter follows."

Explaining my recommendations:

CASPER- ALCOWA

The Casper-Alcova Bill as printed, contains the amendments as suggested in my former letter to you. These amendments are embodied in sections 6 and 7 of the bill excepting that the words "consent of Congress is hereby given said states to enter into said compact" have been omitted, but this omission is of no moment as such consent would be inferred from the other provisions of section 7.

But the provisions in section 1, page 2, lines 15 to 23, inclusive of the bill, as printed are dangerous to both Wyoming and Colorado and, while their enactment would not necessarily be disastrous, the bill should be amended in order to avoid future conflict between those in charge of or claiming water under the government projects and other water users and state officials of Wyoming. As written, the bill will probably be interpreted by those in charge of all the government projects on the North Platte River, to mean that the United States has assumed the control of the distribution of all the water of the river as the entire flow of the stream is compelled to pass through the two reservoirs already constructed or those contemplated. This would directly conflict with the jurisdiction of the state of Wyoming and with the rights of those hereafter using water from the river by means of other projects.
In order to make the intent of Congress perfectly clear, I suggest that this part of the bill be amended as suggested in my telegram which is as follows: page two, line 20, after the word "distributed" insert the words "among project water users" and at the end of line 23, after the words "existing rights", insert "or the rights of other users of water or the jurisdiction of the states in which such storage and distribution occurs".

I am prompted to urge some such amendments by the fact that the attorneys for the Reclamation Bureau have adopted the policy of everywhere urging the doctrine that the United States owns and controls all western rivers and may dispose of their waters regardless of the will of the states, also, that compliance with state laws by the Reclamation Bureau is a mere matter of courtesy and not of duty. Advocates of such a theory may well construe the language of lines 15-23, page 2, of the bill to mean that Congress intends to take over complete control of the North Platte River except for respect of vested rights.

**SARATOGA**

The Saratoga Bill does not contain the objectionable provisions of the Casper-Alcova Bill. If such provisions are hereafter inserted, then they should be amended.

The draftsmen of the Saratoga bill inadvertently omitted the first paragraph of the amendments which I heretofore suggested but included the second paragraph. This first paragraph is section 6 of the Casper-Alcova bill and the amendment to the Saratoga Bill is as follows: Insert section 6 of the Casper-Alcova Bill after Section 5, page 5, of the Saratoga Bill, then change section 6 to section 7 and section 7 to section 8.

**COLORADO'S INTEREST**

Colorado is interested in these bills not alone by reason of the fact that the North Platte River has its source in and is the sole water supply of Jackson County, Colorado, but the more by reason of the fact that under both bills the proposed reservoir may be constructed at any points above Pathfinder Reservoir. This would include reservoirs in either Colorado or Wyoming and, as one of the best sites is in North Park in Colorado, the state of Colorado is vitally interested in the provisions of both these bills as well as any other legislation respecting the use or disposition of the waters of the North Platte River.

Very truly yours,

Delph E. Carpenter,
Commissioner for Colorado.
Mr. Delph E. Carpenter,
Greeley, Colo.

My dear Mr. Carpenter:

Just a line to acknowledge your nightletter of the 15th inst. with further reference to your suggested amendments to the Casper-Alcova bill.

While favorable committee action may be had, it is almost certain that this measure, as well as the one for the establishment of the Saratoga Project, will not be enacted during the remaining days of the present session. I am, therefore, calling Senator Kendrick's attention to your latest statements and asking that he should consider them carefully before the bill passes the Senate.

I assume that you have conferred with Governor Emerson in this regard and believe that the Wyoming Senator will be inclined to follow his judgment in the matter. Of course, I shall strongly advocate the adoption of all suggested amendments as desired.

Appreciating the information so promptly furnished, and with personal regards,

Yours sincerely,

[Signature]

F.
27DMS 49 GOVT BLUE

ST WASHINGTON DC MAY 17 1928

DELPH E CARPENTER

GREELEY COLO

PLEASED TO ADVISE THAT CASPER ALCOVA AND SARATOGA BILLS ON WHICH
FAVORABLE REPORTS WERE AUTHORIZED BY SENATE COMMITTEE ON IRRIGATION
THIS MORNING WILL INCLUDE ALL YOUR SUGGESTED AMENDMENTS STOP
DOUBTFUL HOWEVER WHETHER SUCH MEASURES CAN BE PASSED DURING PRESENT
SESSION STOP YOUR LETTER RECEIVED THIS MORNING PROVED MOST HELPFUL

LAWRENCE & PHIPPS

506P
May 17, 1928.

Mr. Delph E. Carpenter,
Greeley, Colo.

Pleased to advise that Casper-Alcova and Saratoge bills on which favorable reports were authorized by Senate Committee on Irrigation this morning will include all your suggested amendments. Stop Doubtful however whether such measures can be passed during present session. Stop Your letter received this morning proved most helpful.

LAWRENCE C. Phipps.

Official business.