December 15, 1932.

The North Platte Conferees,

Gentlemen:

Press dispatches indicate the principal obstacle to agreement is the amount of the average annual transmountain diversion from the North Platte to the South Platte in Colorado. Further, that at the last meeting in Cheyenne, Colorado representatives had reduced their demands from two hundred forty thousand acre feet to one hundred thousand acre feet per annum which they regarded to be their irreducible minimum; and that Wyoming expressed a willingness to agree to forty thousand acre feet.

Nebraska, while not participating as a party, through her observers, expressed objection to diversions which would deplete the water supply necessary to her projects but made no offer to prevent enormous and unnecessary waste of water which occurs in that State.

Personal and official interest prompts me to seek and suggest some plan which will afford a means of solution without detriment to either State or to Nebraska. With that objective, I suggest the following plan for your consideration:

(1) Apportion the contribution of water which may be required to flow down the river into other States, between Colorado and Wyoming in the ratio of their natural contribution to the common water supply of the river, viz: Colorado three-tenths and Wyoming seven-tenths. The Colorado contribution to such an external burden must flow through Pathfinder, Guernsey and other channel reservoirs in Wyoming. This makes necessary the storage and delivery of such waters by Wyoming. The external lower river burden may involve any State through which the waters of the river flow, from the Wyoming-Nebraska boundary to New Orleans.

(2) Apportion to Colorado, water of the river as follows:

(a) Unlimited use of water within North Park both on present and future developments, as already conceded by Wyoming.

(b) Allocate a definite amount of water for average annual transmountain diversion by Colorado, to include
waters diverted by present established transmountain canals in the vicinity of Cameron Pass.

(c) Allocate to Colorado a definite amount of water for average annual transmountain diversion by Colorado, in addition to the amount allocated in paragraph (b), upon condition, that such additional water shall not be diverted by Colorado until reservoirs of a stated minimum aggregate capacity have been constructed in Wyoming for the benefit of Wyoming and Nebraska. For example, suppose fifty thousand acre feet were allocated under (b) and fifty thousand acre feet were allocated under (c), Colorado would not be permitted to run the fifty thousand allocated under (c) until the reservoirs are constructed in Wyoming. Such a compact would protect Nebraska against depletion and would unite Colorado and Wyoming in support of a Bill to approve the compact and to build the Casper-Alcova-Seminole project.

I have embodied this plan in a draft of an Article for inclusion in a compact which I hereto attach. You will note that I have left blank the number of acre feet in both (b) and (c) and that I have provided that the aggregate reservoir storage capacity under (c) shall be more than two hundred thousand acre feet.

I submit these suggestions in the hope that they may be helpful. When the feature which they cover has been settled, other minor features of a compact may be readily adjusted.

Respectfully yours,

[Signature]

Delph E. Carpenter.

DEC: DM
ARTICLE ________

(1) Colorado shall permit to flow into Wyoming three-tenths of any waters which Colorado and Wyoming may be required to permit to flow through the channel of the North Platte River into other States, and Wyoming shall regulate storage and deliveries thereof and shall supply the remainder of such waters.

(2) Colorado reserves and is apportioned, in perpetuity, the prior, preferred and exclusive use of waters of the North Platte River in Colorado, as follows:

(a) The unrestricted and unlimited use of such waters within North Park, with respect to both present and future development;

(b) ________ thousand acre feet of water average per annum, reckoned in ten year progressive series, for transmountain diversion from tributaries of the North Platte River in North Park into tributaries of the South Platte River, including all such diversions now established; and

(c) ________ thousand acre feet of water average per annum, reckoned in ten year progressive series, in addition to the waters apportioned in sub-paragraph (b) hereof, for transmountain diversion from tributaries of the North Platte River in North Park to tributaries of the South Platte River, provided, however, that such additional
diversions shall not be made until a reservoir or reservoir having an aggregate storage capacity of more than two hundred thousand acre feet, have been constructed in Wyoming or at the North Park Reservoir Site.

(3) The State Engineer of Colorado shall make weekly reports to the State Engineer of Wyoming, of the amounts of water carried by all transmountain diversions authorized by sub-paragraphs (b) and (c) of paragraph (2).
December 18, 1933.

The North Platte Conference.

Gentlemen:

Press dispatches indicate the principal obstacle to agreement is the amount of the average annual transmountain diversion from the North Platte to the South Platte in Colorado. Further, that at the last meeting in Cheyenne, Colorado representatives had reduced their demands from two hundred forty thousand acre feet to one hundred thousand acre feet per annum which they regarded to be their irreducible minimum; and that Wyoming expressed a willingness to agree to forty thousand acre feet.

Nebraska, while not participating as a party, through her observers, expressed objection to diversions which would deplete the water supply necessary to her projects but made no offer to prevent enormous and unnecessary waste of water which occurs in that State.

Personal and official interest prompts me to seek and suggest some plan which will afford a means of solution without detriment to either State or to Nebraska. With that objective, I suggest the following plan for your consideration:

(1) Apportion the contribution of water which may be required to flow down the river into other States, between Colorado and Wyoming in the ratio of their natural contribution to the common water supply of the river, viz: Colorado three-tenths and Wyoming seven-tenths. The Colorado contribution to such an external burden must flow through Pathfinder, Guernsey and other channel reservoirs in Wyoming. This makes necessary the storage and delivery of such waters by Wyoming. The external lower river burden may involve any State through which the waters of the river flow, from the Wyoming-Nebraska boundary to New Orleans.

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(b) Allocate a definite amount of water for average annual transmountain diversion by Colorado, to include water diverted by present established transmountain canals in the vicinity of Cameron Pass.
Allocate to Colorado a definite amount of water for average annual transmountain diversion by Colorado, in addition to the amount allocated in paragraph (b), upon condition, that such additional water shall not be diverted by Colorado until reservoirs of a stated minimum aggregate capacity have been constructed in Wyoming for the benefit of Wyoming and Nebraska. For example, suppose fifty thousand acre feet were allocated under (b) and fifty thousand acre feet were allocated under (c), Colorado would not be permitted to run the fifty thousand allocated under (c) until the reservoirs are constructed in Wyoming. Such a compact would protect Nebraska against depletion and would unite Colorado and Wyoming in support of a Bill to approve the compact and to build the Casper-Alcova–Seminole project.

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I submit these suggestions in the hope that they may be helpful. When the feature which they cover has been settled, other minor features of a compact may be readily adjusted.

Respectfully yours,

Delph E. Carpenter.
ARTICLE

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(b) __________ thousand acre feet of water average per annum, reckoned in ten year progressive series, for transmountain diversion from tributaries of the North Platte River in North Park into tributaries of the South Platte River, including all such diversions now established; and

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Platte River, provided, however, that such additional diversions shall not be made until a reservoir or reservoirs having an aggregate storage capacity of more than two hundred thousand acre feet, have been constructed in Wyoming or at the North Park Reservoir Site.

(3) The State Engineer of Colorado shall make weekly reports to the State Engineer of Wyoming, of the amounts of water carried by all transmountain diversions authorized by sub-paragraphs (b) and (c) of paragraph (2).