

Governor Henry J. Allen, correspondence files, box 14

Section 6, Pages 151 - 180

These folders contain correspondence subject files with Governor Allen. Some subjects included are Livestock Commission; William McMillen; General Charles Martin; C. F. Menninger; Mental Hygiene; Migratory Bird Bill; Military Training, Compulsory, and Mining Examining Board.

Creator: Kansas. Governor (1919-1923 : Allen)

Date: 1919-1923

Callnumber: Governor's Office, Governor Henry J. Allen, Correspondence Files, Subject Files Box 14

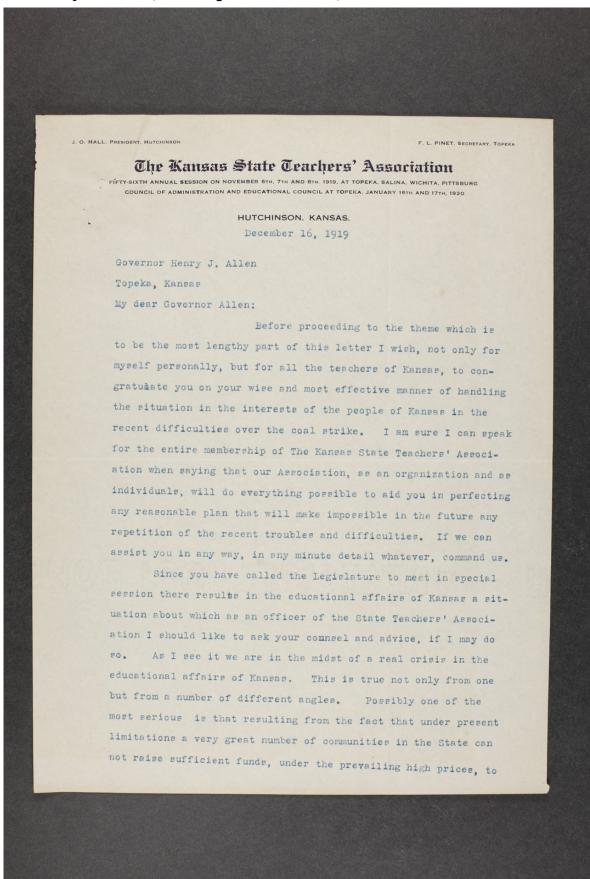
KSHS Identifier: DaRT ID: 309493

Item Identifier: 309493

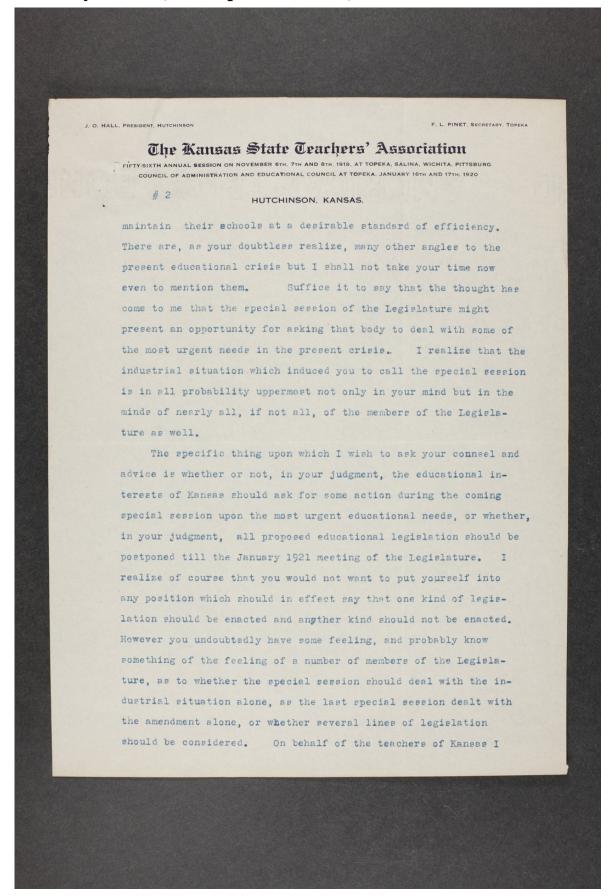
www.kansasmemory.org/item/309493



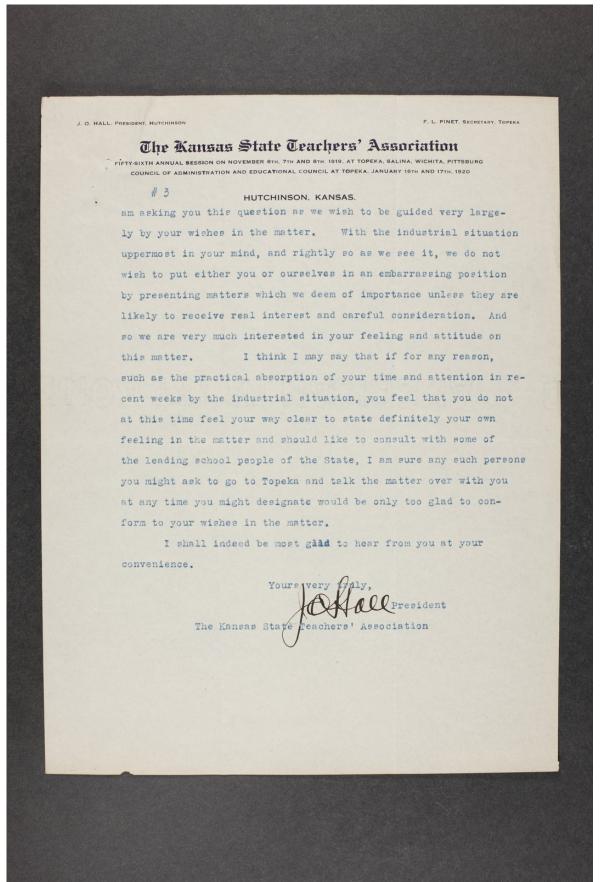




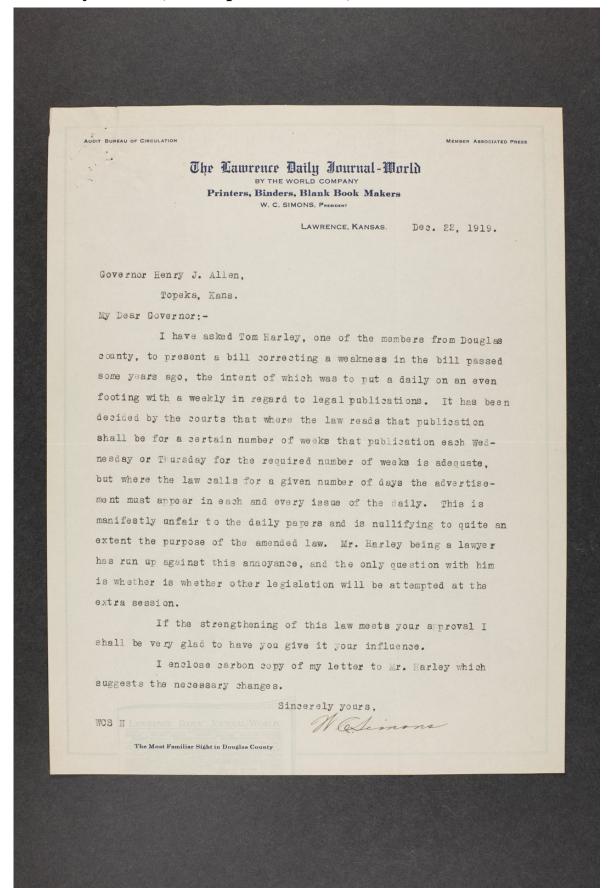




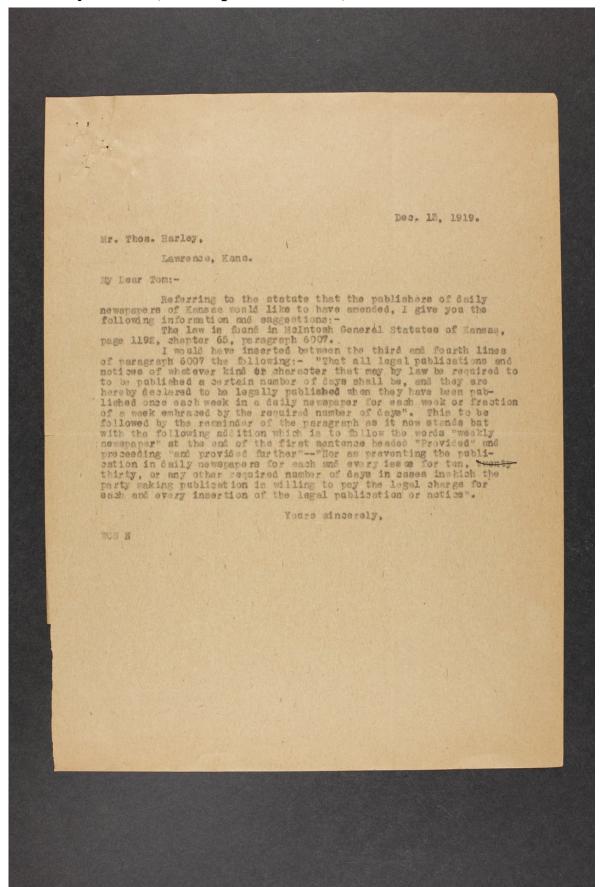




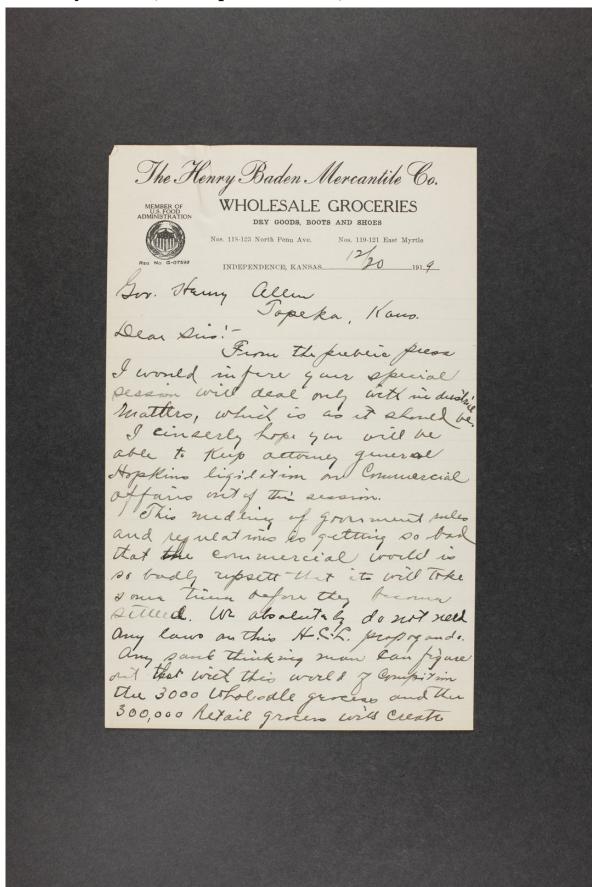




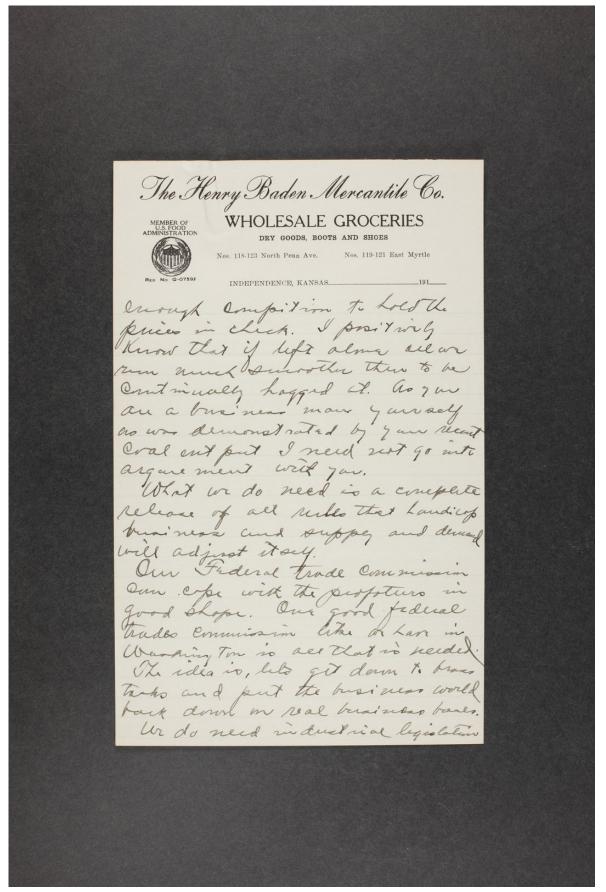








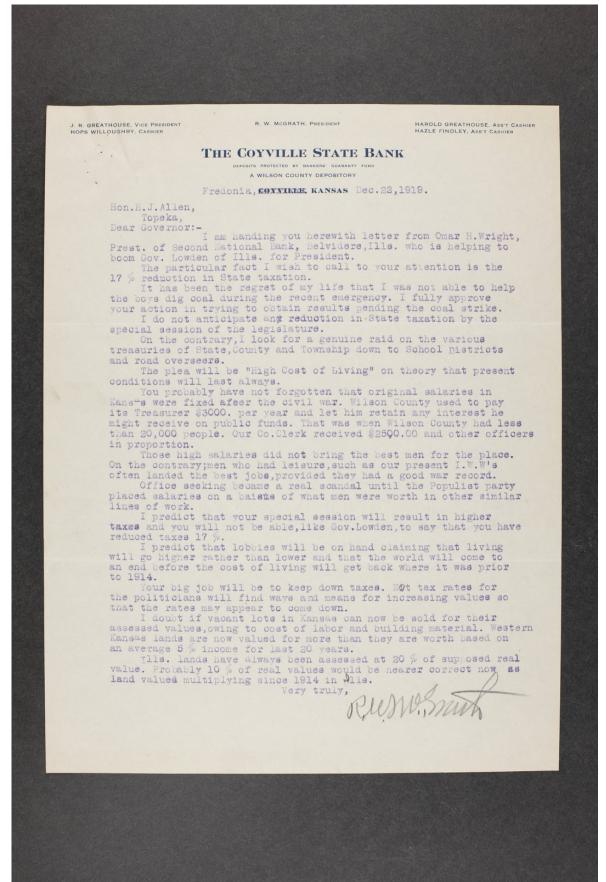




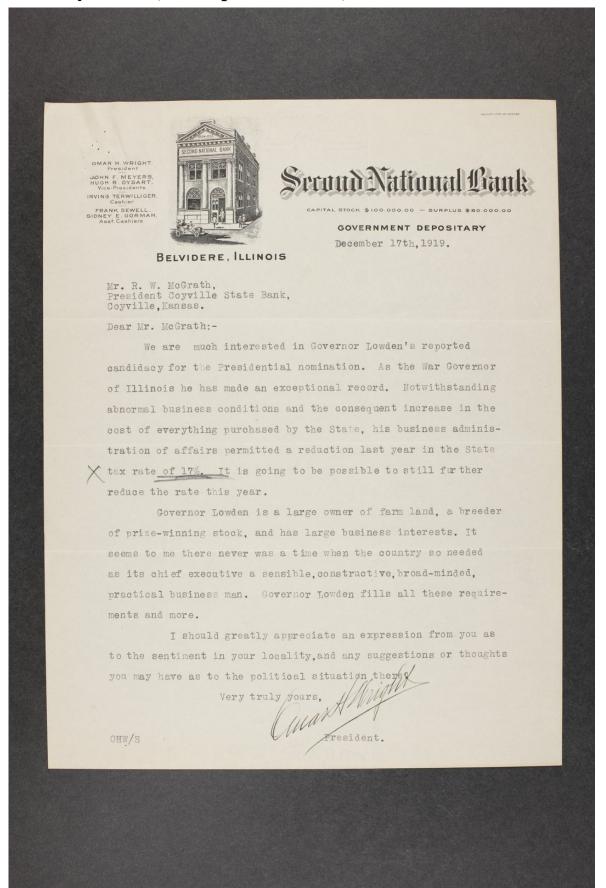


	The Henry Baden Mercantile Co.
	MEMBER OF US FOOD DRY GOODS, BOOTS AND SHOES Nos. 118-123 North Penn Ave. Nos. 119-121 East Myrtle INDEPENDENCE, KANSAS 191
n	or need it badly so that s more disastrono strike may come as they did and still
on the	Are is Loping you en it stored be.
	Jours huly A. Buden Muc. Co. by John P. Buden V.p.
	by John O. Budull p











Governor Henry J. Allen, correspondence files, box 14



December twenty sixth Nineteen hundred nineteen

Henry J. Allen, Topeka, Kansas, Dear sir:--

I am writing to inquire as to the possibility of securing the passage at this session of the legislature of a bill which is of very great importance to this
city. I read in some newspaper a few days ago that nothing would be considered except laws along the industrial
lines, and perhaps some "emergency" bills. We do not
know whether this statement is correct, and, if so, just
how far the word "emergency" can be extended. The question we are up against is briefly as follows

As you know this city has for many years received it water supply for the Marais des Cygnes river.

During most of the time the supply has been adequate but for the last few years we have been having trouble in that in certain seasons of the year the river becomes so low that there is not enough water to supply the city. Last year for several months the water was turned off in the mains during a portion of each day and there was grave fear that it would have to be turned off entirely. The situation was only relived by a rain which came just when the end seemed to be reached. This year we are almost in the same situation. The commissioners here, as well



Governor Henry J. Allen, correspondence files, box 14

F. M. HARRIS

LAWYER

FIRST NATIONAL BANK BUILDING

OTTAWA, KANSAS

as all of our citizens, feel that something must be done to provide an adequate supply of water. The commissioners employed a firm of engineers to make a survey of this entire territory surrounding the city and report upon how the city could best relieve the situation. eers, whom I believe are entirely competent, and have had great experience, made a careful examination and have reported that there is no other source of supply except the river, and recommended the building of a dam a few miles west of the city for the purpose of forming a reservoir from which the supply could be optained. The city proceeded under the authority of the laws of the state and secured permission of the Utilities Commission to the construction of the dam and the issuance of bonds to pay the expenses of the improvement. In the plans of the dam ample provision is made for the widening of the stream above and below the dam, the clearing of the banks, the vonstruction of spill ways, so that the engineers report that the dam will not consttiute in any manner an additional liability towards flooding the lands higher up. plans were carefully checked over by the engineers of the Utilities Commission, and they confirmed this report of the city's engineers.

During the proceedings leading up to the securing of this permission from the Commission some of the farmers west of town became active in their opposition to



Governor Henry J. Allen, correspondence files, box 14

F. M. HARRIS

LAWYER

FIRST NATIONAL BANK BUILDING

OTTAWA, KANSAS

the dam They appeared before the Utilities Commission by their attorney and raised the objection that the dam would render their lands more liable to overflow, and this was considered carefully at that hearing, but upon the report of the engineers the commission held against them. A suit was then started in the district court here to enjoin the city from building the dam, nominally on the same grounds but with the additional reason that the city had not secured by condemnation the right to construct the dam and thus by raising the normal heighth of the water appropriate some of the lands of the farmers along the river. that they were right in this last contention and the city is now proceeding to condemn this right. Commissioners have been appointed which will meet early in January and assess any damages and these will be paid by the city and it hopes then to proceed with the work.

Feeling themselves beaten in these two efforts these same men have now secured signers to a petition asking the formation of a drainage district for a number of miles along the river west of town, and including the site of the proposed dam. They secured the requisite number of signers and the county commissioners felt required to call an election for the selection of directors of the district. They are proceeding under the drainage law of 1905, which provides, among other things, that the directors of the district have the power to absolutely control



Governor Henry J. Allen, correspondence files, box 14

F. M. HARRIS

LAWYER

FIRST NATIONAL BANK BUILDING

OTTAWA, KANSAS

the river and to order the removal of anything which impedes to any extent the normal flow of the water. It has been reported to me by men in the boundaries of the district that the men who circulated the petition told them that the purpose was to prevent the building of this dam and that they did not intend to spend any money with the improvement of the stream -- which is what the drainage law contemplates.

I am afraid that unless we can get some relief from the legislature this city may be prevented from securing this supply of water which we must have. idea would be to secure an amendment to this drainage act which would provide in substance that when it is, or became necessary, for any city to secure water from any stream and proceeded in the proper manner to secure that right, no drainage district should have the right to remove any dam erected by the city until the question as to whether it consttituted a flood menace should be submitted to and passed upon by the Utilities Commission (or some other designated body) or that if a city desired to construct a dam which should be necessary to enable it to secure water it must first apply to this commission for permission and having secured that permission the drainage district should not have the right to order its pemoval -- providing, of course, it be constructed and maintained as ordered by the commission.



Governor Henry J. Allen, correspondence files, box 14



I am informed that a large number of other cities which have dams in rivers and creeks now (Ft. Scott, Winfield, Emporia, Garnett for instance) and under the law as it now exists it seems probable that the farmers along that river might have the right to force the removal of those dams and deprive the city of its water supply, even though the dam in fact constituted no additional flood menace.

If the legislature will consider a bill of this kind we will try to arrange to have one presented. I think you can readily see its great importance to this community and how it might become equally important to a lot of other towns.

I did not intend to write so long an explanation of this but it seemed that I could not explain it any other way, and we will appreciate very much your advice as to how to proceed.

You will understand that we do not want to be given the power to arbitrarily build anything in the river which might injure these people, but we also do not want them to have the arbitrary right to force us to remove a dam which competent men say will not injure them -- it is for this reason that I suggest the securing of the permission of some disinterested body.

Very truly,



