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

Please consult staff with any questions.
Dear Senator Colwell:

In reply to your inquiry respecting the time which I devoted to the negotiation of compacts with respect to the four Colorado Rivers, between the adjournment of the 1921 session of the Legislature and December 1, 1922, and with respect to the compensation received by me for such services, I beg leave to report as follows:

May 9, 1921, Governor Shoup appointed me as Commissioner for Colorado pursuant to Chapters 242 - 246 inclusive, to serve on joint commissions respecting the Arkansas, South Platte, La Plata, Laramie and Colorado Rivers respectively.

Between May 9, 1921 and December 1, 1922, I rendered 276 1/2 days services. This did not include a number of Sundays and parts of days which I devoted to the work.

Before I agreed to accept the appointment of Commissioner there was a joint meeting of sub-committees on finance from the Senate and the House, with whom it was understood that I would undertake the work of Commissioner at the rate of $50.00 per day plus all expenses. This fact was later communicated to Governor Shoup.

After the Legislature had adjourned, the Attorney General raised objection to the payment of an aggregate compensation greater than his own, and the matter of the formal appointment was delayed pending his consideration of the question of compensation. This occurred by reason of the fact that under the Water Defense Bill the moneys could only be paid out on the joint order of the Governor and Attorney General.

On May 9 the Governor finally called the Attorney General and myself for consultation and it was then agreed that I should be paid at the rate of $50.00 per day and expenses for the time actually put in, but should not receive more than $10,000.00 for services for the biennial period, without further understanding between the Governor, Attorney General and myself.

Following this conversation, and unknown to me, the Attorney General prepared a memorandum of understanding, to which he pro-
cured the Governor's signature, and which provided that
"in no event shall the total amount for services exceed
$5,000.00 for any twelve month period". I never heard of
this memorandum and did not know of its existence until during
the fall of 1922.

Following my appointment I was paid at the rate of $50.00 per
day for all work done during the remainder of 1921, except for
work done upon the Colorado River matter. This work was in-
mat:re, the Commission had not been fully formed, and it became
apparent that a large amount of work would be required in 1922.
Hence I filed no claim for 57 days services rendered by me on
the Colorado River matter between May 9, 1921 and January, 1922.

During 1922 I was paid at the rate of $50.00 per day and expenses
on all work performed up to August 1st. It was my custom to
file vouchers on the first of each month for the services rendered
during the previous month.

On August 11, 1922, the Attorney General addressed a letter to me
at Greeley, while I was working in the Capitol Building at Denver,
stating that the aggregate payments therefor made had about
reached the maximum fixed by the Governor and himself, and calling
my attention to the fact that the aggregate in any one year should
not exceed $5,000.00. He then departed for a prolonged absence in
Salt Lake City, and I did not again see him until during the month
of September.

Governor Shoup was greatly embarrassed by reason of the attitude
of the Attorney General and between September 1 and November 1,
the three of us held some two or three consultations but without
avail. The Attorney General produced the memorandum which he had
procured the Governor to sign on May 9, and insisted that not only
should I waive claim for the 56 days of unpaid services in 1921,
but also that all my services from August 1 to December 1, 1922,
should be without further charge to the state.

Of course, my duty to the state prevented any abandonment of the
work in which I was engaged, and I proceeded with the same zeal
as though no compensation were assured.

Upon my return from Santa Fe, November 30, 1922, I again took up
the matter of compensation with the Attorney General and the
Governor. Several conferences followed. The Governor insisted
that the Attorney General make some further provision. The Attorney
General took a very narrow view, urging that I should receive no
more compensation in any year than that allowed by law to the
Governor or Attorney General. Finally the Attorney General re-
presented to me that he and the Governor had conferred and had agreed that they would allow me a maximum additional amount of $1,175.00 in addition to that already paid me and that a memorandum to that effect. Acting upon this statement by him I received a voucher for that amount and the account was closed. I have since had reason to believe that the Governor had signed no such agreement at that time but that after I had agreed to accept this amount the Attorney General prepared a memorandum for the Governor’s signature which he separately forwarded to Colorado Springs and was signed by the Governor at about the same time he attached his approval to the voucher for $1,175.00. Of this, however, I have no personal knowledge, and have never embarrassed Governor Shoup with any request for information. The Governor was always very magnanimous and the attitude of the Attorney General greatly embarrassed him. I am satisfied that he would have allowed me full compensation as per my original agreement with the Senators and Representatives, had it not been for the fact that the signature of the Attorney General was required to all vouchers. Under these circumstances I did not care to embarrass him by calling to his attention the representations made to me by the Attorney General.

Between August 1 and December 1, 1922 I rendered 78 days services and the payment of the $1,175.00 is the only compensation ever given me for any part of such services.

I received a total of $8,250.00 for all services rendered by me between the adjournment of the Legislature in 1921 and December 1, 1922. I devoted considerable time between the adjournment of the Legislature and my formal appointment on May 9, 1921, but have never checked up the days and have made no memorandum thereof. I have always considered this to be “free time” for the good of the cause and have always felt that I was not entitled to compensation therefor.

The difference between the amount received and the amount agreed to be paid as per my original understanding at the time I consented to take the appointment, is as follows:

- 276 days services at $50.00 per day ———— $13,825.00
- 165 days services paid for at $50 per day—— 8,250.00
- Balance due for 111½ days—— $5,575.00
The attitude of the Attorney General was a source of great embarrassment to me. The continued absence from my home and my personal affairs during the last six months of the year resulted in heavy losses in several quarters. These losses coupled with my necessary overhead demanded the expenditure of even more money than I would have received had I been paid at the rate of $50.00 per day for all services rendered. The anxiety respecting my own affairs and the pressure of the work in which I was engaged, were very depressing, and the whole situation very discouraging. Frankly I do not care to again meet with a like situation. If it is the desire of the present administration that I continue the pending negotiations respecting the South Platte and Arkansas Rivers, I will be pleased so to do, providing satisfactory arrangements are made whereby there will be no recurrence of the previous experience.

Very truly yours,

[Signature]

Senator Charles I. Colwell,
Denver, Colorado.
Denver, Colorado,
January 11th, 1923.

My dear Senator Colwell:

In answer to your inquiry respecting the negotiation for compact upon the South Platte and Arkansas Rivers, I beg leave to report as follows:

South Platte.

Governor Baker of Nebraska appointed R. F. Williams of Bridgeport, as Commissioner for that state. Attorney General Davis of Nebraska participated with him. Comprehensive study of the South Platte area has been completed. Negotiations have proceeded to the point of a substantial understanding between the Commissioners, but the matter must be conceded by several advisers in Nebraska before the Commission for that state will care to proceed to compact upon the principles under consideration.

An emissary for Colorado should make an early call upon Governor Bryan of Nebraska for the purpose of explaining what has been done and suggesting that the work be pushed to completion during this term of the legislature so that any compact may be ratified. It is probably advisable for the Legislature of Nebraska to enact immediate legislation giving more authority to the Governor in the matter of the appointment.

If desired by our present state administration I will continue the negotiations with the representatives of Nebraska.

Arkansas River.

Governor Allen of Kansas appointed P. A. Schneider of Garden City as Commissioner for Kansas in re Arkansas River. He made one trip over the Arkansas Valley area in western Kansas and in eastern Colorado as far west as in Junta. He has had one subsequent conversation but our negotiations were disturbed by the announcement of its opinion by the Supreme Court in the case of
Wyoming vs. Colorado. The Kansas appropriations were incorrectly advised respecting that opinion and proceeded to organize for further litigation with Colorado. Subsequent information has been conveyed to them, whereby they have been informed of the true meaning of the opinion and I understand there is some disposition to settle the Arkansas matter by compact.

I would suggest that proper caucuses call upon the Governor of Kansas at an early date for the purpose of discussing the problem with him. If agreeable to him it would probably be advisable for the Kansas Legislature to pass a bill directly authorizing the proceedings. This legislation should be introduced at an early date.

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Rio Grande River.

I call your attention to the situation on the Rio Grande River.

At the request of Senator Adams I have discussed, unofficially, the Rio Grande situation with various citizens of New Mexico and with the officials of the United States Reclamation Service.

I have an assurance from the latter that they are willing to concede to Colorado the right to develop additional territory to the extent that may be supplied with water in an amount equivalent to the present discharge of the drains in the San Luis Valley. In other words, if the annual discharge of the drainage works of the San Luis Valley is 100,000 acre-feet they are willing to concede a further development of new lands in the Valley sufficient to utilize 100,000 acre-feet annually.

But it would appear that Colorado might be entitled to further concessions. To what degree obtainable is an open question.

The past administration in New Mexico was heartily in favor of an early adjustment between Colorado and New Mexico respecting the Rio Grande River, and I had several conversations with them along this line. I do not know the attitude of the new administration. Such negotiations probably should include the State of Texas and the United States. Appropriate legislation must be enacted by the three states and by Congress. If any progress is made, some immediate action must be taken and probably an caucus should visit the Governors of New Mexico and Texas, at an early date, and an appropriate communication from the Governor of Colorado to these governors would be advisable.
I should be pleased to know the attitude of the present administration respecting further activities upon my part. While I am still Commissioner for Colorado, under the present legislative act, I do not care to serve in that capacity unless entirely agreeable to the present administration.

Very truly yours,

Commissioner for Colorado.

December 23

Senator Charles I. Colwell,
Denver, Colorado.