

State of Kansas v. State of Colorado: abstract of complainant's testimony

Section 3, Pages 61 - 90

A summary of testimony given by Kansas residents in the State of Kansas v. State of Colorado U.S. Supreme Court case. The court case centered upon Kansas' claim that Colorado irrigators were using more than their fair share of water from the Arkansas River. In their testimony, numerous Kansans commented on the decline in the flow of the Arkansas River between 1870 and 1900. In 1907, the court decided the case in Colorado's favor, refusing to order Colorado to restrict its use of Arkansas River water. However, the court left open the possibility that at some point in the future the economic damage caused to Kansas by Colorado's use of the river might give Kansas the right to relief. Under this doctrine of "equitable apportionment" of economic benefits from water resources, Kansas sued Colorado in 1943. This suit led to the negotiation of the Arkansas River Compact which was approved by Congress in 1949. Kansas sued Colorado again in 1986 claiming that Colorado violated the terms of the compact. The court ruled in Kansas' favor.

Creator: Kansas. Office of the Attorney General

Date: August 15 - September 21, 1904

Callnumber: Office of the Attorney General, Major Case Files - Kansas v. Colorado

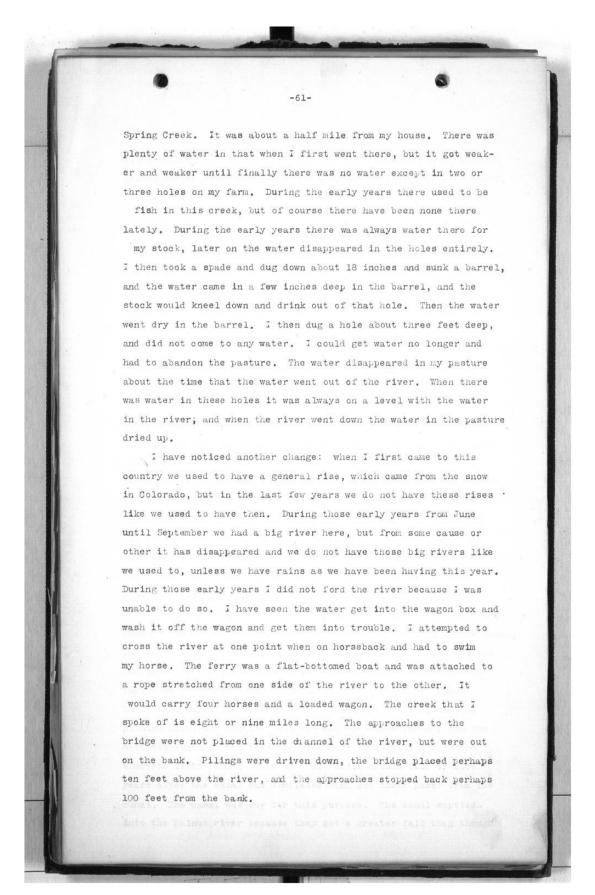
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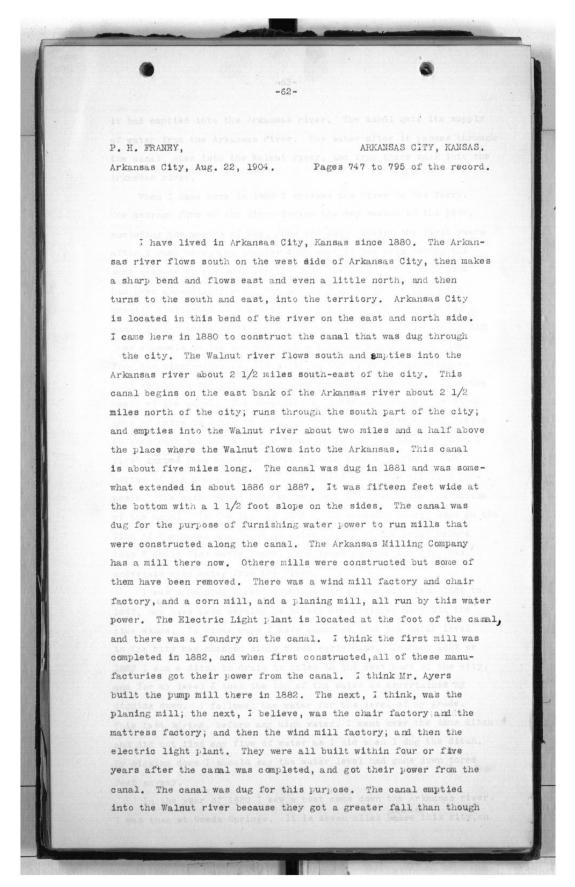
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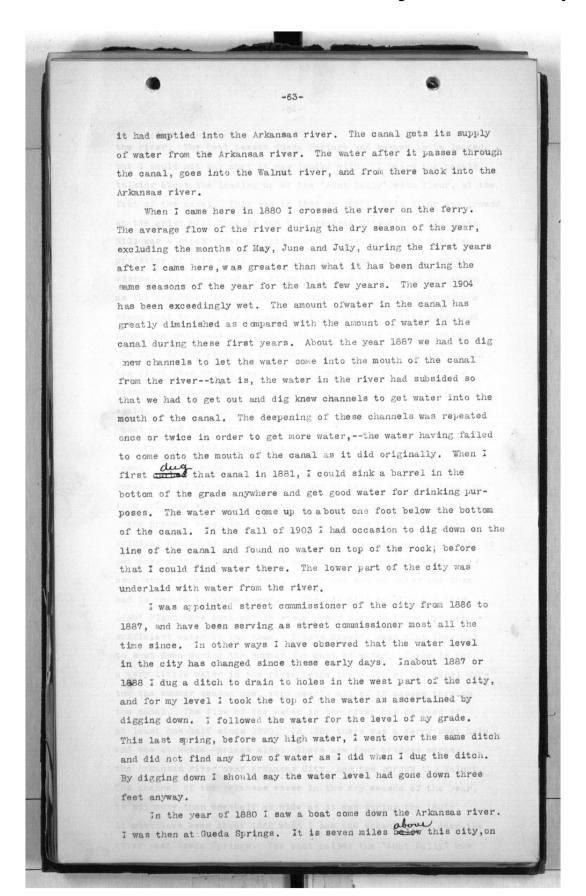




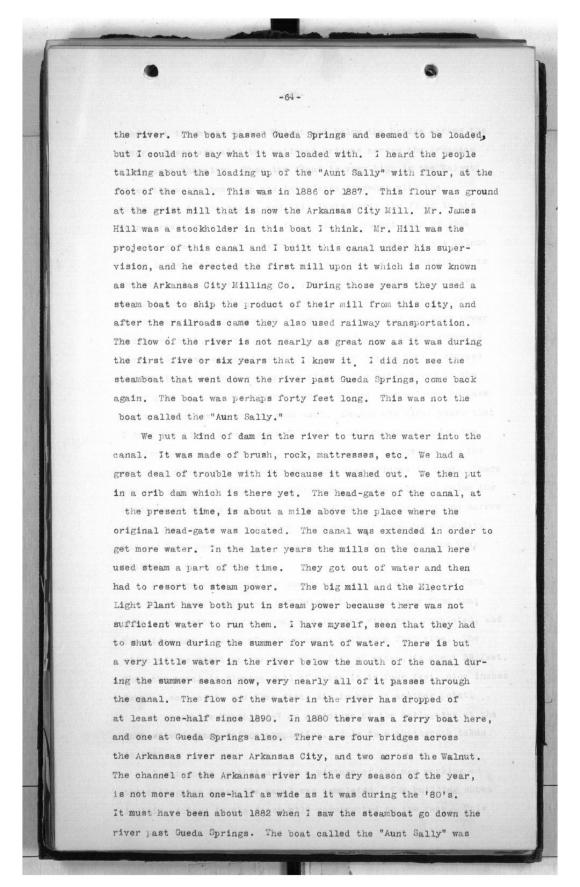




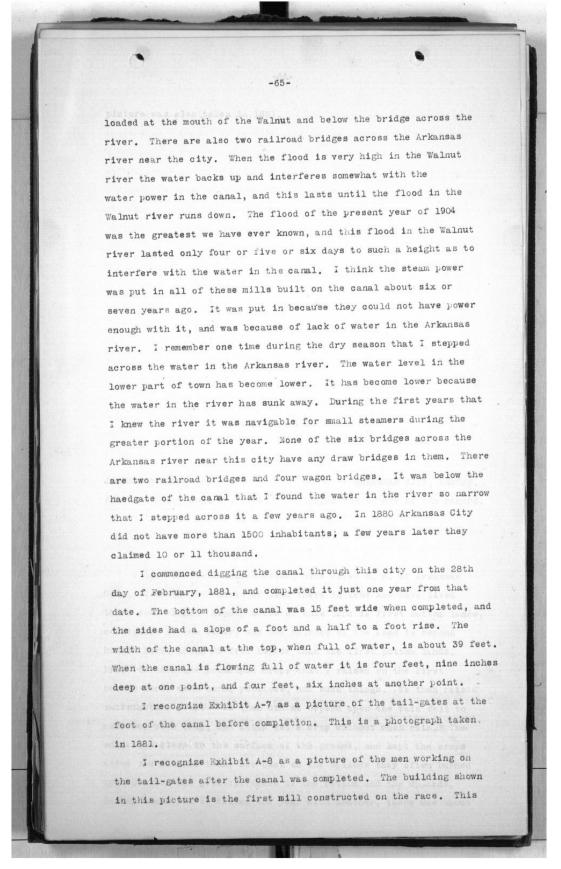




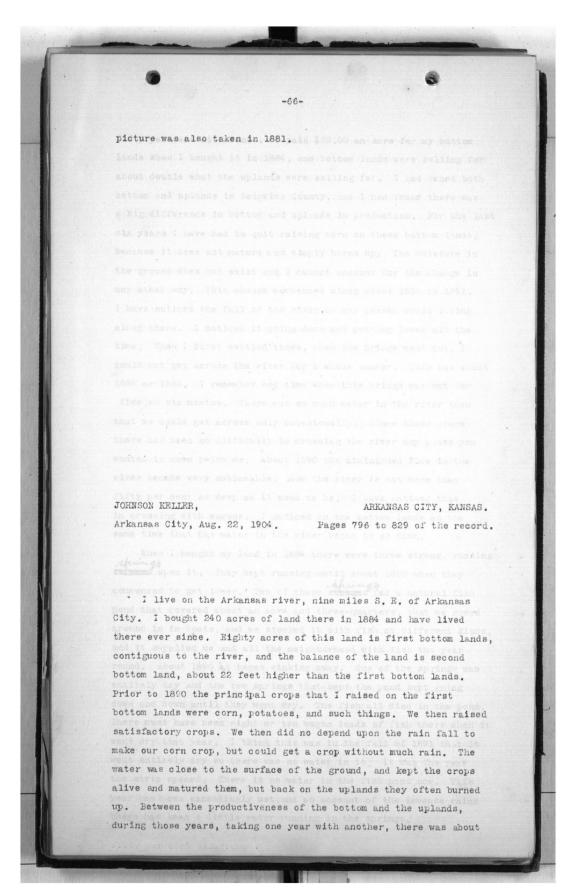




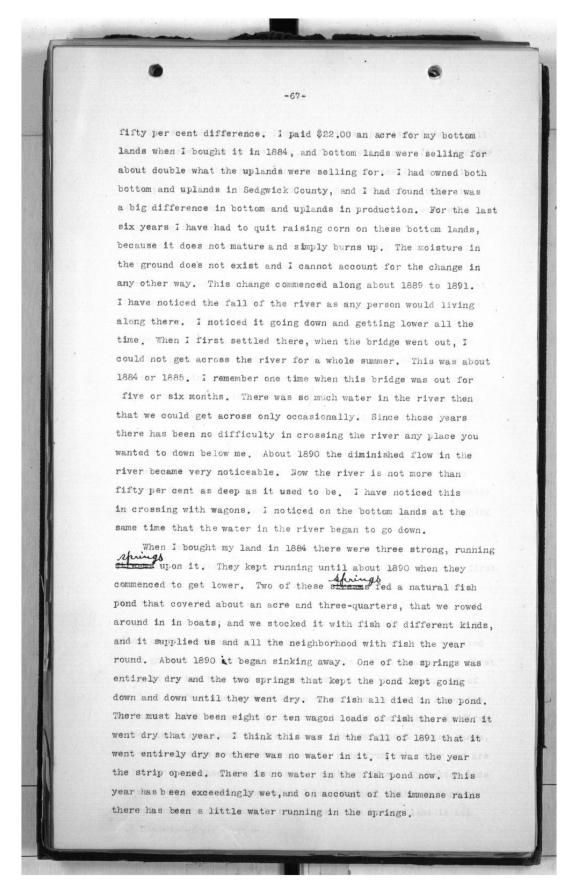




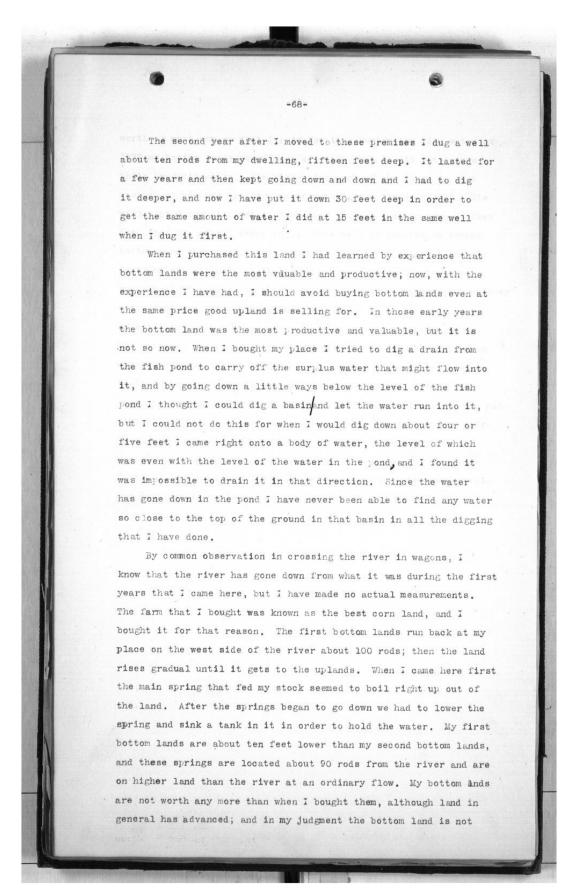




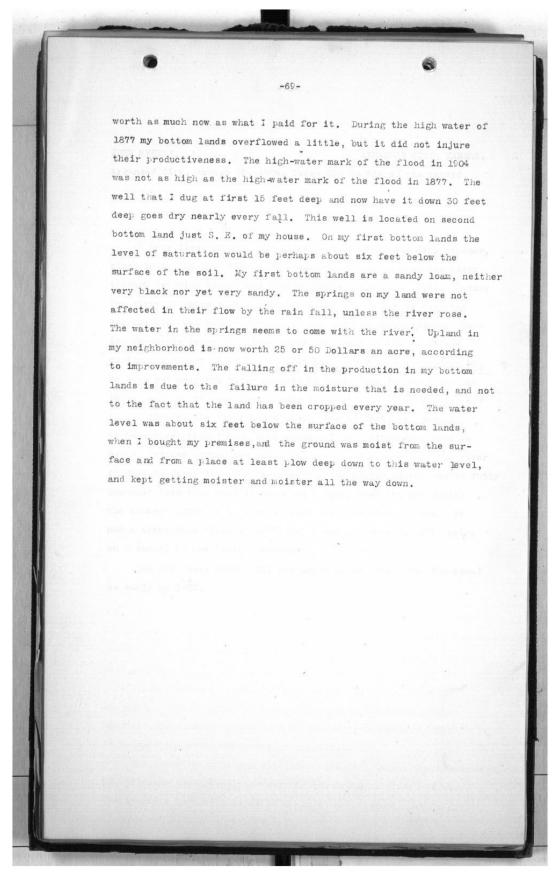




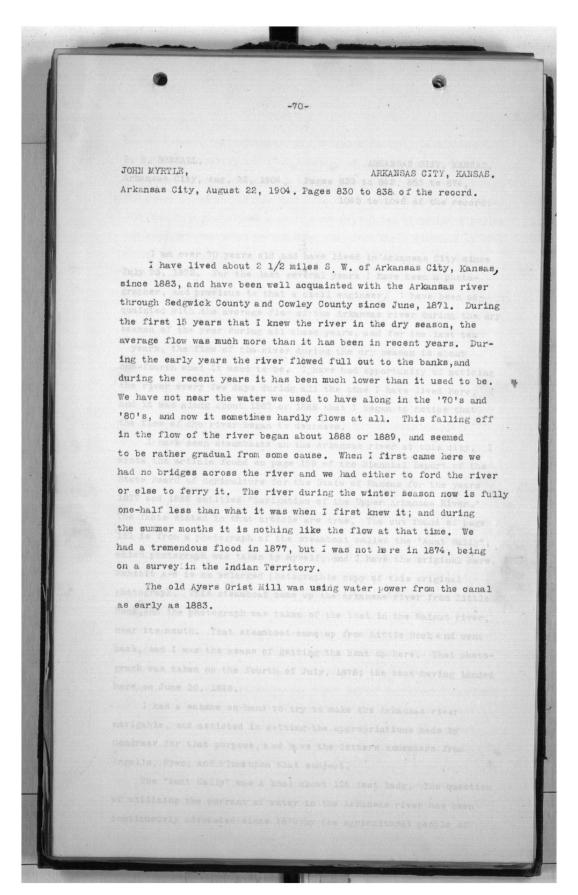




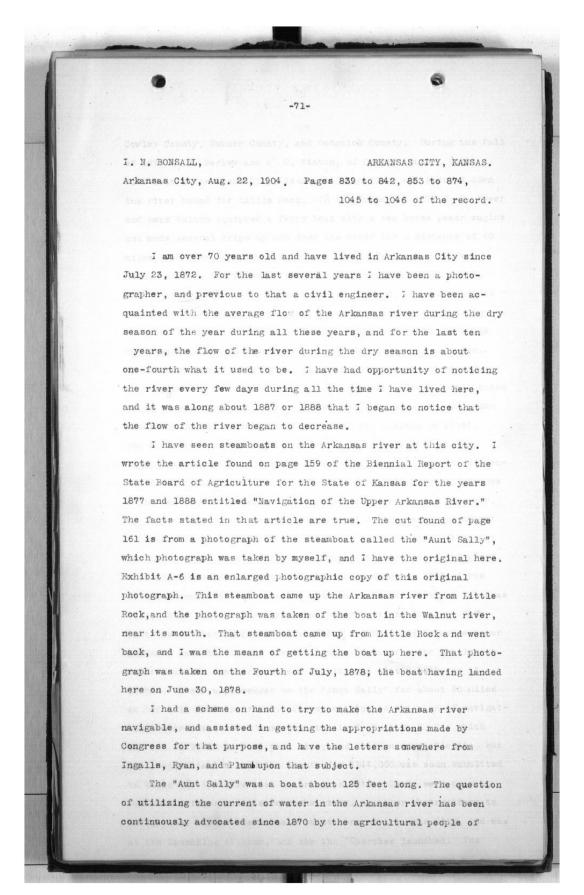




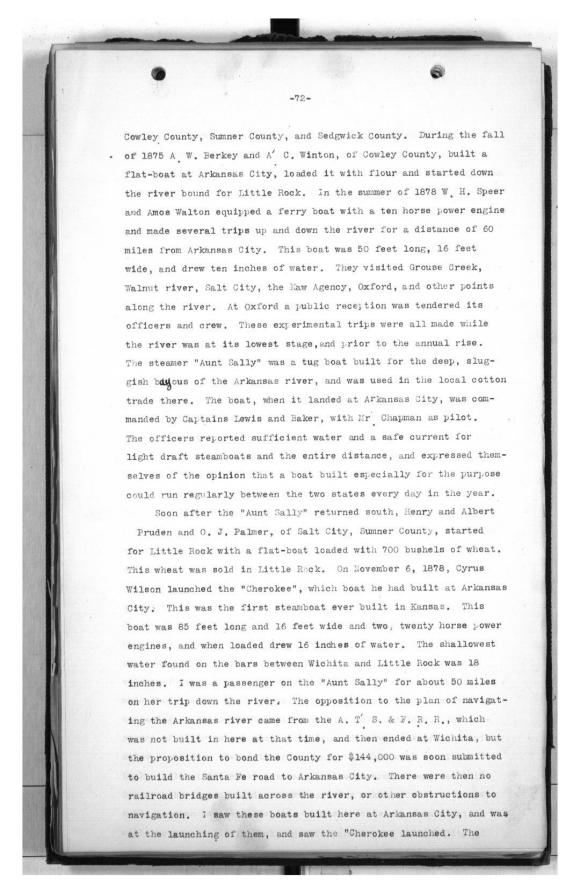




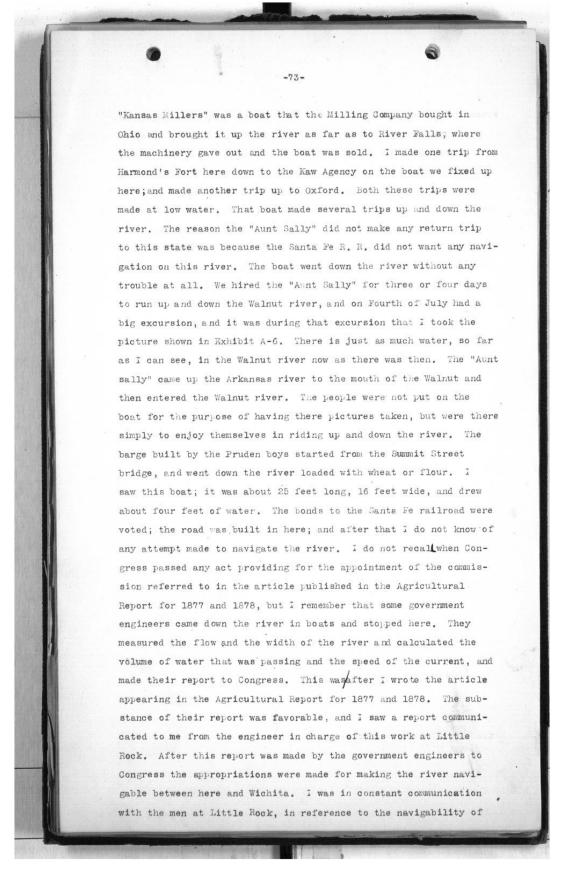




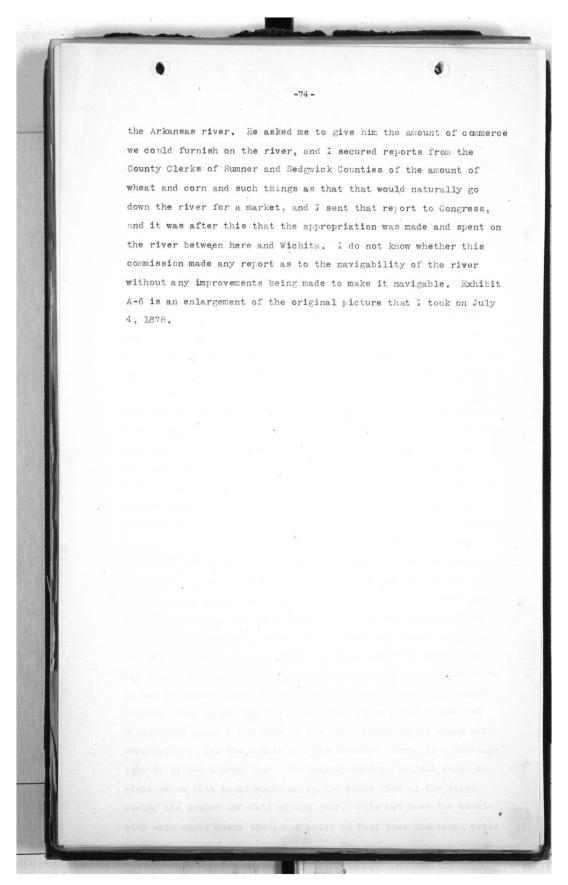




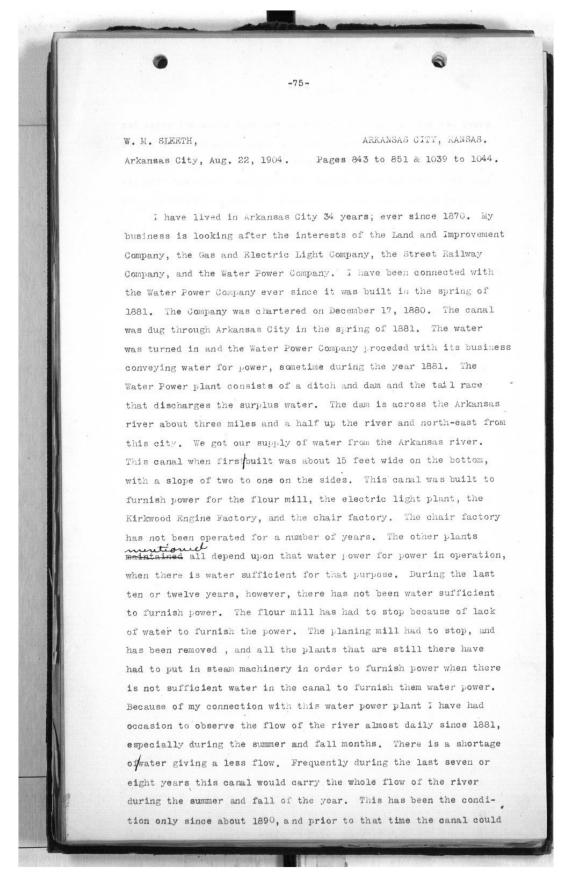




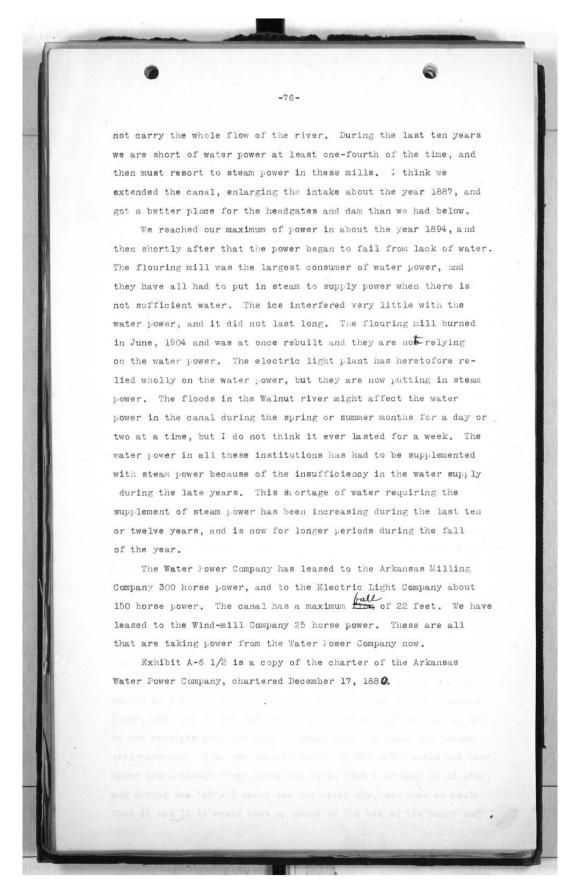




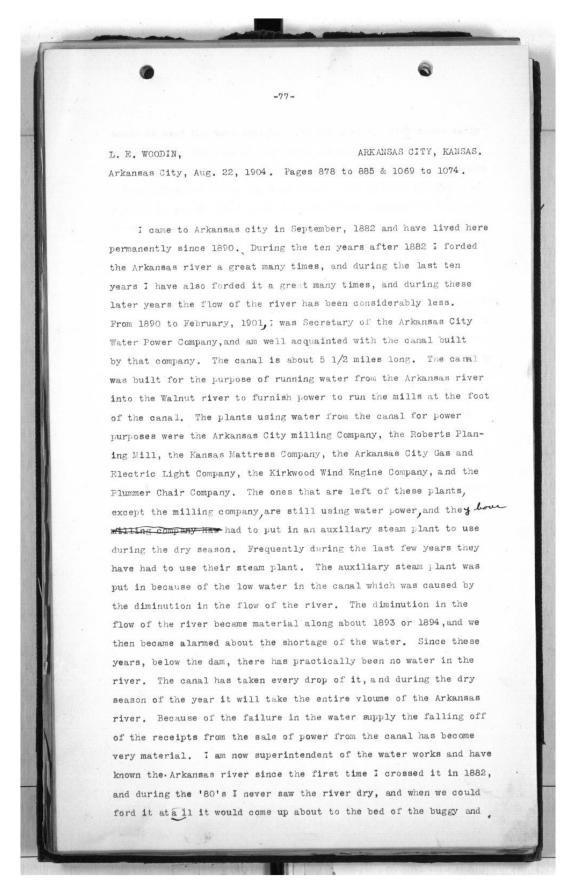




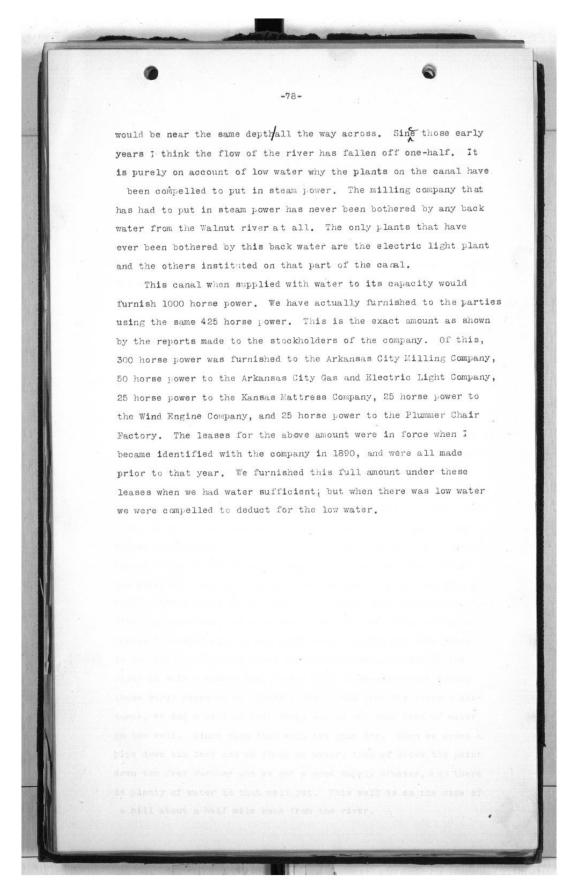




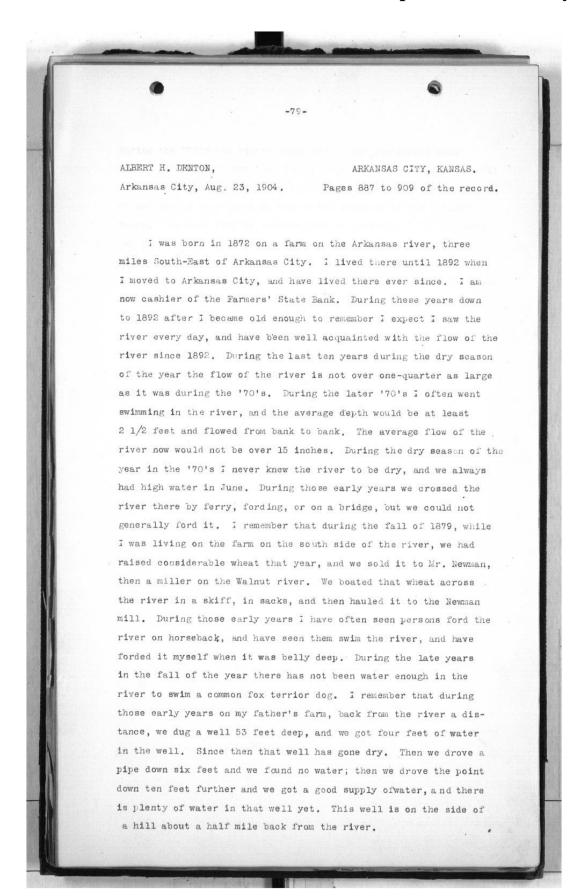




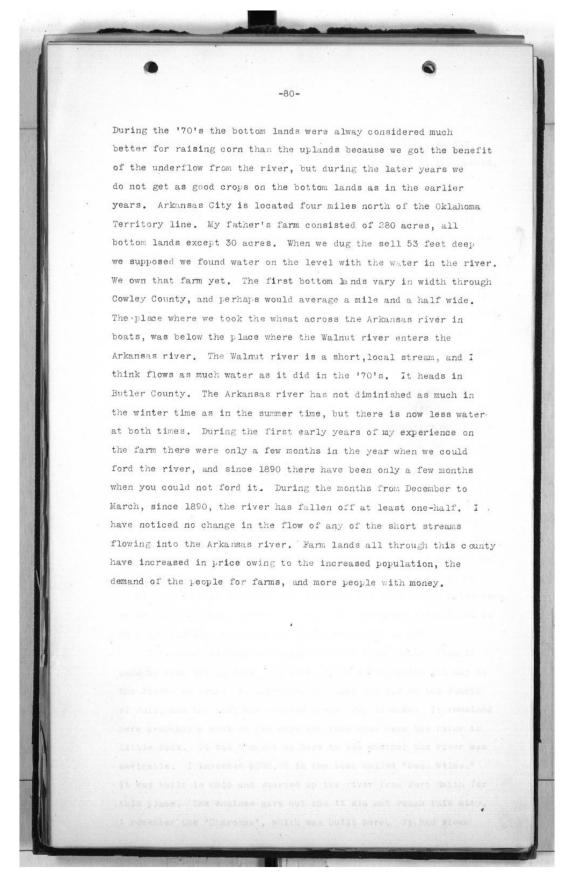














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JAMES BENEDICT,
Arkansas City, Aug. 23, 1904.

ARKANSAS CITY, KANSAS.
Pages 910 to 921 of the record.

I am 70 years old and came to Arkansas City in the fall of 1870, and have lived here ever since. I am now in the real estate and insurance business. I own a small piece of land just south of the river, and I pre-empted land on the Walnut. I am acquainted with the bottom lands a long the Arkansas river. Perhaps the average height of the first bottom lands above the river would be about ten feet. During the early years I crossed the Arkansas river hundreds of times, either by fording it or was ferried over before the first bridge was built. During those early years in the dry season of the year I was afraid to ford the river at almost any time, on account of the deep water. I forded the river the river in August, I think in 1877 or 1878. The water came over my pony's back in crossing the river. During those years in the dry season the water would average from 2 1/2 to 3 feet from bank to bank. Recently during the same season of the year the water has been about 1/3 to 1/2 of what it used to be. This diminution in the flow of the water began in the latter part of the '80's. During ' the years from 1872 to 1880 there was a well located on Fifth Ave. Sometime later this well caved in and was filled up. A short time ago Mr. Fitzpatrick dug a well as near as he could to the place

I remember distinctly having seen the "Aunt Sally" when it came up from Little Rock. We used it for an excursion all day on the Fourth of July. We chartered the boat all day on the Fourth of July, and the boat was crowded every trip it made. It remained here probably a week or ten days and then went down the river to Little Rock. It was brought up here to see whether the river was navigable. I invested \$200.00 in the boat called "Gen. Wiles."

It was built in Ohio and started up the river from Fort Smith for this place. The engines gave out and it did not reach this city,

1870 and was kept up intil the bridge was built in 1874.

of the old well and went down to where the vein of the water used to be, and he found no water at all. The ferry was established in

I remember the "Cherokee", which was built here. It had steam



