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OREGON
IDAHO
WYOMING
CHEYENNE
NEVADA
GREAT SALT LAKE
SALT LAKE CITY
UTAH
DENVER
CARSON CITY
COLORADO
GREEN RIVER
VIRGIN RIVER
COLORADO RIVER
SAN JUAN RIVER
LAS VEGAS
GRAND CANYON
SANTA FE
CALIFORNIA
NEW MEXICO
COLORADO RIVER
ARIZONA
NEEDLES
GILA RIVER
LOS ANGELES
PHOENIX
PACIFIC OCEAN
YUMA
LOWER CALIFORNIA
GULF OF CALIFORNIA
MEXICO

CHAPTER 1

The Colorado River System And Its Problems

A wild, turbulent river, withholding its power possibilities, its waters from desert and arid lands that could be made to yield abundantly, defying mankind with spring floods and devastation, a thing of wonder, beauty and mystery is the Colorado. Only by cooperation and acting harmoniously together can the various states through which it flows reap a rich harvest from its possibilities. The Santa Fe Compact is a step in that direction. It is not the purpose of this paper to go into the political or sectional controversy, the good or evil of the Compact but to treat upon its history and development. To do this it will be necessary to study the River system, the problems which have to be solved, the method and history of States meeting together, the calling of the commission, the interest of the Federal Government, the meeting of the commissioners, the Compact as completed and its reception by the States.

The Colorado River is formed by the junction of the Grand River and the Green River in Southeastern Utah in latitude thirty-one degrees and fifty-three minutes, and longitude one hundred fifteen degrees.[1] It flows in a general southwestern course into the Gulf of California, a distance of about one thousand miles.[2] "The Grand River has

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1. Powell, Exploration of The Colorado River 1869-1872, 3.
2. Dawson, T.F., The Grand Canyon, 3.

its source in the Rocky Mountains five or six miles west of Long's Peak Colorado in latitude forty degrees seventeen minutes, and longitude one hundred five degrees and forty-three minutes."[3] It drains an area of 25,900 square miles, 22,290 miles of which are in Colorado the remainder being in Utah.[4] The Green River has its source near Fremont Park in the Wind River mountains of Wyoming in longitude one hundred nine degrees and forty-five minutes, and latitude forty-three degrees fifteen minutes.[5] It is seven hundred miles long in a region from 3,900 feet to 14,000 feet in altitude, in an area of 5000 square miles of timbered land. The winters are very severe and cause annual spring floods. The drainage area is 44,400 square miles including a large part of western Wyoming, northeastern Colorado and eastern Utah.[6]

The region of the country drained is about eight hundred miles in length and varies from three hundred to five hundred miles in width, containing about 251,000 square miles.[7] It includes parts of seven states; the southwestern part of Wyoming, western half of Colorado, eastern half of Utah, a strip along the west side of New Mexico, all of Arizona except the southeastern corner, the southeastern part of Nevada,[8] and the southeastern edge of California. The

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3.Powell, Exploration of the Colorado 1869-1872, 3
4.LaRue,E.C.,Colorado River and Its Utilization,67
5.Powell, Exploration of the Colorado River 1869-1872, 3
6.LaRue,E.C.,Colorado River and Its Utilization,38
7.Ibid.38
8.Smith,G.E.P.,Colorado River and Arizona's Interest In It

drainage basin area by states is;

Wyoming.....19,000 square miles

Colorado.....39,000 square miles

New Mexico.....23,000 square miles

Arizona..... 103,000 square miles

Utah.....40,000 square miles

California.....6,000 square miles

Nevada.....12,000 square miles

The area in the United States is 242,000 square miles and the area in Mexico is 2,000 square miles.[9]

The Grand Canyon covers the distance of two hundred seventeen miles of the gorge lying between the mouth of the Little Colorado River and the Grand Wash.[10] The basin above Grand Canyon is a large area under cultivation comprising about 1,500,000 acres mostly on the headwaters and tributaries.

The principal tributaries of the Colorado River below the junction are: the San Juan flowing westerly from the northwest corner of New Mexico, the Little Colorado which drains the north side of the Mogollon Rim in Arizona, and the Gila River which drains the central and southern parts of Arizona.[11]

The Colorado River may be described from

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9. Problems of Imperial Valley and Vicinity, 3.
10. Dawson, The Grand Canyon, 4.
11. Smith,G.E.P., The Colorado River And Arizona's Interest in It, 530.

both a geographic and an economic viewpoint. Geographically there are two sections. The upper two-thirds of the basin rises from 4000 feet to 8000 feet above the level of the sea. On the east, north, and west it is set with snow clad mountains with altitudes of from 8000 feet to 14,000 feet. All winter long on this mountain rim snow falls filling the gorges and covering all with a deep mantle. When Spring comes with its thaws, water tumbles down the mountains in millions of cascades forming brooks, then creeks and these merge into rivers beset with cataracts. These streams cut deeper and deeper until their banks are towering cliffs of solid rock. For more than one thousand miles along its course the Colorado has cut such a canyon, streams joining it have cut lateral canyons, the whole making a series of canyons. Owing to the great variety of geological conditions the canyons differ much in general aspect. After the canyons the most remarkable features of the country are the long lines of cliffs. The region is further diversified by short ranges of mountains with a vast system of fissures. "All the scenic features of this canyon are on a giant scale and weird. Streams run at depths almost inaccessible, lashing the rocks, rolling in rapids, plunging in falls, making a wild music."[12]

The lower portion or third is but little above sea level with mountain ranges rising from 2000 to 6000 feet. It is bounded on the north by a long line of cliffs.[13]

12. Powell Exploration of the Colorado River, 3-5
13. Ibid. 4.

A later and more authentic report on the geographical features of the Colorado River divides the basin into three parts: the southwestern part which is but little above the level of the sea but rising here and there to elevations of a few thousand feet; the central part or great plateau region with a general elevation of from 5000 to 8000 feet, bounded on the east and west by ranges of high mountains cut by deep gorges and canyons; and the northern part of the basin which is bounded on the east by the Rocky Mountains with elevations rising to 14,000 feet, on the north by the Wind River mountains of Wyoming and on the west by the Wasatch mountains in Utah which rise to 13,000 feet in altitude.[14]

Economically there are three divisions to the Colorado Basin. The upper section from the headwaters to the Utah Arizona line includes forty percent of the total area and eighty-seven percent of the total runoff of the basin. It contains 2,000,000 horse power possibilities and 2,500,000 acres of irrigable land. The middle section from the mouth of the San Juan to the mouth of the Williams River contains thirty-five percent of the total area. There are no irrigable lands along the river but about 250,000 acres may be irrigated on the tributaries. In this section there is a total drop of 3000 feet having 4,000,000 horse power possibilities. The lower section from the mouth of the Williams River to the Gulf includes twenty-five percent of the

14. LaRue, E.C., Water Power and Flood Control of Colorado River Below Green River, Utah. 11

total area with unimportant power possibilities but 2,250,000 acres of irrigable land.[15]

Seven States claim the use of the Colorado River. Its waters cannot be put to use without the sanction of the States in which the use is proposed and without the concurrent sanction of the Federal Government which owns the land necessary for such use and which possesses a general control over the river from the fact that it is an international stream.[16]

In discussing the need for interstate regulations the first question is an economic one relating to irrigation and power.

The two facts of most importance regarding the Colorado River are; that there is probably an overabundance of land which could be irrigated, therefore there should be no waste of water; and that the Colorado River is the only big remaining source of power in the Southwest and "every kilowatt hour that can be developed from the Colorado River will be needed. No development should be permitted on the river which will reduce the ultimate supply of water, or the ultimate amount of power that can be taken out of the river."[17]

A large area of about 1,500,000 acres mostly on the headwaters and tributaries is under cultivation

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15. Merrill,O.C., Power Development on the Colorado River American Institute of Elec. Engineers 500-501
16. Ibid. 500.
17. H.R. 2903 Part 6, 1229, Statement of Colonel Kelly

in the basin, above the Grand Canyon. Irrigation in the lower area in 1920 was 39,000 acres between Needles and Yuma mostly on the California side and 54,000 acres in the Yuma project; 415,000 acres in the Imperial Valley were under cultivation and with 190,000 acres south ot the international boundary, there is a total of 698,000 acres under cultivation.[18] The following table gives the increase in acres irrigated from 1915 to 1920:-

	1915	1920
Imperial Valley	336,000	415,000
Mexico	40,000	190,000
Yuma	28,000	54,000
Palo Verde	20,000	35,000
Grand Valley project		13,000
Uncompahgre project	50,000	70,000
Total	474,000	777,000 [19]

Two Government projects in Colorado increased their acreage since 1915, 30,000 acres with rights over 50,000 acres more. The Uintah and Spanish Fork basins in the state of Utah, and numerous other points in the upper Colorado Basin, most of which are small in amount but aggregate a considerable acreage, will reduce the water supply of the lower basin to a substantial degree. For full development of all the lands that can be reached by gravity and reasonable pumping lifts on the Lower Colorado, storage capacity will be required estimated at about 6,000,000 acre feet.[20]

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18. Smith,G.E.P., The Colorado River and Arizona's Interest in It, 530
19. Problems of Imperial Valley and Vicinity, 6
20. Ibid. 6-7. (See Appendix 1,#1)

"In order that the economic development of this section of the nation may be assured, it is perhaps true that a change should be made in the existing system of creating rights to water. The system which has been in effect, since the West was largely a land of vast acreage and relatively few people, has been that of prior appropriation..... The doctrine of prior appropriation was sufficient for the needs of the early settlers when there was plenty of water and few people. There was ample resources to meet the needs of those who came later than the first appropriators. The National Government was also interested.....A sufficiency of water and unused land are no longer available for the use of a limited population." The interests now are, National in the conservation of resources, and Individual in the securing of the exercise of their right's.[21]

"When we survey the conditions existing in the Colorado River area, we are struck by the fact that in certain quarters it is asserted that the greater portion of land to be served from this stream lies in the Lower Basin States. On the other hand, the larger precipation falls upon the states comprising the Upper Basin. This fact coupled with the fact that at least seven states are directly interested in the development of the stream gives opportunity for opposing arguments concerning the principles which ought to be recognized in determining the manner of apportioning the water.

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21. Olson,Reuel Leslie, The Colorado River Compact, 59-60

It is difficult, therefore, to regard the Colorado River Basin as a single field of a prudent nation which attempts to apply wise policies in determining whether or not that field shall be intensively tilled. We must face the facts and realize that men whose prosperity and homes are centered within the borders of a particular state are attempting to serve their own interests."[22]

"There is not an urgent demand for an increase in irrigation development, nor does a power shortage now exist in southwestern United States. However the need for flood control on the lower Colorado is urgent."[23] This is the statement of E.C.LaRue and is corroborated by G.E.P.Smith who says,"At the present time there is no urgent need in Arizona for the development of the Colorado River...In California the need is urgent, both for power and for late summer water supply...So long as present prices of fuel oil prevail, Colorado River power cannot compete with steam power."[24]

That one acre in thirty is irrigable and that power resources more than sufficient to meet its needs for generations is the condition of the Colorado according to O.C.Merrill. We are likely to require all the agricultural products long before the power therefore, it is better to use the water for irrigation. The problem is one of equitable distribution and requires storage.[25]

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22. Olson, Reuel Leslie, Colorado River Compact, 59
23. Ibid. quoting E.C.LaRue 249
24. Smith,G.E.P., A Dicussion of Certain Colorado River Problems 145
25. Merrill,O.C., Power Development on the Colorado River, Amer. Institute of Elec.Eng., v.41:504

The Colorado River in dropping to the sea exerts a force equivalent to something between 4,000,000 and 6,000,000 recoverable horse power. This is from one-sixth to one-fourth of the potential water power of the United States.[26] The rate of development on the Colorado is a question of markets as the local demands are hardly sufficient to justify any large scale development. The potential power available is more than the basin itself will require. The final factor is the cost of the energy delivered.[27] In California the annual output of fifteen principal power companies increased from 1,208,000,000 kw.per hour to 4,386,000,000 kw. per hour, an increase of ten percent per annum. The southern part of Nevada where there are large quantities of minerals, and in Utah and Arizona may increase the demand for power.[28]

There are twenty-five hydroelectric plants aggregating 77,725 horse power operated in the Colorado River basin. A number of these plants use the power generated directly from the wheel shaft. The capacity of the undeveloped power is estimated at 2,000,000 brake horse power. The manufacture of artificial fertilizer may in the future afford a large market for electrical power and the electrification of railroad lines now in operation and two that are proposed could be electrically operated, supplied with electricity generated at water power plants in the Colorado River basin.[29]

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26. Duffus,Robert L.,The Drama of the Colorado New Republic v.42:147
27. Merrill,O.C.,Power Development on the Colorado River Amer. Institute of Elec.Eng. v.41:504
28. Why Colorado Should Be Developed, Electrical World v.78:966-967
29. LaRue,E.C., Colorado River and Its Utilization,182-184

"And with that tremendous power that can be used in the manufacture of fertilizer we will bring to that region a prosperity that is hardly dreamed of at the present time,"[30] avers Dr. W.H.Wallace director of the Farm Bureau Federation.

"Under present economic conditions power development is likely to go forward much more rapidly than irrigation...California has increased in the past at a rate of about thirteen percent compounded annually. The present mining load of Arizona is carried by steam power that justifies the belief that 75,000 kw. to 80,000 kw. could be used from the Colorado as soon as available. There are mining possibilities in Nevada and southern Utah that may create a large demand."[31]

Mr.A.B.West, President and General Manager of the Southern Sierras Power Company, places the potential market for the Colorado power within the next three or five years at 200,000 or 300,000 horse power."My judgment is that fifteen or twenty years will see the end of water power development in the southern part of California unless we have either the Colorado River or resort to steam plant generation," says Mr.R.H.Ballard, Vice President and General Manager of the Southern California Edison Company,Los Angeles.[32]

Another need felt especially in Los Angeles is a greater source of water supply. Between 1900 and 1920 the population has increased from 100,000 to 572,000 but the growth

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30.Olson,R.L.,Colorado River Compact, 248
31.Colonel Kelly on Colorado River Development, Elec.World v.83:640
32.Olson,R.L.,Colorado River Compact, 247

is now conditional upon the supply of water and power both of which are limited.The city has gone two hundred and fifty miles into the Owens river valley in California for water turning 160,000 acres of productive land into a desert. It has nibbled at every cheap power resource "south of Tehachapi" because it realizes that if it must confine itself to its natural drainage area, the end of cheap power and abundant water is in sight. Within twelve years, Los Angeles engineers believe that all available water power in Southern California will have been put to use. The city has turned away manufacturing enterprises which would have used 100,000 horse power.[33] Statements by various men give an idea of the conditions. "The depletion of the underground water supply of Los Angeles County is extremely alarming." "They (the citizens of Los Angeles) realize now that with the territory already in the city of Los Angeles and the development that has taken place in a very short time, they will soon not have enough water to take care of those who live in the present confines of the city; and they are not as interested in taking in outside communities now as they were a few years ago. The water supply has assumed an immense importance in the last two years; by this I mean the portable water supply."[34]

Turning to a similar condition not so acute but at the same time effecting the waters of the Colo-

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33.Duffus,Robert L.,Drama of the Colorado
New Republic v.42:148

34.Olson,R.L.,Colorado River Compact 250
quoting(1) Walter F.Lineberger Rep.9th,Calif.Dist.
(2) J.W.Regan Chief Eng.L.A.County Flood Control District.

rado River is the situation at Denver. "The city of Denver has already made filing and contemplates bringing some of the head waters of the Colorado River over to Denver as a municipal supply." "By section six of the Moffat Tunnel Act, the Colorado Legislature provided for the construction of a tunnel to divert the waters of the Colorado river into the Mississippi River watershed. There it will be used in Denver and the surrounding area." "The continued need for additional water on the eastern slope has caused users of water to propose additional diversions of greater magnitude and very much greater cost."[35]

The most urgent and outstanding problem of the Colorado calling for some means of immediate action is that of flood control. In historic days the Gulf of California extended northward one hundred and forty four miles from the present head of the Gulf.[36] The Colorado emptied into it near the present site of Yuma, carrying vast quantities of silt which it deposited at its delta. This deposit through centuries formed a bar across the Gulf creating the ancient Salton Sea. Through evaporation this sea has disappeared leaving an area one hundred miles long and thirty miles wide with wonderful agricultural possibilities but no water.[37] By depositing silt in its channel and by overflow on its immediate banks, it

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35. Olson, R.L., Colorado River Compact, 251252
quoting (1) L.Ward Banniester, Counselor at Law, Denver
(2) Milheim v. Moffat Tunnel Imp.Dist.
(3) Mr. Keyes Denver
(see Appendix 1 #2)

36. Problems of Imperial Valley and Vicinity 7

37. Hampton, E.L., The Battle With the Colorado
Review of Reviews v.66:525

gradually builds up a channel and its banks and forms a ridge growing higher and higher until the stream becomes so unstable that it breaks its banks in the high water period and takes some other course. In this manner the stream has in the past centuries swung back and forth over its delta until this exists as a broad flat ridge between the gulf and the Salton Sea about thirty feet above sea level.On this summit it has formed a small lake called Volcano Lake, into which the river flows at present, the water finding its way to the Gulf. From Andrade where the Colorado reaches Mexico to the Gulf is a distance of seventy five miles. The Salton Sea is two hundred and fifty feet lower than the Gulf and the River has a strong tendency to flow in that direction. The inevitable necessity for an alluvial stream to leave its banks at intervals increases the menace.[38] "It has erected across its point of discharge into the California Gulf a huge wall or barrier of silt, which blocks its progress, and it tends continually to turn back away from its natural outlet...It has built for itself out of many million tons of silt deposit, an elevated bed which stands scores of feet above its former bed." Above these beds the Colorado flows, above the borders of the surrounding country making strenuous efforts in flood season to disgorge itself into Imperial Valley and not the Gulf of California.[39]

"Throughout its lower course the River bestrides a great hogback of silt which it is raising at the rate

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38.Problems of Imperial Valley and Vicinity 7
39. Hampton,E.L.,The Battle With the Colorado, Review of Reviews v.66:526-527

of a foot a year. "It is now eighty feet above the sea level, and from one hundred to three hundred feet above the level of Imperial Valley.[40] Observations of silt deposit have been taken periodically at Yuma just below the mouth of the Gila River for a long series of years and average an annual amount of 113,000 acre feet. The discharge at Boulder Canyon is 17,500,000 acre feet of water and 88,000 acre feet of silt.[41] However the average content of silt varies widely from year to year as does the average discharge. The average annual content of silt is not proportional to the average annual discharge and the total annual load of silt is not proportional to the total annual discharge.[42] The tons of sediment carried annually by the Colorado River at Yuma,Arizona is:

Year	Mean discharge second feet	Mean content of silt parts per million	Load of silt in tons
1909	36,200	6,500	232,000,000
1910	19,800	5,000	98,000,000
1911	24,600	11,500	278,000,000
1912	25,400	7,560	189,000,000

[43]

There are two classes of flood danger, those from the Colorado River and those from the Gila Basin. The Gila river floods are sudden in character but infrequent and of short duration, coming in the months of January and February.The floods of the Colorado are usually gradual.They carry a large volume of water for several weeks declining

40.Dufrus,R.L.,The Drama of the Colorado 147
41.Problems of Imperial Valley and Vicinity 3-4
42.LaRue,E.C.,Colorado River and Its Utilization, 221
43.Ibid.221

gradually. They start with the melting snow on the slopes of the Continental Divide and its spurs in Colorado,Utah,Wyoming in the headwaters of the Green, Grand and San Juan.[44]

"The Gila River floods at the present time determine the height to which the levees must be built. They run to greater height than the Colorado floods; and it is only on account of the Gila floods that the levees along the Imperial Irrigation district, down to the junction of the Colorado and Ockerson levees are necessary. The Colorado River does not get over its banks in that section; the Gila River does occasionally, and those levees must be maintained for the Gila floods, regardless of what is done on the Colorado."[45]

"The condition prior to 1905 was such that the river kept itself in its flood water channels, due to the vegetation that grew along the banks and protected them. As soon as water would start to flow over the bank at one point the vegetation would check it; there would be a deposit of silt, and a natural dam would grow over that low place. In that manner the river preserved its banks at a level where the overflow was simply a filtration along the entire length; that might have gone on for years if the conditions had not been changed by the operations of man."[46]

From October 1915 to September 1916 by actual plane table survey, the Gila River washed away 1,155

44.Problems of Imperial Valley and Vicinity 8
45.H.R.2903. Part 6 :1240 April 15,1920 Col.Kelly
46.Ibid. 1236.

acres in Safford valley and 990 acres in San Carlos Reservation, a total of 2,145 acres. In October 1916, four hundred acres more of Safford valley were washed out. Safford Valley is the second largest unit of land irrigated in Arizona.[47]

"There have been spent since 1906 on levees below Yuma, $7,500,000 exclusive of the cost of closing the 1905-1906 break by the Southern Pacific Railroad Company for inadequate protection. The delta will gradually increase in elevation so that the construction and maintenance of these levees would become progressively more costly, so much so as to become infeasible, and would be unsafe if feasible."[48]

The different units in the system now available for use in the flood protection of Imperial Valley are are:

1. River levee system
2. Secondary levee, known as the Saiz Levee,
3. Volcano Lake Levee connecting with Saiz levee and with the Southern Pacific Railroad,
4. Quarry and railroad tracks,
    a. Quarry at Andrade, the head of the levee system,
    b. Two steam shovels,
    c. Two locomotives,
    d. Thirty-nine, sixteen cubic feet side dump steel cars for hauling rock,

47. Gila River Flood Control, Report of Sec. of Int., 9-11.
48. H.R.2903, Part 4, 716, Mr. Weymouth, Chief Eng. Reclamation Service.

e. Shops provided for repairs.

The levee and quarry are connected with the Southern Pacific Railroad.[49]

"These farmers in the Imperial Valley keep in readiness a body of men and a railroad train; they have several engines; they have a good many miles of railroad on American soil following this river clear down into Mexico,and a good many miles into Mexico. At a moment's notice night or day, that train from the quarry that these farmers own on the American side can be started with a trainload of soil and rock, it is always kept loaded, night and day to fill up any break that may be taking place on American soil or Mexican soil and they have built embankments hundreds of miles of them on American soil."[50]

There has been exceptionally high water in 1884,1905,1906,1907,and 1909. In 1905 the entire volume of the river turned into the Salton Sea and not only submerged the salt works but forced the removal of the main line of the Southern Pacific Railroad. In 1907 it was returned to its channel after great difficulty.[51]

The Imperial Valley today supports 65,000 inhabitants, twenty thrifty towns, 650,000 acres of irrigated lands valued at $500,000,000. The crops of 1921 were valued at $70,000,000.[52] Other regions involved are the Parker Indian

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49. H.R.2903,Part 4:672-674
50.Olson,Reuel Leslie, Colorado River Compact 243 (Hearings 66 Congressional Record, number 73)
51.Problems of Imperial Valley and Vicinity, 8
52.Hampton,E.L.,The Battle With The Colorado,R.ofRs.66:526

Reserve of 110,000 acres valued at $20,000,000, where the river elevation is very slight; the Palo Verde Valley of 140,000 acres with an elevation of twenty feet, in 1922, 40,000 acres of this district was submerged as well as two towns, millions of dollars of crops were destroyed; the Yuma project of 140,000 acres where the Government has spent $12,000,000.[53]

Finally the Colorado River is an international stream as it forms the boundary between the southwest tip of Arizona and the Mexican State of Lower California. Below the Arizona line it separates Lower California from Sonora, and furnishes water to irrigate 190,000 acres in this district with a possibility of irrigating 630,000 acres more.[54]

53.Hampton,E.L., The Battle With the Colorado, R.of Rs.66:529-30
54. Merrill,O.C.,Power Development on the Colorado River
Amer. Institute of Elec.Eng.,v.41:506
(see Appendix 1. # 3)

THE AREA AFFECTED BY THE COLORADO RIVER PROJECT

Hundreds of thousands of acres of arid land will be made into fertile farms by the development of the Colorado River, and great hydro-electric plants will distribute power from Los Angeles to Denver

CHAPTER II

Federal and State Action With Reference to The Colorado

To John Wesley Powell, the organizer of the United States Geological Survey, the Bureau of Ethnology, and the father of the Reclamation Service, must go the credit for the early interest manifested in the Colorado River. As Director of the Geological Survey he devoted much of his time and attention to gathering data to be used in the furtherance of education and in attempts to get legislative action to develop the River. His first success was the appointment of a committee by the Senate in 1887 to make a tour of the arid regions to study their conditions. Popular interest went a step nearer crystallization during the drouth of 1890 on the Great Plains. Irrigation with storage reservoirs at once became the most desired and greatest thing possible to the people.[1]

Willaim E.Smythe, an editorial writer on the Omaha Bee, through a series of articles developed interest to such a point that local conventions were held in Nebraska which led to a State Convention. Mr. Smythe resigned his position and launched the Irrigation Age, a magazine devoted to irrigation and the problems of the arid West. A National Congress growing out of the State Convention provided for a second Congress to be held at Los Angeles in 1893,[2] which continued the work. It continued to hold Congresses but in the meantime Senator Carey, of Wyoming, succeeded in getting a Bill passed in Congress granting a million acres of their arid

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1. James,George Wharton, Reclaiming the Arid West XV Int.
2. Ibid. XVI. Introduction

lands to each of the States provided the States would irrrigate them.[3]

At the Ninth Irrigation Congress propaganda had so inflamed public opinion that all three parties had planks pledging themselves to the cause of Government irrigation.[4]

Until 1902 the National Government took no definite action in regard to the irrigation problem leaving it to the States or corporate action. In 1902 the Reclamation Act was passed.[5] This Act provided that all money, not otherwise provided for, received from the sale of public lands in the arid and semi-arid West beginning with June 30,1901,should be reserved and appropriated as a special fund to be known as the, "Reclamation Fund". This money was to be used by the Secretary of the Interior for the survey, construction, and maintenance for the storage, diversion and development of waters for Reclamation. The Secretary was to report at each regular session of Congress his progress. Public lands were subject to entry under the Homestead Law when the Project should be completed, with farm units of not less than forty acres and not more than one hundred and sixty acres. Entrymen were to have one-half of their unit cleared for agricultural purposes and all payments concluded before receiving full patent to the land. Payments were to be paid into the Reclamation Fund in ten annual installments without interest. The Secretary of the

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3. James,George Wharton, Reclaiming the Arid West XVII
4. Ibid. XVIII
5. Davis,Arthur P., United States Irrigation Works, VII (see Appendix II, #1)

Interior was to try to expend the major portion of the funds arising from the sale of public land within each State and Territory where sold, the excess to be restored to the fund.[6] F.H.Newell was the first Chief Engineer and later became director of the Reclamation Service.[7] The water was to be used for beneficial purposes but the water right was attached to the land thus striking at water monopolies.[8]

The Act has been amended and modified from time to time by subsequent acts. One Act in 1914, extended the time limit of ten years to twenty years. In 1916, one hundred million dollars had been spent in construction and twenty five projects were in operation capable of delivering water to one million five hundred thousand acres, two-thirds of which was actually being irrigated.[9]

The Colorado River was one of the first to be studied with a view to utilizing its waters through the Reclamation Service. Two or three sites were proposed and investigated, a final decision being that there was sufficient water for irrigation near Yuma to warrant the construction of a reservoir.[10] "The construction of the Laguna Dam and sluiceways was let by contract in 1905, but owing to financial difficulties was abandoned by the contractor and finished by Government forces."[11] The canal is located on the California side and

6.Congressional Record,Vol. 35,part 7, 57th Congress, 6722.
7.James,George Wharton, Reclaiming the Arid West, XIX.
8.Ibid. 31.
9.Davis,Arthur P.,United States Irrigation Works, VII.
10.James,George Wharton, Reclaiming the Arid West, 88.
11.Davis,Arthur P.,United States Irrigation Works, 37.

carried under the Colorado River in a siphon at Yuma, immediately below where the railroad crosses the River. It serves land on the California side in an old Indian Reservation. On the Arizona side the land below Yuma in the lower Yuma Valley is served. In construction, an overflow weir of the Indian type was used. It had to be built on the quicksands of the river and anchored in solid rock on either side. It is 4,780 feet long, 250 feet wide, fifteen to nineteen feet high with the center forty feet. Its backway forms a lake ten miles long with concrete sluiceways at either end of the dam to care for silt, leaving enough for the constant natural fertilization of the land. Controllers at the outlets allow top water to run off in canals when desired.[12]

The Laguna Dam which is submerged is capable of irrigating 128,000 acres, 36,000 of which were being irrigated in 1917, with a rate of increase of 500 acres per month.[13]

In February 1904, the Salt River Valley Water User's Association signed a contract with the Secretary of the Reclamation Service to build a Dam. The sources of water were the Salt and Verde Rivers, in the Colorado River Basin and wells, with a combined drainage basin of 12,260 square miles. The Roosevelt Dam which was constructed in this project covers an area of 16,832 acres with a capacity of 1,367,300 acre feet.

12. James, George Wharton, Reclaiming the Arid West, 89-91.
13. Ibid. 100. (see Appendix II #2.)

It backs up for a distance of twenty-four miles with an average width of one mile and a depth of 225 feet at the deepest point. It was opened January 18,1917, with the first payment to be made December 1,1917, at $60 an acre in twenty annual payments with no interest. As this project included no Government lands provisions were made by which the owners purchased the water. A power system supplies electric power throughout the valley.[14]

The fifty-eighth Congress which met in 1904, passed a resolution directing the Secretary of the Interior to institute an investigation on the Lower Colorado River and to report to Congress the questions involved in the irrigation of the arid lands of California and the Territory of Arizona and the advisability of Government and private enterprises in regard to its development.[15]

In the first decade of the twentieth century the disastrous floods of 1905 and 1906 occurred, greatly endangering lives and property in the Imperial Valley. President Roosevelt in his message to Congress on January 12, 1907, "urged the authorization of an irrigation project---for the lands in the Imperial Valley and in the lower Colorado River Valley."The plan in general he pointed out,"is to enter upon a broad comprehensive scheme of development for all the irrigable lands upon the Colorado River with needed storage at

14.James,George Wharton, Reclaiming the Arid West, 70,77,83.
15.Congressional Record,Vol.38, part 5, 58th Congress 1904,4963.
(See Appendix II, #3.)

the headwaters, so that none of the waters of this great river, which can be put in beneficial use will be allowed to go to waste. The Imperial Valley will never have a safe and adequate supply of water until the main canal extends from the Laguna Dam."[16] The canal known as the All American Canal has received much attention. Various surveys and studies have been made of the project. Mr.Frisbie, a consulting engineer, made a preliminary survey of the All American Canal for the Imperial Laguna Water Company in 1915. A more extensive and exhaustive survey was made in 1917 for the same company.[17] The Imperial Laguna Water Company made a contract with the Department of the Interior in which they agreed to build the All American Canal, to purchase an interest in the Laguna Dam for $1,600,000, and to transfer its diversion point. The Imperial District paid for the Laguna Dam interest but it needs the authorization of Congress to build the Canal.[18] In 1923 another investigation was made which considered a higher location.

The Kettner Bill which was before Congress in 1919, provided for the construction of an All American Canal but because it failed to provide for storage it was not passed.[19] Although the main feature of the Swing Johnson Bill, which has been before Congress for a number of years, is its provisions for the construction of a dam at Boulder Canyon

16. Congressional Record, Vol. 41, part 2, 59th Congress 1907, 1028.
17. Senate Resolution 320,part 1,59.
18. Ibid. 41.
19. H.R. 6251,H.R.9826, part 2, 125.

it also contains a provision for the All American Canal.As provided for by this bill it is to be constructed wholly in the United States with its source at the Laguna Dam. It will follow the International boundary to the extreme westerly part of the Imperial Valley, a distance of fifty miles.[20]

The need for an All American Canal is given in the following extract from the testimony of Elwood Mead,"Now, our real need, growing out of the international question, which we might as well consider, because it is an essential part of this, is for a costly canal. The situation is this: That if the Imperial Valley continues to be supplied from the canal it uses at present under the existing concession, it means that if we build this reservoir, we would be building a storage work to supply water for the development of land in Mexico and stimulating irrigation on the other side of the border. That, and the great difficulties of operating without any extraterritorial rights--the great expense and delays of operation--have caused the people of the Imperial Valley to believe that an all-American canal is indispensable to their peace of mind and their comfort, and an all-American canal which would start at the Laguna Dam, with the additional elevation that that dam gives, would travel on high ground and irrigate a large amount of land from the higher canal in the Imperial Valley by gravity. It would reach up into the Coachella Valley. So there has been included in this project

20.All American Canal Project, issued by Imperial Irri. Dist. 1924, 21

the cost of building an all-American canal.Now, while it is costly, it is costly simply because of the amount of material that has to be moved in the heavy cut across the plateau that borders the Colorado River in the United States. There are no physical obstacles that can not be overcome."[21]

President Taft on June 14, 1912, recommended to Congress that Federal aid be given to Imperial Valley to protect it against another threatened flood.[22] In 1911, the Federal Government provided $1,000,000 to aid in the lessening of flood danger.[23]

President Roosevelt at various times made statements which indicated the trend of not only the Federal Government but the States as well, with regard to natural resources affecting the welfare of the Nation as a whole or smaller groups within that whole. In addressing the first Conference of Governor's which he had called in 1908, President Roosevelt said,"we can, moreover, add enormous tracts of the most valuable possible agricultural land to the National domain by irrigation in the arid and semi arid regions, and by drainage of great tracts of swamps in the humid regions."[24] Another passage from the same address states,"We are coming to recognize as never before the right of the Nation to guard its own future in the essential matter of natural resources. In the past we have admitted the right of the individual to

21.H.R. 6251 and H.R. 9826, part 1, 23-24.

22.H.R. 2903, part VIII, 1848.
23.Amer.Soc.ofCivil Eng.,"Colorado River Problem",Wm.Kelly, 312.
24.Proceedings of Conference of Governor's, 1908, 9.

injure the future of the Republic for his own profit. As a people we have the right and duty, second to none other but the right and duty of obeying the moral law, of requiring and doing justice, to protect ourselves and our children against the wasteful development of our natural resources, whether that waste is caused by the actual destruction of such resources or by making them impossible of development hereafter."[25]

On February 16, 1918, by a contract between the Secretary of the Interior and the Imperial district provision was made for the creation of an All American Canal Commission which after investigations by engineers reported in 1919, in favor of an All American Canal. After numerous and detailed hearings and proper legislation, Congress decided that insufficient data and no provisions for storage warranted the passage of the Kinkaid Act.[26] By this Act the Secretary of the Interior was authorized to have an examination made of the Imperial Valley to determine the unirrigated lands which could be irrigated at a reasonable cost and the plans with estimated costs including storage, location, character and effect. Twenty thousand dollars was appropriated for the purpose.[27] Various acts and resolutions have been presented to Congress with regard to the Colorado River, its development and improvement.

25.Proceedings of the Conference of Governor's, 1908, 9.
26.H.R. 2903, part VIII, 1848. (Appendix II. # 4)
27.Congressional Record, Vol.59, part 5, 66th Congress 1920, 4367.

Before going into the history of the development of the idea and actual resolutions for the Colorado River Compact Commission it is well to explain that the Colorado River has been surveyed several times by engineers employed by Government, State, or private concerns. Their object in making the surveys was to decide upon reservoir sites and dam sites which in their opinion would justify development. As much of the controversy relating to the Colorado River and the Santa Fe Compact centers around suitable places of development for all concerned of both power sites and reservoir sites a short description of the more prominent ones will be given. There is a great diversity of opinion regarding the sites both from an engineering point of view and from the point of view of the various States concerned.

Reservoirs have been proposed for both the Grand River and the Green River, the two sources of the Colorado. A reservoir at Dewey, Utah on the Grand River "will give greater security in the construction of other dams in the Canyon region, will be a flood protection measure, and will double the power capacity at Diamond Creek." A Dam 215 feet high having a storage capacity of 2,300,000 acre-feet, would take four years to build at a cost of $10,000,000. On the Green River, a site known as the Flaming Gorge Dam, in northern Utah, would be 215 feet high with a storage capacity of 3,100,000 acre-feet. This dam would decrease the floods on the Lower Colorado and increase the power possibilities of

Diamond Creek.[28] The Glen Canyon Project near Lees Ferry is one of the largest sites proposed but it is not economically feasible because of the rock composition, the distance from a railroad, the distance to necessary materials and the distance to a power market. The great amount of silt here would soon make the reservoir useless. One of the most stupendous and one which will in all probability demand the Federal Government's supervision and control is the Boulder Canyon project. If built it will be the highest dam in the world. It would regulate the water supply with an adequate amount for all irrigable lands; it would have power development of 700,000 horsepower.[29] This dam would be located on the Arizona-Nevada line, eleven miles below the mouth of the Virgin River where the Colorado has cut through the Black mountains. The dam would serve three purposes; flood control, regulation of flow for irrigation and power development, with a storage capacity of 31,400,000 acre-feet.[30] "The location is within 260 miles of Los Angeles, and the power, if marketed successfully, would warrant the investment of over $100,000,000." This project has some disadvantages, and necessitates some form of a contract between Arizona, Nevada and California, and the Federal Government " as to the division of costs and benefits and as to the compensation to Nevada and Arizona

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28.H.R. 2903, 181. Statement of G.E.P.Smith.
30. La.Rue,E.C., Water Power and Flood Control of Colorado River Below Green River,Utah.28-29.
29.H.R. 2903, 187. Statement of G.E.P.Smith.

for the use of the great natural resources."[31]

About eight miles below Lees Ferry is the Marble Canyon dam site which has promise, as has also the Mohave Canyon south of Needles which is below the silt gathering area which would cause it to fill with silt deposit. Power projects are feasible at Parker and Bulls Head Rock above Needles.[32]

The Diamond Creek project, sixteen miles north of Peach Springs on the Santa Fe Railroad, would be strictly a power project which Arizona needs. It has many advantages both from a natural point of view as regards the rock composition, depth to bedrock, narrowness of canyon, and height of dam. This site can be built without any Compact and within four years if immediate action is taken. This site will not solve problems of flood control or increased water supply for the late summer.[33]

The Black Canyon Dam Site located eighteen miles below the Boulder Dam site would have a storage capacity of 34,000,000 acre feet and would serve four purposes; flood control, regulate flow in interest of irrigation, develop power, and store silt.[34]

"The Diamond Creek and Dewey projects first and at once; the Flaming Gorge will follow soon, and after them the great Boulder project."[35]

31.H.R. 2903, 179, Statement of G.E.P.Smith.
32.Ibid. 179-180.
33.Ibid.
34.LaRue,E.C.,Water and Flood Control of Colorado River,29.
35.H.R. 2903,182, Statement of G.E.P.Smith.

Although treaties and conventions are not new among States[36] the Colorado River Commission is unique in several respects; first, and if for no other reason, because of the number of States participating; the problems with which the Commissioners had to grapple and the enormity of the possibilities of such a commission; and in another respect as given by Herbert Hoover when he refers to the legal confusion which enshrouds the whole question, by saying that there are three or four principles upon which interstate water rights may rest, none of which are clearly outlined, and that the States because they felt that conflict would result refused to consent to any development of the Colorado River. Each one of the Legislatures endeavored to find a way out by the provision of the Constitution allowing the States the right to enter into treaties or compacts.[37] One phase of the legal question was decided upon while the Commission was at work, by the United States Supreme Court in deciding that between two States, both of which recognize the doctrine of priority, priority as to the waters of an interstate stream must be applied regardless of State boundaries.[38]

State action has been confined to small developments within the State but all realized the possibilities of the Colorado River. Because of the importance of

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36. See Appendix II. #5.
37. Arizona Magazine, Vol. 12-13, Herbert Hoover on the Colorado River, 5.
38. United States Supreme Court Reports, 66 Law Edition Oct. Term 1921, United States 257-259, 999. (see Appendix II, #6)

the League of the Southwest in the field of State organizations, some detailed explanation of it will be given. Dr. R.B. Von Kleinsmid, an ex-President of the organization, says that the League of the Southwest was organized in San Diego in 1917, when a number "of leading business and professional men conceived the idea that some form of organization which should serve to bring together upon occasions the leadership of seven or eight States of the Southwest to discuss problems common to these Commonwealths would render a very valuable service. "The first convention lasted three days with representatives from California, Nevada, Utah, Arizona, New Mexico, Texas, Oklahoma, and Colorado present. Delegates were present especially appointed to represent England, France, Italy, Japan, China, and Mexico. The President of the United States was personally represented by the Honorable Scott Ferriss of Oklahoma.[39]

It became a permanent organization with the meeting called in January 1919, a conference of the representatives of the States of the Colorado River; Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. It was called by the Governor of Utah with the purpose of discussing questions relating to the utilization of the water supply of the Colorado River and its tributaries, especially in connection with a law then proposed by Secretary Lane relating to Soldier's and Sailor's settlement. It resolved

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39. Arizona Magazine, Vol.IX, 1920, League of the Southwest, What It Is and Why, Dr. Von Kleinsmid, 5.

itself into the permanent organization of the League of the Southwest. It was an alliance between the States joined by Texas"to foster closer social and commercial relations and to link the communities of the Southwest in a spirit of brotherhood." They believed that the development of the resources of the Colorado River basin fundamentally underlies all the future progress and prosperity of the Southwest.[40]

The officers of the League are a President, eight Vice-Presidents, a Secretary and a Treasurer. Its affairs of management and control are under an executive Committee consisting of these officers. It is non political and is maintained by dues and funds raised by voluntary contributions of those interested.[41.]

"It embraces civic, commercial, cultural, municipal, county and state organizations" of the above mentioned States. "It grinds no axes, backs no particular schemes, represents no special interests or factions." "At its first meeting in San Diego, California, the Honorable Julius C. Gunter, the Governor of Colorado, and Governor Simon Bamberger of Utah, led the discussion which gave great momentum to the crystallization of intelligent sentiment for the development of the Colorado River basin."Irrigation, reclamation, water storage, river control, and water power projects were discussed. "Out of this meeting grew the meetings called by Governor

40.Olson,Reuel Leslie, Colorado River Compact, 12.
41.Arizona Magazine Vol.IX, 1920, League of the Southwest, 5.
Dr. Von Kleinsmid,(see Apnendix II, #7)

Bamberger and Governor Davis of Idaho, to discuss irrigation problems, and out of which evolved the federation of thirteen States for the purpose of inducing Congress to enact the $250,000,000 irrigation project then pending."[42]

Any civic, cultural, social, humanitarian, professional, commercial, business, industrial, county, city, town, or state organization in the eight southwest States is eligible for membership. The membership fee is $25.00 per annum per unit. Any organization may hold as many units as it desires to support. Individuals are eligible to sustaining membership and pay a fee of $25.00 but no individual members vote.[43]

"It maintains offices in Los Angeles, California, from which its activities are directed by the Secretary under the supervision of the President and Executive Committee. It employs commissioners who travel through the various States of the Southwest in order that it may function to firmly knit the different interests of the territory into a vast structure of strong and diversified but interlocking and mutually helpful enterprises."[44]

At the meetings held at Salt Lake City in January 1919, the resolutions prepared by Federal Representatives were rejected. State representatives "resisted the

42. Olson, Reuel Leslie, Colorado River Compact, 263.
43. Ibid.
44. Ibid.

encouragement of Federal construction of any project which would tend to weaken State jurisdiction," and the League in following meetings found it more and more difficult to determine on definite action toward developing the river. The upper States offered a solution, namely, that if by joint interstate compact the lower States would be willing to protect the States of origin of the waters of the river, they (the upper States) would permit them to proceed with their protective measures as soon as a compact could be made effective. The Lower States accepted.[45]

At a meeting of the League of the Southwest at Denver, Colorado August 25-27, 1920, the immediate need of flood control and the development of irrigation and power were presented by representatives of the Imperial Valley in California and of Arizona. The Director of the Reclamation Service was present and reported that the construction of reservoirs for the above purposes need not interfere with the future development of the upper part of the River (within the States of origin), because of the sufficiency of the water supply at that time and for future necessities. The States present then made the following resolution, "Resolved, That it is the sense of this conference that the present and future rights of the several States whose territory is in whole or in part included within the drainage area of the Colorado

45. H.R. 6251 and H.R. 9826, part 2, 155.

River and the right of the United States to the use and benefit of the waters of said stream and its tributaries, should be settled and determined by compact or agreement between said States and the United States, with the consent of Congress, and the legislatures of said States be requested to authorize the appointment of a commissioner for each of said States for the purpose of entering into such compact or agreement for subsequent ratification and approval by the legislatures of each of said States and the Congress of the United States."[46] "Pursuant to the last quoted resolution, and at the request of the governor of Arizona, president of the League of the Southwest, bills were drawn and submitted to the legislatures of each of the seven States involved, and were thereafter enacted by all of said States."[47] The 1921 sessions of the legislatures of each of the seven States approved the plan proposed and authorized the appointment of Commissioners, and Congress gave its consent to the States entering into such Compact.[48]

"At a meeting held at Riverside, California, December 8-10, 1921, the extreme necessity of immediate action was again pressed upon the States and the members of the Colorado River Commission by representatives of Los Angeles and southern California municipalities, the Imperial Valley and the Yuma project in Arizona."[49]

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46. H.R. 6251 and H.R. 9826, part 2, 155.
47. Report and Supplemental Report of Delph E.Carpenter, 20.
48. H.R. 6251 and H.R. 9826, part 2, 155.
49. Senate Resolution 320, part 3, 312.

"Moved by considerations of humanity and immediate necessity, the governors of the Colorado River States met at Denver May 10, 1921, and adopted resolutions requesting Congress and the President to provide for the appointment of a representative of the United States upon the Colorado River Commission. These resolutions were presented to the President by the Governors at Washington, May 19, 1921," and Herbert Hoover was appointed the representative.[50]

The Colorado River Commission was created by the League of the Southwest, with the object of collecting physical data relative to the available water supply and irrigable areas in the Colorado River basin to be used in the adjustment of the claims of the various States for power and irrigation. This adjustment was to be made by the Treaty or Compact which had been created by the legislatures of the several States and the Congress of the United States.[51]

The reasons for a Colorado River Commission as stated by Mr.Barbour of California, before Congress were,"The purpose of this bill is to permit the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming to enter into an agreement for the equitable division and apportionment of the water supply of the Colorado River. The necessity for this grows out of the possibility of conflict in the diversion and use of the waters of the Colorado River in the various States through which the river and

50. Senate Resolution 320, part 3, 31c.
51. Electrical World, Colo. River Development, Vol.78, 1175.

its tributaries flow. Without an agreement between the States interested respecting the division and apportionment of the waters for irrigation purposes, conflicts as to the amount of water which may be diverted on the various portions of the river and its tributaries, without interference with diversion and use elsewhere, are certain to occur and to lead to expensive litigation, in the meanwhile holding up and preventing development. Most irrigation projects on the Colorado River and its tributaries involve large expenditures and complete or even considerably further development can not be had or secured without conflict or litigation." In speaking of a United States representative, Mr.Barbour said,"In such negotiations the need for water in any locality, the supply available as well as other factors, must be discussed, with their bearing upon any interests the United States may have in the matter, and his presence at the negotiations will naturally aid in composing the differences that may arise between the various States in adjusting their different claims. Legislation is necessary, because under the Constitution a State cannot enter into any covenant or agreement with another State without the consent or Congress."[52]

Thus can be traced the growth or sentiment and organization resulting in definite action with resolutions for a Colorado River Commission. In time it became a reality,

52. Congressional Record, Vol. 61, part 3, 2773.

but as to giving credit to any one man or group in the organizations described, the problem is a difficult one because of the diversity of opinion and the gradual emerging of the idea. Various statements can be given however which may shed some light upon the matter.

"The degree of progress already made is far beyond the fondest dreams which I might have entertained at the time I originally proposed the treaty procedure to the Governors and representatives of the interested States," Delph E.Carpenter, the Commissioner from Colorado states in a letter written in 1925.[53]

Governor Scrugham of Nevada, in an address in 1923, made the following statement,"In view of all of these complications, it became obvious to those who had studied the problem, that an agreement or pact as to relative rights between the interested states was the only possible procedure to pave the way for early development of the Colorado."[54]

Mr.R.E.Caldwell, the Commissioner from Utah, stated at one of the meetings of the Commissioners,"At the present time we are trying to work out a compact between states, and the reason for it did not grow primarily out of the fact that the upper States had to have the compact. It grew out of the necessities of the lower river which I think everybody admits. We probably could go on for many years if it were not for the crying necessities in the Imperial

53.Olson,Reuel Leslie, Colorado River Compact, 279.
54.Ibid. 280.

Valley for protection and irrigation and the necessity of power. As a matter of fact, notwithstanding the needs for power, except in the very limited way, we could still go on and develop the Colorado River without a compact, and the upper States would be in a position to do so by spending their money, without a compact. The upper States have entered into this thing with spirit, with zest, with all good feeling for the Colorado River basin, and even with compassion for the citizens of the United States who are now in jeopardy in the lower region of the stream. That's my chief motive for considering what I think is a correct metnod of developing the Colorado River to the point of agreeing to a partition of the water."[55]

Mr.Norviel, the Commissioner from Arizona, in replying to the statement of Mr.Caldwell said,"One statement in reply to Mr.Caldwell. He told us a truth, but he did not tell it all, and unless we have that impression remain with us, I desire to add that the work of this Commission was initiated by the lower States; that is only a part of the truth. It came about in this way, the necessities of the lower States demand development in the lower river, for protection and development, and we were about to begin some large development when the heavy hand of opposition was laid upon us from the upper States, and I might add that opposition naturally still rests upon us and therefore it became necessary to

55. Olson, Reuel Leslie, Colorado River Compact, 281.

discuss the question that we are now discussing, so that this is not wholly the outgrowth of a desire on the part of the lower States. If we had been left with our own sweet will to do as we might, perhaps this matter would not be here at this time or for discussion."[56]

"It will be noted that the upper States are much more concerned in seeing a compact than are the lower States. As a matter of fact the lower States have little to gain by a compact, while the upper States have much to gain. Accordingly, it would seem that any substantial concessions to be made in the way of a compromise in order to arrive at such a compact should be made by the upper States than by the lower States,"is the opinion of Ottamar Hamele, Chief Counsel of the Reclamation Service.[57]

"The Compact had its origin in the demands of the four states of the upper basin; indeed, its terms were prepared largely by the representatives of these states,"is the attitude of Mr.G.E.P.Smith, Professor of Irrigation Engineering, in the College of Agriculture at the University of Arizona.[58]

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56. Olson, Reuel Leslie, Colorado River Compact, 282.
57. Ibid., 281.
58. Smith,G.E.P.,A Discussion of Certain Colo. River Prob., Bulletin #100, 144.

CHAPTER III.

Organization of the Colorado River Commission

The seven States of the Colorado River basin realized the necessity of some form of combined action upon their part in regard to the Colorado River. A quantity of material had been gathered by private, State and Federal interests through various surveys and investigations. States had in their own right made surveys and planned developments of the river within their boundaries. Those men most vitally interested in the development of the Southwest felt that all of this work which was creating interest and bringing before the people a knowledge of the possibilities and the problems of such a river, was nevertheless work which in itself was not conducive to obtaining the most from the potentialities of the river. They believed that some action sanctioned by the Federal Government and entered into by the seven States would be most effective to bring about the desired development.

It must also be remembered that with an interstate stream of the nature of the Colorado, jealousies and selfishness are bound to enter into any State or Federal action which may take place in its development. Whether or not some of the States entered into and fostered the Compact from a selfish motive can best be determined by a study of the minutes of the meetings and the statements of the Commissioners.[1]

In making their decision to enter into a Compact the States of the Colorado River Basin based their

1. This phase of the Compact will be covered in Chapter IV.

action upon the clause in the Constitution of the United States which states, "No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in Time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit delay." [2]

In the Spring of 1921, the several States through the action of their State Legislature made provision for the appointment of commissioners who were to represent them on the Commission. Some of the Acts are more detailed than others as they enter into the duties of the commissioner, salary and various phases of the work but all are definite in their provisions for his appointment. The following men were appointed by the State Governors as provided in the Acts, to be Commissioners: W. S. Norviel, for the State of Arizona; W. F. McClure, for the State of California; Delph E. Carpenter, for the State of Colorado; J. G. Scrugham, for the State of Nevada; Stephen B. Davis, Jr., for the State of New Mexico; R. E. Caldwell, for the State of Utah; Frank C. Emerson, for the State of Wyoming. [3]

The acts of the State Legislatures in detail and as passed by their respective Legislatures are; Arizona,"An Act Providing for the appointment of a representa-

2. The Constitution of the United States of America, 68th Congress, First Session, Senate Document 154, 11.
3. Report and Supplemental Report of D.E.Carpenter, 10.

tive on Behalf of the State of Arizona to negotiate a Compact and Agreement Between the State of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and Between Said States and the United States of America Respecting the use and Distribution of the Waters of the Colorado River and the Rights of Said States and the United States Thereto and Making an Appropriation Therefor. Be it Enacted by the Legislature of the State of Arizona:

"Section 1. The Governor of Arizona shall appoint the State Water Commissioner, who shall serve without additional compensation, as the representative of the State of Arizona, who shall be duly authorized to represent the State of Arizona on a joint Commission to be composed of a representative of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and a duly authorized representative of the United States of America, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the said States, and between said States and the United States, with the consent of Congress, respecting the further utilization and disposition of the waters of the Colorado and streams tributary thereto, and fixing and determining the rights of the said States and the rights of the United States in the use and disposition of the waters of said stream and the benefits to be derived therefrom, provided however, that any compact or agreement so entered into by said States and the United States shall not be binding or obligatory upon

any of the high contracting parties thereto unless and until the same shall have been ratified and approved by the Legislatures of the said States and by the Congress of the United States.

"Section 2. The Governor of Arizona shall notify the respective Governors of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming, of the appointment of the representative of Arizona as soon as said representative shall have been appointed and qualified, but said representative shall not enter upon the performance of his duties until a representative to serve upon said joint Commission shall have been named and qualified for each of the said States named in Section 1 hereof, provided however, that said representative shall proceed immediately after the passage of this Act and its approval by the Governor, in carrying out the provisions of Section 3 thereof as pertains to the Colorado River within the boundaries of the State of Arizona, and that the securing of the necessary data and information called for by this Act shall not be contingent upon appointment and qualification of the representatives of the other States concerned or the representative of the United States of America.

"Section 3. Said representative of the State of Arizona shall have full authority to make or cause to be made any and all investigations of the Colorado River and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the

physical conditions obtaining upon said stream and the drainage area thereof, and of the present and future needs of the State of Arizona and its citizens in the use and benefit of the waters of said stream, To that end said representative shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties and gather such data as may be necessary to sufficiently appriee said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the State of Arizona upon said Joint Commission.

"Section 4. For the purpose of carrying out the provisions of this Act. including the payment of an equitable portion of the cost and expenses of said Joint Commission, there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Twenty-five Thousand Dollars ($25.000.00), or so much thereof as may be necessary for the purpose herein provided. Said appropriation may be used within or without the State of Arizona. The said representative shall employ such clerical and technical assistants as may be deemed necessary to accomplish the objects of this Act. The compensation of the necessary assistants, together with all traveling expenses, and all other costs, charges and necessary expenditures hereunder, shall be paid semimonthly upon vouchers approved by the State Water Commissioner and warrants drawn for the payment thereof by the State Auditor in

the ordinary manner upon the State Treasury.

"Section 5. The State Legislature finds, determines and hereby declares, that this Act and each and every sentence, phrase and clause thereof is necessary for the immediate preservation of the public peace, health and safety of the State, and that an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor, and shall be exempt from the operation of the referendum provisions of the States Constitution of the State of Arizona.

"Section 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed. Approved March 5, 1921." [4]

California, "An Act authorizing the Governor of California to appoint a representative of the State of California to serve upon a joint commission composed of representatives of the state of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and the United States of America, and constituted for the purpose of negotiating and entering into an agreement between the several states hereinabove mentioned, and between said states and the United States of America, subject to the consent of Congress, respecting further use and disposition of the waters of the Colorado River and streams tributary thereto, and fixing and determining the rights of each of said states and rights of the United

4. Acts, Resolutions and Memorials of the Regular Session of Fifth Legislature of Arizona, Laws of Arizona, 1921 Chapter 46, Senate Bill 64, 53-55.

States in and to the use, benefit and disposition of the waters of said stream and its tributaries. Approved May 12, 1921. In effect immediately.

"The people of the State of California do enact as follows: Section 1. The Governor of California shall appoint the State engineer who shall serve without additional compensation as the representative of the State of California on a joint commission composed of one representative from each of the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and two duly authorized representatives of the United States of America, the principal duty of which commission shall be to negotiate and enter into an agreement between the several states hereinabove mentioned and between the said states and the United States of America, subject to the consent of Congress, respecting the further use and disposition of the waters of the Colorado river and streams tributary thereto, and fixing and determining the rights of each of said states and the rights of the United States in and to the use, benefit, and disposition of the waters of the Colorado river and its tributaries; provided, however, that any agreement so entered into by said states and the United States of America shall not be binding or obligatory upon any of the high contracting parties thereto unless and until such agreement shall have been ratified and approved by the legislature of each of the above mentioned states and by the Congress of the United States.

"Section 2. The governor of California, immediately after such representative of the State of California has been appointed and has qualified, shall notify the governors of each of the above mentioned states of the appointment of the said representative of California, giving his name and address, but said representative shall not enter upon the performance of his duties until a representative to serve upon said joint commission shall have been named and qualified for each of the states named in section one hereof.

"Section 3. Said representative from California shall have full authority to make any and all investigations of the Colorado River and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said streams, and of the present and future need of the State of California and its citizens to the use and benefit of the waters of said stream. To that end, said representative shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the state of California upon said joint commission.

"Section 4. In as much as the Colorado river during flood periods constitutes a menace to life and property within this state and the purpose of the commission

is to meet immediately upon the appointment and qualifications of the representatives of the several states for the purpose of adopting a plan of agreement which will ultimately make possible the construction of impounding dams, that will eliminate this hazard, it is hereby declared that this act is an emergency measure necessary for the immediate preservation of the public health, peace and safety, and that under the provisions of section one of article four of the state Constitution an emergency exists, and this act shall take effect immediately."[5]

Colorado, "An Act, For the Appointment of a Commissioner on Behalf of the State of Colorado to negotiate a Compact and Agreement between The States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and between said States and the United States Respecting the Use and Distribution of the Waters of the Colorado River and the Rights of Said States and the United States Thereto, and Making an Appropriation Therefor. Be it enacted by the General Assembly of the State of Colorado:

"Section 1. The Governor of Colorado shall appoint a Commissioner who shall represent the State of Colorado upon a Joint Commission to be composed of Commissioners representing the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and a duly authorized

5. Statutes of California, Regular Session of 44th Legislature 1921, Chapter 88, 85-86.

representative of the United States of America to be constituted by said states and the United States for the purpose of negotiating and entering into a compact or agreement between said states and the United States, with consent of Congress, respecting the future utilization and disposition of the waters of the Colorado River and all streams tributary thereto and fixing and determining the rights of the United States in and to the use, benefit and disposition of the waters of said stream, provided however, that any compact or agreement so entered into by said States and the United States shall not be binding or obligatory upon any of the high contracting parties thereto unless and until the same shall have been ratified and approved by the Legislatures of each of said states and by the Congress of the United States. The same person appointed Commissioner for Colorado for the negotiations of interstate compacts with other States respecting other Colorado streams, shall be appointed the Commissioner for Colorado hereunder.

"Section 2. The Governor of Colorado shall notify the Governor of Arizona of the appointment of the Commissioner for Colorado as soon as said Commissioner shall have been appointed and qualified, but said Commissioner for Colorado shall not enter upon the performance of his duties until a Commissioner to serve upon said Joint Commission shall have been named and have qualified for each of the states mentioned in Section 1 hereof, and until the United States shall have designated its representative to act upon said

Joint Commission and until the fact of the appointment of said commission for all of said states and the representative of the United States shall have been officially communicated and made known to the Governor of Arizona, Upon failure of all of said states and the United States to have designated their respective Commissioners and representatives upon said Joint Commission, and except Arizona, to have officially communicated said facts to the Governor of Arizona, on or before October 15, 1922, and upon failure of the Governor of Arizona to have notified the Governor of each of said states, except Arizona, and the accredited representative of the United States of the appointment and qualifications of all of the members to said Joint Commission on or before said date, the appointment of the Commissioner for Colorado hereunder shall, without further act, cease and terminate and he shall be relieved of any further duties hereunder.

"Section 3. As soon as the Commissioner for Colorado shall be called to enter upon the performance of his duties as hereinbefore provided, he shall be furnished such legal, engineering and other assistants as the Governor and Attorney General may deem advisable and necessary.

"Section 4. It shall be the duty of the State Engineer of the Division Engineers and Water Commissioners in all irrigation and water districts comprising streams within the drainage area of the Colorado River in Colorado to aid and assist the Commissioner for Colorado wherever essential to

facilitate the work of said Commissioner and to bring about a speedy and satisfactory adjustment between said states and between said states and the United States as provided in Section 1. hereof.

"Section 5. The Compensation of the Commissioner for Colorado and of his stenographic and other assistants shall be fixed by the Governor and Attorney General and he and they shall be entitled to reimbursement for all necessary traveling and other expenses incurred in the performance of his or their duties both within and without the State of Colorado.

"Section 6. Said Commissioner for Colorado shall have full authority to make any and all investigations of the Colorado River and the drainage area thereof, which may become necessary in order to sufficiently advise said Commissioner of the physical conditions obtaining upon said stream and of the present and future needs of the State of Colorado and its citizens to the use and benefit of the waters of said stream, and to that end said Commissioner shall have authority to administer oaths, examine and require the attendance of witnesses and to perform such other duties as may be necessary to sufficiently apprise said Commissioner of the facts and furnish him with adequate information in order that he may properly perform his duties as Commissioner for Colorado under said Joint Commission.

"Section 7. The compensation of the Com-

missioner and his assistants, together with all of his or their traveling expenses, and all other necessary costs, charge and expenditure hereunder, including the payment of an equitable portion of the costs and expenses of said Joint Commission shall be paid monthly, upon vouchers approved by the Governor and Attorney General, and warrants drawn for the payment thereof upon the State Treasury by the State Auditor in the ordinary manner, out of the funds appropriated for the defense of the waters of the State of Colorado under the provisions of an Act entitled, "An Act to enable the State of Colorado to protect the waters of its natural streams and to maintain the right of appropriation and use of such waters for beneficial purposes within this State and making an appropriation therefor of the first class."

"Section 8, The General Assembly hereby finds, determines and declares that this act and each and every sentence, phrase and clause thereof is necessary for the immediate preservation of the public peace, health and safety.

"Section 9. In the opinion of the General Assembly an emergency exists, therefore, this Act shall take effect and be in force from and after its passage. Approved April 2, 1921." [6]

Nevada, "An Act creating a commission to be known as the Colorado River development commission of

6, Laws passed at The Twenty-third Session of the General Assembly of the State of Colorado, Chapter 246, 811-815. 1921.

of Nevada, defining its powers and duties, and making an appropriation for the expense thereof. Approved March 21,1921.

"Section 1. A commission is hereby created, to be known as the Colorado river development commission of Nevada,,to consist of the governor of the State of Nevada and three other members to be appointed by the governor. A majority of the state commissioners shall constitute a quorum for the transaction of business, within thirty days after the passage and approval of this act, the governor shall appoint said commissioners and they shall hold office for a term of four years, or until their successors are appointed and qualified. Any vacancy shall be filled by appointment by the governor.

"Section 2. The said commissioners shall have the following qualifications: They shall each be a citizen of the State of Nevada, and have a general knowledge of the development of the Colorado river and its tributaries within the state of Nevada, but at no time shall there be more than two of said commissioners members of the same political party.

"Section 3. The Governor at any time may remove any commissioner for neglect of duty or malfeasance in office.

"Section 4. The members of said commission shall receive a compensation of ten ($10) dollars for each day actually employed on the work of said commission and their actual and necessary expenses incurred in the performance of their duties.

"Section 5. Within a reasonable time after the appointment of the members of said commission, they shall meet upon the call of the governor and effect an organization by electing one of their members chairman and one of their members secretary. The commission shall audit all bills for expenses and per diem of its members, and, when the same shall have been certified to by the Chairman and secretary, the secreatry shall file the same with the state board of examiners for approval, and the same shall be paid for out of any moneys appropriated for that purpose.

"Section 6. The commssioners shall meet at such times and at such places as may be designated by the chairman.

"Section 7. The duties of said commission shall be to collect and arrange all data and information connected with the Colorado River and its tributaries which may affect or be of interest to the state of Nevada; to present the same to the governor for his information; to represent the state of Nevada in such interstate or other conferemces or conventions as may be called for the consideration of the federal and state rights and procedures relating thereto; to tender the friendly cooperation of the state of Nevada to such constructive enterprises as look to the conservation of the waters of the Colorado River and its tributaries and the

development of power thereon; to negotiate with the representatives of other states and the United States, in endeavoring to equitably settle and define the rights of the states and the United States in the waters of the Colorado river and its tributaries; to report to the governor such measures for legislative action as may be deemed necessary to secure to the people of Nevada all possible benefits from such enterprises.

"Section 8. Said Commission shall have the power to hold hearings, require the attendance of witnesses and take testimony whenever it shall deem it necessary in carrying out the provisions of this Act. Any Commissioner is hereby authorized and empowered to administer oaths to any witness called to testify in any hearing or proceeding before the Committee.

"Section 9. For the purpose of carrying out the provisions of this Act, the sum of five thousand ($5000) dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated." [7]

New Mexico, "An Act Providing For the Appointment of a Commissioner on Behalf of the State of New Mexico to negotiate a Compact and Agreement Between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and between said States and the United States Respecting the Use and Distribution of the Waters of the Colorado

7. Statutes of the State of Nevada, Special Session of the Legislature, 1921, Chapter 115, 190-191.

River and the rights of Said States and the United States Thereto, and Making an Appropriation Therefor, Approved March 11, 1921. Be It Enacted by the Legislature of the State of New Mexico:

"Section 1. The Governor of New Mexico shall, with the advice and consent of the State Senate, appoint a commissioner who shall represent the State of New Mexico upon a Joint Commission to be Composed of Commissioners representing the States of Arizona, California, Colorado, New Mexico, Utah and Wyoming, and a duly authorized representative of the United States of America, to be constituted by said states and the United States for the purpose of negotiating and entering into a compact or agreement between said states and between said States and the United States, with consent of Congress, respecting the future utilization and disposition of the waters of the Colorado River and all streams tributary thereto and fixing and determining the rights of said states and the rights of the United States in and to the use, benefit and disposition of the waters of said stream, provided, however, that any compact or agreement so entered into by said states and the United States shall not be binding or obligatory upon any of the high contracting parties thereto unless and until the same shall have been ratified and approved by the legislature of each of said states and by the Congress of the United States.

"Section 2. The Governor of New Mexico

shall notify the Governor of Arizona of the appointment of the Commissioner for New Mexico as soon as said Commissioner shall have been appointed and qualified, but said Commissioner for New Mexico shall not enter upon the performance of his duties nor receive any compensation until a Commissioner to serve upon said Joint Commission shall have been named and qualified for each of the states mentioned in Section 1, hereof, and until the United States shall have designated its representative to act upon said Joint Commission and until the fact of the appointment of said Commissioners for all of said states and the representative of the United States shall have been officially communicated and made known to the Governor of Arizona. And said Commission so appointed shall retain such appointment and perform the duties of his said office until the purposes of this act shall have been completed and accomplished, except as herein otherwise provided. Upon failure to have designated their respective Commissioners and representatives upon said Joint Commission, and except Arizona, to have officially communicated said facts to the Governor of Arizona on or before July 1, 1922 and upon failure of the Governor of Arizona to have notified the Governor of each of said states, except Arizona and the accredited representatives of the United States of the appointment and qualification of all of the members to said Joint Commission on or before said date, the appointment of the Commissioner for New Mexico hereunder shall, without further act, cease and terminate and he shall

be relieved of any further duties hereunder and the appropriations herein made shall thereupon revert to the Permanent Reservoirs for Irrigation Purposes Income Fund of the State.

"Section 3. As soon as the Commissioner for New Mexico shall be called upon to enter upon the performance of his duties, as hereinbefore provided, he shall be furnished a competent stenographer capable of taking and extending testimony and of performing such clerical duties as may be required by such Commissioner, and he shall also be furnished such legal and engineering assistants as the Governor and Attorney General of the State of New Mexico may deem advisable and necessary.

"Section 4. It shall be the duty of the State Engineer to aid and assist the Commissioner for New Mexico wherever essential to facilitate the work of said Commissioner and to bring about a speedy and satisfactory adjustment between said states and between said states and the United States as provided in Section 1. hereof.

"Section 5. The Compensation of the Commissioner of New Mexico and his stenographic and other assistants shall be fixed by the Governor and Attorney General and he and they shall be entitled to reimbursement for all necessary traveling and other expenses incurred in the performance of his or their duties both within and without the State of New Mexico.

"Section 6. Said Commissioner for New Mexico shall have full authority to make any and all investigations of the Colorado River and the drainage thereof, which

may become necessary in order to sufficiently advise said Commissioner of the physical conditions obtaining upon said stream and of the present and future needs of the State of New Mexico and its citizens to the use and benefit of the waters of said stream, and to that end said Commissioner shall have authority to administer oaths, examine and require the attendance of witnesses and to perform such other duties as may be necessary to sufficiently apprise said Commissioner of the facts and furnish him with adequate information in order that he may properly perform his duties as Commissioner for New Mexico upon said Joint Commission.

"Section 7. For the purpose of carrying out the provisions of this Act, including the Payment of an equitable portion of the cost and expenses of said Joint Commission, there is hereby appropriated out of the Permanent Reservoirs for Irrigation Fund, the sum of Fifteen Thousand Dollars ($15,000) or so much thereof as may be necessary for the purposes herein provided. The Compensation of the Commissioner, stenographer and other necessary assistants, together with all traveling and other necessary expenses, and all other costs and charges and necessary expenditures hereunder, shall bee paid monthly upon vouchers approved by the Governor and Attorney General and warrants drawn for the payment thereof upon the State Treasury by the State Auditor in the ordinary manner.

"Section 8. That it is necessary for the

preservation of the public peace and safety of the inhabitabts of the State of New Mexico that the provisions of the Act shall become effective at the earliest possible time and therefore an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its passage and approval."[8]

Utah, "An Act providing for the appointment of a representative on behalf of the State of Utah to negotiate a compact or agreement between the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and between said states and the United States reclamation service respecting the use and distribution of the waters of the Colorado River and its tributaries and the rights of said states and the United States thereto.

"Be it enacted by the Legislature of the State of Utah: Section 1. Joint Commission for seven states, on Colorado river distribution. The governor is hereby authorized by this Act, to appoint a representative who shall represent the state of Utah, on a joint Commission to be composed of a representative of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and duly authorized representatives of the United States Reclamation service, and the United States federal power Commission, the same to constitute a Commission for the purpose of negotiating and entering into a compact or agreement between the states, and between said states and the United States, with the consent of Congress

8. Laws of the State of New Mexico, 1921, 217-220.

respecting the further utilization and disposition of the waters of the Colorado River and streams tributary thereto, and fixing and determining the rights of said states and the rights of the United States in and to the use, benefit and disposition of the waters of said streams, provided, however, that any compact or agreement so entered into by said states and the United States shall not be binding or obligatory upon any of the high contracting parties thereto unless and until the same shall have been ratified and approved by the legislature of the said states and the Congress of the United States.

"Section 2. When to enter upon duties. The governor shall notify the governors of the other states mentioned in Section 1. hereof, and the United States reclamation service, of the appointment of the representative for Utah as soon as said representative shall have been appointed and qualified, but said representative shall not enter upon the performance of his duties until representatives from at least five of the states named in Section 1. hereof shall have been named and qualified.

"Section 3. Authority of Utah representative. Said representative from Utah shall have full authority to make any and all investigations of the Colorado River and the drainage thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said stream, and of the present and future need of the state of Utah and its citizens of the use

and benefit of the waters of said stream. To that end said representative shall have authority to administer oaths, examine and require the attendance of witnesses, and perform such other duties as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the state of Utah upon said Joint Commission, Approved March 14, 1921." [9]

Wyoming, "An Act providing for the appointment of a Commissioner on behalf of the State of Wyoming to negotiate a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and between the said States and the United States, respecting the use and distribution of the waters of the Colorado River and tributaries, and the rights of said States and the United States thereto: Be it Enacted by the Legislature of the State of Wyoming:

"Section 1. The Governor shall appoint a Commissioner who shall represent the State of Wyoming on a Joint Commission to be composed of one Commissioner from each of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and two duly authorized representatives of the United States of America, such commission to be constituted for the purpose of negotiating and entering into a Compact or agreement between said States of the United

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9. Laws of The State of Utah, Fourteenth Session, 1921, Chap. 68, 184-185.

States, with the consent of Congress, respecting the future utilization and disposition of the waters of the Colorado River and streams tributary thereto, and fixing and determining the rights of said States and the rights of the United States in and to the use, benefit and disposition of the waters of said stream; provided, however, that any compact or agreement so entered into by said States and the United States and by the Congress of the United States.

"Section 2. The Governor of Wyoming shall notify the governors of the State of Arizona, California, Colorado, Nevada, New Mexico, and Utah of the appointment of the Commissioner for Wyoming as soon as said Commissioner shall have been appointed and qualified, but said Commissioner shall not enter upon the performance of his duties until a representative to serve upon said joint Commission shall have been named and qualified for each of the States named in Section 1. hereof.

"Section 3. Said Commissioner from Wyoming shall have full authority to make any and all investigations of the Colorado River System and the drainage area thereof which may become necessary in order to sufficiently advise said Commissioner of the physical conditions obtaining upon said system, and of the present and future needs of the State of Wyoming, and its citizens to the use and benefit of the waters of said stream. To that end said Commissioner shall have authority to administer oaths, examine and require the

attendance of witnesses, and to perform such other duties as may be necessary to sufficiently apprise said Commissioner of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the State of Wyoming upon said Joint Commission.

"Section 4. This Act shall tale effect and be in force from and after its passage. Approved February 22, 1921."[10]

A meeting of the Governors of the seven States was held in Denver in May 1921, after all of the States had made provision for the appointment of Commissioners. This group adopted a resolution which was sent to Congress in the following form:

"Whereas, the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming have by appropriate legislation authorized the governors of said States to appoint commissioners representing said States for the purpose of entering into a compact or agreement between said States and between said States and the United States respecting the future utilization and disposition of the waters of the Colorado River and the streams tributary thereto; and

"Whereas the governors of said several States have named and appointed the commissioners contemplated by the legislative acts aforesaid: Now, therefore, be it

10. Session Laws of the State of Wyoming, 16th Legislature, 1921. Chap. 120, 166-167.

"Resolved, That the Congress of the United States be, and is hereby, requested to provide for the appointment of a commissioner on behalf of the United States to act as a member of said commission; and be it further

"Resolved, That the proposed draft of a bill for presentation to Congress, a copy of which is hereto attached, be offered as a suggestion for legislation for the purpose aforesaid; and be it further

"Resolved, That Gov. Thomas E. Campbell, of Arizona, and the governors of the other states in the Colorado River Basin, or such representatives as they may severally designate, be and they are, authorized to present his resolution to the President and to the Congress of the United States."

"We, the undersigned, do hereby certify that the foregoing resolution was adopted by unanimous vote at a meeting of the governors of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, held at the capitol at Denver, in the State of Colorado, on the 10th day of May, 1921. Thomas E. Campbell, Arizona; William D. Stephens, California, by W. F. McClure, State Engineer; Oliver H. Shoup, Colorado; Emmet D. Boyle, Nevada; Herritt C. Mecham, New Mexico; Charles R. Mabey, Utah; Robert D. Carey, Wyoming. [11]

Congress acted favorably upon this resolution when it passed a Bill which was before it from June 6 to June 28, 1921, in the form of H.R. 6877. This Bill and its

11. Report and Supplemental Report of D.E.Carpenter, 16-17.

counterpart in the Senate gave the States the sanction of the Federal Government to enter into a compact or agreement, and it also gave the President power to appoint a Federal representative. The text of the Bill is given below.

"A bill (H.R. 6877) to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, respecting the disposition and apportionment of the waters of the Colorado River and for other purposes.

"Whereas the Colorado River and its several tributaries rise within and flow through or form the boundaries between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming;

"Whereas the territory included within the drainage of the said stream and its tributaries is largely arid and in small part irrigated, and the present and future development, necessitates and general welfare of said States and of the United States requires the further use of the waters of said streams for irrigation and other beneficial purposes, and that future litigation and conflict respecting the use and distribution of said waters should be avoided and settled by compact between said States; and

"Whereas the said States, by appropriate legislation, have authorized the governors thereof to appoint commissioners to represent said States for the purpose of entering into a compact or agreement between said States

respecting the future utilization and disposition of the waters of the Colorado River and the streams tributary thereto; and

"Whereas the governors of said several States have named and appointed their respective Commissioners for the purpose aforesaid and have presented their resolution to the President of the United States requesting the appointment of a representative on behalf of the United States to participate in said negotiations and to represent the interest of the United States: Now, therefore,

"Be it enacted etc., That consent of Congress is hereby given to the State of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1923, providing for an equitable division and apportionment among said States of the water supply of the Colorado River and of the streams tributary thereto, upon condition that a suitable person, who shall be appointed by the President of the United States shall participate in said negotiations, as the representative of and for the protection of the interests of the United States, and shall make report to Congress of the proceedings and of any compact or agreement entered into, and the sum of $10,000, or so much thereof as may be necessary is hereby authorized to be appropriated to pay the salary and expenses of the representative of the United States appointed hereunder: Provided, That any such compact or agreement shall

not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

"Section 2. That the right to alter, amend, or repeal this act is herewith expressly reserved." [12]

The final act in the completion of the organization for the Colorado River Commission was attained when President Harding appointed Herbert Hoover to act as the representative of the Federal Government.

"Warren G. Harding, President of the United States of America,

"To all who shall see these Presents, Greeting. Know ye, That reposing special trust and confidence in the Integrity and Ability of Herbert Hoover, of California, I do appoint him, under the provisions of the Act of Congress approved August 19, 1921, entitled 'An Act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah,and Wyoming, respecting the disposition and apportionment of the waters of the Colorado River and for other purposes,' to participate as the representative of and for the protection of the interests of the United States in the negotiations to be conducted pursuant to the aforesaid Act, and do authorize and empower him to

12. Congressional Record, Vol. 61, 67th Congress, 1st Session, part 3, 2770. (2121-3188)

execute and fulfill the duties of this commission with all the powers, privileges and emoluments thereunto of right appertaining.

"In testimony whereof, I have caused the Seal of the United States to be hereunto affixed. December 17, 1921." [13]

13. Olsen, Reuel Leslie, Colorado River Compact,

CHAPTER IV.

The Interstate Commission now duly appointed began its task of making an agreement which would be acceptable to all the states concerned and at the same time give each state its just rights. The men appointed to undertake this were: W. S. Norviel for Arizona; W. F. McClure for California; Delph E. Carpenter for Colorado; James G. Scrugham for Nevada; Stephen B. Davis Jr., for New Mexico; R. E. Caldwell for Utah; and Frank C. Emerson for Wyoming.[1] The Governors of the States involved were welcomed at all meetings. 'Mr. Hoover represented the United States but the United States was not a party to the compact.'[2]

These men required much legal advice. Mr. Hoover had as his legal adviser, Mr. Ottamar Hamele, the adviser of the Reclamation Service. Mr. Davis of New Mexico also an associate Justice of the Supreme Court, served in a legal capacity as well as a commissioner. However the State Attorney of New Mexico was present at some of the meetings. Mr. Carpenter of Colorado, an expert on irrigation law, served in both capacities. Colorado had present also the Attorney General of the State and Mr. L. Ward Bannister, a lawyer of Denver. Judge

1, Olson, Reuel Leslie, Colorado River Compact, 72.
2. H. R. 2903, Part 8, 1744. Testimony of Mr. S.B.Davis.

Sloan, an ex-judge of the State Supreme Court served as the legal adviser for Arizona. For California, Department Attorney General McKisick served. Mr. Davis in his testimony did not remember that Nevada or Utah had legal counsel present. [3]

The first meeting of the Commission was held at Washington where statements and testimony was taken of matter on record and of such matters as the Reclamation Service could give. [4] This was an open session held at the Department of Commerce. The officers of the commission were chosen; Mr. Hoover chairman, and Mr. Clarence C. Stetson, Secretary. After two days of open session they went into executive session for the purpose of ascertaining various details of the subject matter presented and to arrange the future schedule. That spring the Commission held a series of meetings throughout the Southwest. The sessions were open. Everybody who cared to had the privilege of speaking and the Commission gave all the time requested to hearings held in the South.[5] These meetings were held between January 26 and April, 1922. Seven sessions were held in Washington D.C. from January 26-30, one was held at Phoenix March 15, and another at Denver April 1. Public hearings were held before the Commission

3. H. R. 2903, Part 8, 1744 - Testimony of Mr. Davis.
4. H. R. 2903, Part 8, 1744 - Testimony of Mr. Davis.
5. S. Res. 320, Part 3, 314 - Statement of Delph Carpenter.

at Phoenix, Los Angeles, Salt Lake City, Grand Junction, Colorado, Denver and Cheyenne.[6]

After these meetings held in the Spring, the Commission adjourned until after the election in November, "realizing that if such an adjournment was not taken various people with political ambition would immediately draw the river question into cheap partisan politics." The meetings were again resumed in November at Bishop's Lodge in Santa Fe, New Mexico. The first day's session was open. The Diamond Creek project of Arizona and other projects presented important data and finished their cases. Due to the congested condition here the group went into semi-executive session consisting of the commission, its officials and reporters and the Governors of the seven states who were allowed to come and go with freedom.[7] The testimony taken was voluminous in amount and was put in typewritten form but never published.[8]

Resolutions were offered at the ninth meeting of the commissioners, which was held in Denver, to the effect that each commissioner was to present to the Secretary of the commission, Mr. Stetson, 'Suggested forms of compact for the disposition and the apportionment of the waters of the Colorado River and its tributaries.' Five drafts were submitted from all the states but California

6. Olson, Raquel Leslie, Colorado River Compact, 72.
7. S. Res. 320, part 3, 314.
8. H. R. 2903 Part 8, 1744.

and Nevada. The draft presented by the Colorado Commissioner, Delph E. Carpenter had been studied by Mr. Hoover and others before it came to the whole group. A letter of August 25, 1922 states that he is "taking the liberty of enclosing for the 'personal and confidential consideration' of Mr. Hoover, 'a copy of a preliminary draft of a compact providing for the permanent and equitable distribution of the waters of the Colorado River on a "fifty-fifty" basis pursuant to Mr. Hoover's suggestion." 'This is merely my first effort and I am submitting it to you and others for the purpose of obtaining personal suggestions and criticism.'[9]

Mr. Norviel gave his copy to Mr. Stetson June 14, 1922.[10]

Mr. Clarence Stetson was actively interested in aiding Mr. S. B. Davis formulate the terms of his plan. A letter dated April 25, 1922 sent by him to Mr. Davis referred to the 'form of compact which we drafted.' A reply May 3, 1922 states, 'I have checked over yours of the 25th regarding the form of contract which we drafted.'[11]

The method used by the commissioners in considering the different sections consisted of five steps: submission of the proposed compacts, portions dealing with the same subject matter were considered together in general discussion, a drafting committee made a written form when

9. Olson, Reuel Leslie, Colorado River Compact, 16-17
10. Olson, Reuel Leslie, Colorado River Compact, 16-17
11. Olson, Reuel Leslie, Colorado River Compact, 16-17

the members understood what the majority desired, changes and discussions were then made of the written form and finally each section was adopted by a motion and vote of the members of the Commission. [12]

One of the first questions to be considered by the Commission was, Does the Colorado River have a sufficient supply of water for the purposes desired? The evidence before the Commission was of course divided upon the subject. Among those who thought that there was a sufficient amount of water were: Mr. A. P. Davis, Director and Chief Engineer of the Reclamation Service; Mr. Harry Chandler, owner of land in Mexico watered by the Colorado River; Mr. J. C. Allison and Mr. Benjamin Fly, representatives of the landowners in Mexico; Mr. Hoover; and Representative Hayden, of Arizona. A pertinent question was asked this group by Mr. Norviel. 'If there is water enough for all, then why all this division and this restriction upon the amount of water flow?' Some of those who believed that a shortage of water existed were: Mr. Elwood Mead, Commissioner of the Bureau of Reclamation, Department of Interior; Colonel William Kelly, Chief Engineer of the Federal Power Commission; Mark Rose, representative of the Imperial County Farm Bureau; Mr. E. C. LaRue; and Mr. G. E. P. Smith.[13] The latter group have a more detailed and adequate knowledge

12. Olson, Reuel Leslie, Colorado River Compact, 18.
13. Olson, Reuel Leslie, Colorado River Compact, 24-25.

of the conditions and because of their training and ability in the engineering field, their statements may be said to be more impartial and reliable than those of the former group.

Whether or no the Colorado had an adequate supply, a question of apportionment of the waters among the various states came before the group because each state was above all else interested in the amount which it was to receive. The Commission at its first meeting in Washington tried to find a basis upon which it could apportion the water. They had no figures by which to compare the possible growth of the states in their desire for water nor could they know how that might vary in the future. [14] It was the belief of Governor Scrugham of Nevada that the commissioners deliberately raised the amount of water which they felt they could rightfully claim by multiplying it by five or ten. [15]

Mr. Hoover and Mr. Carpenter in their advocation of the division into two groups for apportionment gave many reasons for such action. That the two sections, divided by a canyon, differ in people, methods, possibilities for development and industries was the belief of Carpenter and because of this fact the water should be apportioned to each basin which could settle its own distribution. [16]

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14. Olsen, Ruel Leslie, Colorado River Compact, 25.
15. Sen. Res. 320, Part 4, 1461 [illegible]
16. Sen Res. 320, Part 6, 677.

Mr. Hoover erred in his belief that the grounds for dispute lay between the two basins and not between the states within a basin because of the developments between Arizona and California. He believed that the group method was adopted from necessity and advisability. [17] In the course of a speech delivered at Phoenix, Arizona, December 8, 1922, Mr. Hoover said,"that the States of Colorado, Wyoming, Utah, and New Mexico, comprising the upper tributaries of the river, possessed an entirely different series of problems from that of the lower basin states, principally California, and Arizona together with Nevada." He also believed that the engineering problems in the development of both water and power were an entirely different character in the two basins.[18]

Mr. Norviel was opposed to the two basin plan as he believed that nothing could be gained by such a method. The plan would not accomplish anything as both basins would have to face the same problems. He was not only opposed to the suggestion but his conception of the work of the Commission was of a different nature.[19] Mr. Davis, of New Mexico voiced very much the same opinion as that of Mr. Norviel. He believed that there should be an definite allocation of the water to the undivided states; That any deviation from this plan was merely pushing into the future responsibilities which should be met in the present. Only after the impossiblity

17. Congressional Record, 67 Congress, 4 session 1.
18. Heard, Dwight B., Harnessing the Colorado, Review of Reviews, 69: 58-59.
19. Olson, Reuel Leslie, Colorado River Compact, 292.

of such action had been proved beyond all doubt would he consent to a consideration of the other plan. Emerson of Wyoming had much the same opinion but Scrugham of Nevada felt that allocation between the two basins was desirable. [20] Between November 11, and the morning of November 12 some effective work must have been done for when the subject of whether or not the division should be between the upper and lower basins rather than to separate states, came to a vote, the answers were all affirmative with the exception of that of Mr. Norviel. [21]

The next question following out of this was that of the amount of water to be apportioned to the two divisions. This involved, minimum and maximum flow, time limit according to years, storage and reservoirs. Each of these was a problem in itself and demanded concentrated study, compromise and discussion which oft times came near the breaking point. The Commission was divided into two groups now, each working for its interests and endeavoring to obtain the most favorable conditions for its basin. Mr. Hoover said that the apportionment finally agreed upon was based upon a careful consideration of data provided by the Reclamation Service but in order to compensate various factions compromise had to be resorted to. [22] Various suggestions were made and considered before the final apportionment was accepted. Mr. John C. Hoyt of the Geological Survey was present and gave suggestions at the

20. Olson, Reuel Leslie, Colorado River Compact, 292.
21. Olson, Reuel Leslie, Colorado River Compact, 293.
22. Congressional Record, 67 Congress, 4th Session, 1.

Phoenix meetings in March 1922. He said that the states of Colorado, Wyoming and Utah had a right to consume 35% of the flow above the canyon which should be applied for fifty years, the other 65% of the flow should be allowed to reach the canyon section of the river. This would mean that 10,660,000 acre feet of water would be released above the Utah-Arizona line, an amount sufficient to irrigate 3,033,000 acres. This 35-65 proposal was under serious consideration at Santa Fe but was finally abandoned. [23]

Drafts of proposed agreements provided that the division of water at Lee's Ferry should be based on the flow of the river computed for a period of years. There was a question whether the Upper Basin States should guarantee a minimum flow of the river at Lee's Ferry which caused a heated debate, but the Upper Basin States won most of the points contended. There was to be no minimum annual flow guaranteed but 75,000,000 acre feet was to pass Lee's Ferry every ten-year period. No measure or agreement was made by which the States could cooperate in procuring storage. [24]

As the flow is not uniform each year the ten-year period was finally decided upon. Mr. Norviel wanted a three-year period and Mr. Carpenter a twenty-year period.

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23. Olsen, Raupl Leslie, Colorado River Compact, 29-30.
Note 1. 35-65 basis.

State	Contribute	Retain	Irrigate
Colorado	11,800,000 a.f.	4,130,000	2,753,300
Wyoming	2,300,000 " "	805,000	536,600
Utah	2,300,000 " "	805,000	536,600

1-1.2 A. F. per acre

24. Note 30 29 f. n.

Mr. Norviel"took a leading part in urging that a guaranteed minimum annual flow was essential to protect the rights of the Lower Basin unless storage were provided prior to the coming into effect of the Compact". He contended that the Upper Basin, when there was a great abundance of water would turn down a large aggregate amount which would cover the years of scarcity when no water would be turned down. It seemed to involve problems of administration which would be impossible of settlement and would of necessity rob the Lower Basin of any water supply in a dry season or series of dry years.[25]

The discussion continued in the twelfth meeting. Mr. Carpenter of Colorado in answer to a question asked by Mr. Norviel regarding the annual or ten-year period of flow and the possibility of arbitrary decision of the Upper Basin of the amount to be sent down, said that they had not thought of arbitrary determination, that they believed the river should always flow some water at Lee's Ferry but of course that flow would vary with the years, sometimes more, sometimes less. Scrugham of Nevada suggested a minimum annual flow in second feet and Mr. Carpenter agreed to accept it if the amount be made low enough.[26] The question was of extreme importance and involved problems difficult of settlement. It was discussed at several meetings following that of the twelfth and to indicate how the Commission worked, their disagreements, compromises and victories, parts of the meetings will be given.

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25. Olson, Reuel Leslie, Colorado River Compact, 299.
26. Olson, Reuel Leslie, Colorado River Compact, 300.

Mr. Carpenter could not conceive of a condition where the upper States would use all the water deliberately thereby depriving the Lower States of their needs. He believed that if a yearly minimum flow were agreed upon, any objection which might have been made to the ten year average would disappear.[27]

At the fourteenth meeting, Mr. Hoover desired to know if the consumption of water of the Upper Basin could be determined. Davis of New Mexico in his reply said that it involved so many phases as diversion, application and return flow including numerous details that he thought it impracticable. He believed that a minimum flow guarantee would insure against famine in the Lower States.[28] The opinions of the various commissioners on this phase of the problem are most interesting. Emerson of Wyoming thought that if the Upper States guaranteed a yearly minimum flow and a ten year average flow, it was up to the Lower States to furnish storage.[29] A new problem had been injected into the discussion,-storage. Carpenter of Colorado interposed,'And it is up to them to provide storage as may be necessary, to be sure we deliver our minimum'. Mr. Norviel acquiesced to this although admitting it a heavy burden. He was skeptical over there being water to fill the reservoirs with no minimum flow guarantee. But both Mr. Carpenter and Mr. Emerson were willing to consider a minimum flow.[30]

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27. Olson, Revel Leslie, Colorado River Compact, 301.
28. " " " " " " 302.
29. " " " " " " 302.
30. " " " " " " 302-303.

Mr. Hoover at the sixteenth meeting offered a personal suggestion, 'If the two groups would meet separately and communicate to me their views, each one separately, I might be of some assistance *-*-*-* I suggest we might adjourn in two groups and consider the problems from this aspect.' The suggestion was accepted and the meeting adjourned.[31]

Section d of Article III, which states that the Upper Division would not deplete the flow below an aggregate of 75,000,000 acre feet to pass at Lee's Ferry for any period of ten consecutive years nor should the amount drop 4,000,000 acre feet for any one of such years, was adopted at the twenty-second meeting. That it did not meet the approval of the commissioners may be learned from their statements. 'I dislike that minimum clause, too, not because of the effect on any rights we have but because of the implication that the river can get down to that point," was the dissatisfaction expressed by Mr. Davis. Mr. Norviel was also dissatisfied because he had wanted a guarantee of 6,000,000 acre feet.[32] He was to be still further borne down as in the final draft of the compact,, Article three contains no statement with regard to minimum flow,"Neither did it contain any provision to the effect that the states of the Upper Basin would assist the states of the Lower Basin in procuring storage before the terms of the compact should become operative."[33]

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31. Olsen, Reual Leslie, Colorado River Compact, 303.
32. " " " " " " 303-304.
33. " " " " " " 33.

Before the final decision was made concerning storage it was thoroughly discussed in the meetings. At the sixteenth meeting Mr. Hoover said, 'I think it appears to all of us that we are really doing nothing unless there is storage, that the river isn't in a situation today to permit of any further development of any consequence unless storage is provided; that this pact, whether it refers to the matter or not, does in fact revolve upon storage, but it might loosen it up a little if we did incorporate some basis of that sort.' Emerson of Wyoming thought that Wyoming had the right to make any developments on the river as fast as they were feasible. He could not agree to the statement of Mr. Hoover that all large developments must cease until storage provisions were made. The Supreme Court Decision on the Colorado-Wyoming case, in his opinion, gave the upper state the right to continue developments regardless of scarcity of water in the lower state, so long as that state had made no provision to conserve the surplus waters of the stream.[34]

The provisions of the Compact regarding storage were unsatisfactory to some members of the commission but it seemed to involve questions which they thought they could not solve. Paragraph D of Article III is a compromise measure. In addition to the apportionment which had already

34. Olson, Reurel Leslie, Colorado River Compact, 306-307.

been made,'the lower basin should be given the right to increase its beneficial consumptive use of water by 1,000,000 acre feet per annum. [35]

The question of storage of necessity involves reservoirs and over this the battle raged from the first meetings held in Washington D.C. to the last held in Santa Fe. On January 26, 1922, at the first meeting, Mr. Emerson said: 'Fortunately the development of such projects as the Boulder Canyon Reservoir are desirable in the interests of the upper states almost as much as in the lower states for by the storage of flood water of that stream we will have the use of water in the upper states during the latter part of the irrigation season that would otherwise interfere with priorities on the lower river, so that in consideration of the protection of water supplies it is very desirable for the construction of a very great conservator of water. [36] At the Phoenix meeting Mr. Emerson desired to know California's idea of the compact and her position on the storage question, but California submitted no proposal for a compact. [37] Mr. Carpenter at the Salt Lake hearing gave the information that if the Boulder Canyon Dam were built as contemplated it would take one year and one half of the normal river flow to fill it.[38]

At this same meeting Mr. Hoover outlined

35. Olson, Reuel Leslie, Colorado River Compact, 38.
36. Olson, Reuel Leslie, Colorado River Compact, 38.
37. Olson, Reuel Leslie, Colorado River Compact, 351-352.
38. Olson, Reuel Leslie, Colorado River Compact, 352.

the possible results of the differences between the two basins on the storage question. The Upper Basin believed that with reservoirs the Lower Basin would develop more rapidly while the Lower Basin threatened to take the case to the courts if not allowed to build a reservoir. His desire was to find a method that would satisfy both groups, but nothing definite was done.[39]

The second proposal considered by the Commission when they finally discarded the 35-65 scheme was that the water of the Colorado should be divided equally between the Upper Basin and the Lower Basin. The testimony of Mr. A. P. Davis, Director of the United States Reclamation Service was used. The total number of acre feet taken as an average yearly flow was 16,400,000 making 8,200,000 for each. Mr. Hoover suggested that each be given 82,000,000 acre feet for a ten-year period with 4,500,000 acre feet as the minimum yearly flow. This proposal was opposed by the representatives of the Upper Basin States who preferred 65,000,000 acre feet for the ten-year period with no yearly minimum. Mr. Norviel held out for the first, had to modify and then compromise, the result being 75,000,000 acre feet for a ten-year period with no guarantee of a minimum annual flow.[40]

Paragraph A of article III including the phrase,'exclusive beneficial consumptive use' and the word

39. Olson, Reuel Leslie, Colorado River Compact, 352-353.
40. Olson, Reuel Leslie, Colorado River Compact, 34.

'apportioned', defining the right of the Basins proved a difficult problem for the commissioners. The phrase was taken by some to raise the "legal Problem of whether or not representatives of the separate states could apportion or divide the corpus of the water." They thought that the word 'apportioned' did not imply appropriation and therefore did not raise the question of whether or not the interstate agreement would have any effect upon the existing system of vesting of water rights by appropriation under state law in the several states of the Colorado River area. * * * * * The center of the problem is the question of whether or not the federal government or the government of each state is the source of the right to use the water of an interstate stream such as the Colorado River. * * * * * The commissioners sought to use language in the compact that would avoid the issue."[41] Mr. Hoover throughout the meetings was most concerned over the reception of the compact by the federal government. He desired to side step all dangerous fields and to avoid raising any issues which might cause the Government to make reservations. In regard to the above words he was especially concerned.[42] Mr. Carpenter believed that no issue was raised by the words and declared himself in harmony with the desires of Mr. Hoover but he did desire statements that would not in the future allow advantages

41. Olson, Reuel Leslie, Colorado River Compact, 35-36.
42. Olson, Reuel Leslie, Colorado River Compact, 318.

to be taken or permit false interpretations to be made.[43]

Emerson of Wyoming came out definitely for the statement,'apportionment of water for beneficial consumptive use."[44] Mr. Carpenter and Mr. Davis seemed to have difficulty in coming to an agreement on terms. Mr. Davis suggested that Mr. Carpenter, Mr. Caldwell, Mr. Emerson, and himself be allowed to consult for a moment. After the consultation Mr. Davis presented a resolution which was adopted by the group, to the effect that the language used is a middle ground which in no way raises or affects the title of ownership.'[45] Mr. Davis then read amended Article III to read,'There is hereby apportioned in perpetuity to the Upper Basin and to the Lower Basin respectively the exclusive beneficial consumptive use of 7,500,000 acre feet of water per annum.' It was unanimously adopted when changed to read,'There is hereby apportioned from the waters of the Colorado River System in perpetuity to the Upper Basin,'etc.[46]

A great deal of discussion arose as to the "share in the use of the waters which might be granted to Mexico by international treaty." The problem of the international status of the river, the rights of Mexico and the possible effect of the situation upon the security of the rights of the two Basins were all questions of no little difficulty. A representative for Mexico was present at

43. Olson, Reuel Leslie, Colorado River Compact, 320.
44. Olson, Reuel Leslie, Colorado River Compact, 321.
45. Olson, Reuel Leslie, Colorado River Compact, 323-324.

some of the conferences.[47]

Article III, paragraph C provides that any right to the use of any waters of the Colorado River System which may be recognized in Mexico shall be supplied from the waters which are surplus over and above the aggregate of the quantities apportioned to the Upper Basin and the Lower Basin, or if such surplus proves insufficient for the purpose, the burden of the deficiency shall be borne equally by the Upper Basin and the Lower Basin.[48]

Secreatry Hughes in a letter to Secretary Hoover wrote that a Mexican representative had asked that he might be advised as to the topics discussed and the agreements reached by the several conferences which had already been held and requested that Mexico be given representation in future conferences.[49] On April 20, 1922, Mr. Hoover in his reply to Mr. Hughes stated,'It has not occurred to me that the Mexican Government can rightly claim any representation in a Commission engaged in domestic considerations, or to have access to its records. Although subject to correction by you, it seems to me that any rights Mexico may have must be dealt with by the Federal Government and such treaty will override any interstate arrangements. I should not think such rights could be established by the Mexican Government through any relationship with this Commission. They must be formulated entirely by your good self.[50]

47. Olson, Reuel Leslie, Colorado River Compact, 36-37.
48. Olson Reuel Leslie, Colorado River Compact, 37.
49. Olson, Reuel Leslie, Colorado River Compact, 327.
50. Olson, Reuel Leslie, Colorado River Compact, 329.

At Santa Fe this question came to a head as did all the others. At the seventeenth meeting Mr. Hoover asked,'Isn't there any hopes that the Upper Basin would accept the whole Mexican burden?' to which Mr. Carpenter replied, 'None at all.' [51] Mr. Hoover didn't want to embarrass the Federal Government by anything which the Commission might do but if nothing were done he felt that the whole burden would fall on the lower division until the American canal should be built. [52]

At the twenty-second meeting at Santa Fe Mr. Hoover offered the following,'I want to make a suggestion to you, that is that we should cut out all discussion with reference to Mexico everywhere because we have presented arguments pro and con here that will yet be quoted against us. With that problem we don't want to embarrass anybody about it and if nobody dissents I will take the occasion to cut out all discussions as far as these meetings are concerned,' so we have the article as stated in the compact. [53]

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51. Olson, Reuel Leslie, Colorado River Compact, 330.
52. Olson, Reuel Leslie, Colorado River Compact,
Note 1. Increase of irrigated acres in Mexico from La Rue, Colorado River and its utilization, 159, 1913 - 50,000 acres irrigated .Davis preliminary report, 13 1915 - 40,000 acres irrigated
1920 -150,000 acres irrigated
potential 820,000
H. R. 2903,1326.

Note 2.'It must be confessed, that the use of water in Mexico may increase rapidly to more than the quantity agreed on by treaty, and the probable result would be another treaty granting a larger quantity.' C.E.P. Smith

53. Olson, Reuel Leslie, Colorado River Compact, 37.

How long should the compact be allowed to remain in force before a reapportionment of water should be made? The commissioners of the Upper Basin States were desirous of making the period a long one. [54] At the Los Angeles meeting Mr. Rose indicated his preference for a twenty-year period because of the changing economic conditions.[55] Davis of New Mexico was also opposed to any agreement for all time for the same reason as Mr. Rose but fully realized the difficulties which the group would face in trying to make a decision.[56]

At the eighteenth meeting at Santa Fe the question was thoroughly discussed and a settlement finally made. Mr. Norviel had hoped for a time settlement not too far distant and Mr. Scrugham moved the adoption of a fifty-year period which was seconded by Mr. Davis. Mr. Norviel favored a forty-year period which Mr. Scrugham accepted as an amendment. [57]

Arguments were then given for a greater or less period. Carpenter of Colorado favored a fifty-year period because it would equalize construction in the upper basin causing less unstableness than a hasty development. Norviel of Arizona believed that the lower division could reach the limit of their development within forty years with the amount of water allotted them. [58] A fifty-year period would terminate in 1973, a forty-year period in 1963 from January 1, 1923. Mr. Norviel suggested the forty-year period

54. Olson, Reuel Leslie, Colorado River Compact, 40.
55. Olson, Reuel Leslie, Colorado River Compact, 40.
56. Olson, Reuel Leslie, Colorado River Compact, 355-356.
57. Olson, Reuel Leslie, Colorado River Compact, 357-258.
58. Olson, Reuel Leslie, Colorado River Compact, 358.

and Mr. McClure moved that June 30, 1963, be the date set. This motion was seconded by Mr. Norviel and Mr. Scrugham withdrew his motion. A poll was taken, Messrs. Caldwell, Carpenter and Davis voted "no", killing the motion. Mr. Scrugham's motion was then substituted to which Mr. Norviel voted no. [59]

Davis of New Mexico offered a compromise, that the Chairman should set a date between the two. This motion was seconded by Scrugham of Nevada but Mr. Norviel had made so many concessions that he could not come to accept it. He had been forced up to a forty-year period from his original thirty. Mr. Carpenter resented this somewhat as he said that he had come down from one hundred. But in the end Mr. Norviel after receiving the assent of Governor Campbell agreed to accept a forty-five-year period. [60]

The compact could be changed by the same authority which made tt but the unanimous consent of the parties making it would be required to alter it. [61]

The following Table gives the commissioners moving and seconding the adoption of different articles of the Compact.

Subject Matter	Moved	Seconded
Colorado River Basin to include all territory in United States to which water of Colorado River can be beneficially applied.	Carpenter	Scrugham

59. Olson, Reuel Leslie, Colorado River Compact, 359
60. Olson, Reuel Leslie, Colorado River Compact, 360
61. Olson, Reuel Leslie, Colorado River Compact, 40.

Subject Matter	Moved	Seconded
Termination of Compact	McClure	Scrugham
Preferred use of water	Scrugham	Caldwell
7,500,000 acre feet annually to be apportioned to each basin	Scrugham	---
Rights to vest upon termination of Compact	Scrugham	---
Division of water	Question put by Hoover without motion for its adoption.	
Burden of supplying water to Mexico	" " " " "	
Technical committee established	" " " " "	
Disputes between states to be settled by voluntary agreements	Scrugham	Davis
Fifty-year period before reapportionment	"	"
Forty-year period before reapportionment	McClure	Norviel
Drafting committee to be appointed by Mr. Hoover [62]	Scrugham	Emerson

Mr. Hoover suggested the appointment of a drafting committee to furnish a preliminary draft to be considered by the commission, reviewed if necessary and a final draft made by the committee. Mr. Scrugham moved that the chair appoint the committee. It was seconded and unanimously agreed to. Mr. Hoover appointed Judge Davis, Judge Carpenter, Judge Sloan, Mr. McKisick and Mr. Hamele. This

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62. Olson, Reuel Leslie, Colorado River Compact, 283-284.

group were accepted and the same motion made the chairman an ex-officio member.[63]

'Any one who had an argument to present was called in. We took the period of not a few hours, but of many days, to complete the drafting of the Compact.'[64]

Article III is the most important article of the Compact and has been gone into in great detail not only to give some idea of the method used by the commission but also to show the important parts to the act.

Article IV relates to the preferred use of the stream. The uses are in order, domestic, agricultural and power purposes. Navigation is subservient to all others. The "regulation and control by each state is preserved with respect to the regulation and control of the use and distribution of water within its borders." 64-a

Article V states that the cooperation of certain officials of the states and federal government are to continue the development of the Colorado River.

Article VI is a step towards setting up administrative machinery for handling any disputes which may arise from time to time concerning questions related to Colorado River matters.' It gives the questions which may be adjudicated. [65]

Article VII states that nothing in

63. Olson, Reuel Leslie, Colorado River Compact, 284.
64. Sen. Res. 320, part 3, 315, Mr. Carpenter.
64-a Olson, Reuel Leslie, Colorado River Compact, 41.
65. Olson, Reuel Leslie, Colorado River Compact, 42.

the Interstate Treaty is to be considered as affecting the obligations of the United States to Indian tribes.

Article VIII states that the,"present perfected rights to the beneficial use of the waters of the Colorado River System are unimpaired by the terms of the Compact." This Article also deals with storage.[66] Mr. Hamele's remark about Article VIII is interesting -The purpose of Article VIII is largely psychological. It represents a compromise reached after much discussion. The Compact would be be complete were it eliminated.[67]

In Article IX, every action or proceeding for the protection of any right under the Compact or the enforcement of any of the provisions of the Compact which the states have under their present legal system is reserved to the states.[68]

Article X gives the manner of termination of the Compact which is by the unanimous agreement of the signatory states.

Article XI makes the Compact binding and obligatory when approved by the legislature of each of the signatory states and by Congress.[69]

"The Compact was executed in a single original, which has been deposited in the archives of the Department of State of the United States, and a duly certified copy has been forwarded to the Governors of each of the sigantory states."[70]

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66. Olson, Reuel Leslie, Colorado River Compact, 43.
67. Congressional Record 64, 4th Session, 9.
68. Olson, Reuel Leslie, Colorado River Compact, 43.
69. Olson, Reuel Leslie, Colorado River Compact, 45.
70. Report of Delph E. Carpenter, 3.

Provisions of the Compact.

The Commissioners, after weeks spent in study, debate and compromise in the meetings at Santa Fe, New Mexico, were able to form a compact upon which all could agree. Their labors of eighteen months were culminated in the "Colorado River Compact", which was signed on November 24, 1922, at Santa Fe, by the representatives of the seven interested states and approved by Herbert Hoover. It was sent to the Governors in the following form:

"Colorado River Compact.

"The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, having resolved to enter into a compact under the act of the Congress of the United States of America approved August 19, 1921, (42 Stat. L. 171), and the acts of the legislatures of the said States, have, through their governors, appointed as their comissioners:

"W.S.Norviel for the State of Arizona;
"W.F.McClure for the State of ~~Colorado~~ CALIFORNIA;
"Delph E. Carpenter, for the State of Colorado;
"J.G.Scrugham, for the State of Nevada;
"Stephen B. Davis, Jr. for the State of New Mexico;
"R.E.Caldwell, for the State of Utah;
"Frank C. Emerson, for the State of Wyoming;

who, after negotiations participated in by Herbert Hoover, appointed by the President as the representative of the United States of America, have agreed upon the following articles:

"Article 1. The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River system; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversy; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters, and the protection of life and property from floods. To these

ends the Colorado River Basin is divided into two basins, and an apportionment of the use of part of the water of the Colorado River system is made to each of them with the provision that further equitable apportionments may be made.

"Art. II. As used in this Compact --

"'(a) The term "Colorado River system" means that portion of the Colorado River and its tributaries within the United States of America.

"'(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River system and all other territory within the United States of America to which the waters of the Colorado River system shall be beneficially applied.

"'(c) The term "States of the upper division" means the States of Colorado, New Mexico, Utah, and Wyoming.

"'(d) The terms States of the lower division" means the States of Arizona, California and Nevada.

"'(e) The term"Lee Ferry" means a point in the main stream of the Colorado River, 1 mile below the mouth of the Paria River.

"'(f) The term "upper basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming within and from which waters naturally drain into the Colorado River system above Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system above Lee Ferry.

"'(g) The term "lower basin" means those parts of the States of Arizona, California, Nevada, New Mexico, and Utah within and from which waters naturally drain into the Colorado River system below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system below Lee Ferry.

"'(h) The term "domestic use" shall include

the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electrical power.

"ART. III. (a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include water necessary for the supply of any rights which may now exist.

"'(b) In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

"'(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper basin shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

"'(d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

"'(e) The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

"'(f) Further equitable apportionment of the beneficial used of the waters of the Colorado River system unapportioned by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October 1, 1963, if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

"'(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their governors, may give joint notice of such desire to the governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the governors of the signatory states and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the upper basin and lower basin the beneficial use of the unapportioned water of the Colorado River system as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

"'Art. IV. (a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

"'(b) Subject to the provisions of this compact, water of the Colorado River system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

"'(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use, and distribution of water.

"'Art. V. The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey, shall cooperate, ex-officio:

"'(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption, and use of water in the Colorado River Basin, and the interchange of available information in such matters.

"'(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lee Ferry.

"'(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

"'ART. VI. Should any claim or controversy arise between any two or more of the signatory States: (a) With respect to the waters of the Colorado River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States, or to be constructed in one States for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State; the governors of the States affected, upon the request of one of them, shall forthwith appoint commissioners with power to consider and adjust such claim or controversy, subject to ratification by the legislatures of the States so affected.

"'Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States.

"'ART. VII. Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

"'ART. VIII. Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this compact. Whenever storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

"'All other rights to beneficial use of waters of the Colorado River system shall be satisfied solely from the water apportioned to that basin in which they are situate.

"'ART. IX. Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcemtnt of any of its provisions.

"'ART. X. This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

"'ART. XI. This compact shall become binding and obligatory when it shall have been approved by the legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each signatory State to the governors of the other signatory States and to the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.'

"In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America, and of which a duly certified copy shall be forwarded to the governor of each of the signatory states."

Congress was prompt in its action, as a bill was introduced on December 18, 1922, approving the compact. But such Bill, never got beyond the committee. It is of importance however as its provisions would definitely accept the compact. This bill in Congress was the only action taken with direct regard to the compact as succeeding bills referred to developments and Federal action.

1. Cong. Record, 67 Congress, 4 session, 16-18.

Mr. Mondell introduced the following bill in Congress which was referred to the Committee on Irrigation of Arid Lands and ordered to be printed. The bill granted the consent and approval of Congress to the Colorado River Compact. "Whereas the act approved August 19, 1921, entitled, "An Act to Permit a Compact or Agreement Between the States of Arizona, California, Nevada, New Mexico, Utah and Wyoming respecting the disposition and apportionment of the waters of the Colorado River and for other purposes, gave the consent of Congress to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming to negotiate and enter into a compact or agreement providing for an equitable distribution and apportionment among the said States of the Waters of the Colorado River and of streams tributary thereto, upon conditions that a suitable person, to be appointed by the President of the United States should participate in said negotiations: and

"Whereas under the authority of said act the representative commissioners of the said States did on the 24th day of November, 1922, at the city of Santa Fe, New Mexico, sign a compact under the provisions of the said act, which compact was approved by the representatives appointed by the President of the United States; Therefore

"Be it enacted, etc., That the consent and approval of Congress is hereby given to a compact signed at the City of Santa Fe, New Mexico, on the 24th day of November, 1922, under and in accordance with the authority of the act approved August 19, 1921, entitled etc., which compact was signed by the representative commissioners "of the seven

above mentioned states, and the representative of the United States. The compact is given. Section 2. That said compact shall not be binding and obligatory on any of the parties thereto unless and until the same shall have been approved by the legislature of each of the said States and proclamation thereof shall be made by the President upon receipt by him from the Governors of all the signatory States of notice of approval of such compact by the legislature thereof.[2]

During the year 1923 each of the seven States took some action upon the Compact. California, Colorado, New Mexico, Nevada, Utah and Wyoming all passed resolutions of a similar and in some cases identical nature. Because of this fact a summary will be made of the Joint Resolution made by the Nevada Assembly as an example. It first went into the detail of the action of the legislatures in appointing the Commissioners for the purpose of promoting for the distribution and apportionment of the water of the Colorado River. The appointment by the President of a representative for the United States to participate in the work was the next step and lastly the statement that the compact had been signed by the commissioners with a copy of the compact preceded the resolution.

The resolution stated that the Assembly

2. Congressional Record, 67th Congress, 4th session, H.R. 13480 p. 16.

and the Senate jointly agreed by a majority to approve the Colorado River Compact and the Governor of Nevada was requested to give notice of such approval to the governors of the other signatory states and the President of the United States.[3]

Arizona in considering the compact in 1923 developed an entirely different attitude toward the problem. Governor Hunt in a special message which he gave when submitting the compact to the Arizona Legislature stated that in laying before them the official copy of the compact he was placing in their hands "the future destiny of the State of Arizona." He stated that Mr. W. S. Norviel, the State Water Commissioner, was appointed by Governor Thomas E. Campbell pursuant to law to represent Arizona, and that the compact which he joined in signing would have to be approved by the Legislature to become effective.

The responsibility which the Legislature had before them was greatly emphasized because of the effect of such a compact on the development of the State. He desired that its provisions be carefully studied and stressed the point that there was a "deplorable lack of adequate and reliable information in connection with the potential acreage in Arizona which might be irrigated from the waters of the Colorado River." That a survey was then being made by Mr. LaRue under the United States Geological Survey and

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3. Statutes of Nevada, 31st session, 1923, 393-399, Laws of State of New Mexico, 1923, 7. (See Appendix III #1 for full text of Acts.)

would have material for publication within six months was also brought out. He emphasized the desirability of the Legislature taking all the time it deemed necessary to "secure accurate and adequate information" to aid them to make a wise decision.[4] Whatever the Governor's influence through this message, Arizona was the one State of the seven to withhold approval of the Compact and because of her decision the Compact was rendered ineffective and of no avail. "The seventh State neither ratified nor rejected it. The State of Arizona took the matter under advisement.[5]

In the year 1925, the States ratified the Six-States Pact following the resolutions of 1923. Again an example will be given of one State, as the others are so similar. The Wyoming Legislature in the preamble to its Act stated that the compact had been signed by the authorized commissioners and the representative of the United States and that the Governor had received notice of the approval ~~by the legislature~~ by the Legislature of each of the approving states as provided in Article XI. It enacted that the first paragraph of Article XI be waived and that the compact should be made "binding and obligatory upon the State of Wyoming and upon the other signatory states which have ratified and may hereafter ratify it, whenever at least six of the signatory states shall have consented thereto and the Congress of the United States shall have

4. Laws of Arizona, 1925, Special Message of Governor Hunt, 395-402. (See Appendix III, No. 2 for full text.)
5. Senate Resolution 320, Part 3, 319.

given its consent and approval, "to take force immediately when the Legislature of the States of California, Colorado, Nevada, New Mexico and Utah had passed the same act.[6]

It will be noticed that the State of Arizona was omitted. A new course of events had developed and again the suggestion came from Delph E. Carpenter of Colorado who upon the "delay of Arizona in taking any definite action on the Colorado River Compact," suggested to Secretary Hoover that a six-state compact might be desirable, leaving Arizona to enter when she desired. He felt that because the river was a boundary of the three lower states and that the Federal Government held the Colorado River Canyon as a Federal Power Reserve, the six-state pact wouldn't make much difference to Arizona, and would aid the other states.[7]

Again was the Colorado River Compact doomed for failure, as California in her legislative action approving the six-state pact made the following reservations: to be certified and declared by the President of the United States:"That the Congress of the United States has duly authorized and directed the construction by the United States of a dam in the main stream of the Colorado River, at or below Boulder Canyon, adequate to create a storage Reservoir of a capacity of not less than 20,000,000 acre feet of water; and,(b) that the Congress of the United States has exercised the power and jurisdiction of the United States to make the

6. Session Laws of Wyoming, 1925, 85-86. (See Appendix III,No.3 for full text.)
7. Olson, Reuel Leslie, Colorado River Compact, 409.

terms of said Colorado River Compact binding and effective as to the waters of said Colorado River."[8]

"California's conditional ratification of the six-state pact was accomplished by what is known as the Finney Resolution."[9]

"There is one thing I might call attention to at this time, and it is that the Colorado River compact contemplates two events by its provisions - first, that subsidiary compacts will be entered into within the basin or subdivisions of it, for example, a subsidiary compact was expected to be entered into between the three lower States, or two of them, or between any number of the States, one with another. The second provision is that no then present perfected right is in any way affected by the Colorado River compact until a reservoir of 5,000,000 acre-feet storage capacity has "been provided"; [10]

The outstanding difficulty from the point of view of Mr. Hoover was the attitude of Arizona in her refusal to accept the compact except under certain terms. She desired an agreement with the States of Colorado and Nevada. [11]

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8. Statutes and Amendments to the Code, California, 1925, 1322. (See Appendix III #4)
9. Olson, Reuel Leslie, Colorado River Compact, 410.
10. House Rule, 6251 and House Rule 9826, Part 2, 120. Statement of Mr. Carpenter.
11. House Rule 6251 and House Rule 9826, Part 1, 44, SStatement of Mr. Hoover.

The states of the lower Basin did contemplate and made preparationsffor a tri-state agreement in their attempt to reach some definite action. The legislature of California in 1925 passed a joint resolution authorizing a committee to meet with similar committees from Arizona and Nevada. They based their action upon provisions of the Colorado River Compact. The committee was given full power to enter into an agreement which should become binding when ratified by the three legislatures and the Congress of the United States.[12]

The group met at Phoenix, Arizona. The Nevada committee had the same powers as those of California. The Arizona committee was of a more non-official nature. In the proceedings carried on it finally came to a position where Nevada and California could not continue until Arizona had withdrawn all opposition to the construction of a dam at or near Boulder Canyon; that any agreement between the three states would have to have that proviso. Arizona was willing to enter upon an agreement where the objection would be withdrawn to any particular development.[13] The proceedings accomplished nothing.

Thus is the history of the Santa Fe Compact told. A daring venture entered into by farseeing

12. Statutes and Amendments to the Code. California, 1925. 1422 -1423, (See Appendix III, No. 5 for full text.)
13. Official report of the Proceedings of the Colorado River Conference, 1925, 22-29.

men with ideas and dreams of developments that would change the course of several states. Were they too bold? Was Arizona right in her action and was California justified in her demand for Boulder Canyon dam? Were the upper States too selfish in their unquestioned control and dominance of the compact terms? The Colorado River continues unchecked, full of potentialities for either good or evil. How the Santa Fe Compact would have worked is mostly of a suppositional character. It had weak spots and strong features, but that it was signed in good faith we may believe from the statements of various signatories.

In closing this brief history, the statement of Mr. Norviel, the man who stood out in the commission in his opposition to certain features, and who in all his actions was most conscientious and desired the best for all from the river will be given. "That the Colorado River Compact is a high-minded document, fair to each State, and does not usurp the rights of the Government. It should be ratified by our State at the earliest moment. I am more positive now than the evening I signed the compact that it is not only fair, but is really very good for our State. Though I knew what it contained, helped to make it, had almost lost the friendship of some of the other commissioners for my - what they called stubbornness, in my

endeavor to exclude the Gila,and receive the 1,000,000 acre-feet in place of the exclusion. Yet I did not sign with avidity. Perhaps no one did. It was a serious matter with me. Now, after going deeper and deeper into the whole subject, the law and the facts, the possibilities and the probabilities, I am more satisfied than ever it is a good agreement. We should ratify it."[14]

14. House Rule 2903, Statements by citizens of Arizona, 19.

APPENDIX 1

Definitions:

Doctrine of Appropriation,"The appropriation or priority system of law provides that anyone who will put(unappropriated) water to beneficial use, may appropriate it, without reference to where it is to be used, and the right to take it continues so long as the use continues. As between appropriators on the same stream, the relative rights depend on the relative priorities of the various appropriators. The right of priority is often expressed as'first in time, first in right'."

Smith,G.E.P.,Colorado River Problems, 147

Acre Foot, The amount of water required to cover one acre to a depth of one foot.

Horse Power,Ahorse power is equivalent to raising 33,000 pounds one foot per minute, or 550 pounds one foot per second.

Kilo Watt, A unit of power, one thousand watts.

#1

Total Net Irrigable Lands In Colorado Basin in Acres

Sec. of Basin	Irrigated 1922	Immediate Future	Near Future	Ultimate	Total
Above Boulder Canyon	1,500,000	770,000	1,060,000	990,000	4,320,000
Below Boulder Canyon					
Ariz.	54,000	186,000	40,000	640,000	920,000
Calif.	456,000	414,000	7,000	200,000	1,080,000
Total in United States	2,010,000	1,370,000	1,110,000	1,830,000	6,320,000
Mexico	190,000	300,000	310,000		800,000
Total	2,200,000	1,670,000	1,420,000	1,830,000	7,120,000

Smith,G.E.P.,Colorado River Problems, 166

APPENDIX 1

#2.

Population;

	1900	1910	1920
Los Angeles	102,479	319,198	576,673
Denver	133,859	213,381	256,491

14 th Census of United States Vol.1:76

#3

Relation of Mexico to the Colorado River Project

The question is of importance because of the concession under whibh the Imperial Vallry of California gets its water supply. The Congress of Mexico in June 1904, approved a concession by which 10,000 second-feet of water of the Colorado river could be diverted, one-half to be used on Mexican land. The water was to be received from a canal heading in California to take water to the canals and channels in Mexico. One- half of the water can be diverted in Mexican territory from the Imperial Valley canal. The Mexican Government grants the Imperial Irrigation District the right to conduct its water through canals on Mexican soil from the Colorado river into the Imperial Valley.This necessitates the building of a canal.

Several ways have been suggested to avoid the difficulty of Mexico using more than her share of water as the Imperial Valley gets all her supply through Mexican territory.

1. Treaty
2. Canals may be built
3. Purchase of territory from Mexico
4. Divert water at such an elevation as to retain entire available supply.

The danger of an Asiatic settlement at the headwaters of the Colorado has been stressed as a danger to agricultural interests.This should not be too seriously considered.

(Congressional Digest, Feb., 1917, 44-45)

Appendix II

1.

Reclamation Act of 1902

Section 1. All moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Utah, Washington and Wyoming beginning June 30, 1901, including surplus of fees and commissions in excess of allowances to registers and receivers and excepting the 5% of the proceeds of the sales of public lands in the above states set aside for education and other purposes, the same are reserved, and appropriated as a special fund in the Treasury to be known as the "reclamation fund", to be used in the examination and survey for the construction and maintenance of irrigation works for storage, diversion, and development of waters for the reclamation of arid and semi arid lands in the said States and Territories, and for the payment of all other expenditures provided for in this act: Provided, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of Agricultural Colleges in the several States and Territories, under the act of August 30, 1890, the deficiency if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

Section 2. That the Secretary of the Interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimations of cost of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all facts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as those which have been completed.

Section 3. Secretary of Interior to withdraw public lands from entry which are required for irrigation works contemplated in this act, restored to entry any such lands when purpose is accomplished. Such lands subject to Homestead Law, not less than 40 or more than 160 acres.

Section 4. Secretary of Interior to let contracts for construction of practicable irrigation projects providing funds are available in Reclamation Fund. To give notice of lands irrigable under such project and limit area per entry. Charges to be made per acre and number of installments not to exceed ten. No Mongolian labor to be employed and eight hour day to be used.

Appendix II

Section 5. Entrymen shall reclaim one half of area for agricultural purposes and before receiving patent of land shall conclude payments which are paid to receiver of local land office. Paid into Reclamation Fund.

Section 6. Secretary of Interior authorized to use reclamation fund for operation and maintenance of all reservoirs and irrigation works constructed under provisions of this act, Provided that when payments are made the land passes to the owners and is maintained at their expense. Title to reservoirs and works necessary for the operation and protection remain in Government.

Section 7. When necessary to require any rights of property the Secretary of the Interior is authorized to acquire the same, paid for from Reclamation Fund either by purchase or condemnation.

Section 8. Nothing in Act shall be construed as affecting or intended to affect or in any way interfere with the laws of any State or Territory relating to the control, appropriation, use or distribution of water used in irrigation, but State and Territorial laws shall govern and control in appropriation, use and distribution. Right to use water acquired in these provisions, appurtenant to land irrigated.

Section 9. Duty of Secretary of Interior in carrying out the provisions of this act so far as practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from sale of public lands within each State and Territory hereinbefore mentioned. The excess to be restored to fund as soon as practicable.

Congressional Record Vol. 35, part 7,
57th Congress, 6722.

Appendix II

#2.

Irrigable area of Laguna Project *

1. Yuma Indian Reservation	15,000 acres
Opened to white settlers in 1910	6,500 acres
2. Yuma Valley	55,000 acres
3. Gila Valley	16,000 acres
4. mesa land	40,000 acres

#3.

"Be it resolved etc., That the Secretary of the Interior is hereby directed to institute an investigation of and report to the Congress on the various questions involved in connection with the use of the waters of the lower Colorado River for the irrigation of arid lands in the state of California and the Territory of Arizona with a view of determining the extent to which the waters of the said stream may be made available for the said purpose through works under the national irrigation act and by private enterprises, and as to what legislation if any, is necessary to grant or confirm to present and future appropriators and users thereof perpetual rights to the use of said waters for irrigation."**

#4.

Kinkaid Act

"Be it enacted etc., That the Secretary of the Interior is hereby authorized and directed to have an examination made of the Imperial Valley in the State of California, with a view of determining the area, location, and general character, of the public and privately owned unirrigated lands in said valley which can be irrigated at a reasonable cost, and the character, extent, and cost of an irrigation system, or of the modification, improvement, enlargement, and extension of the present system, adequate and dependable for the irrigation of the present irrigation area in the said valley, and adjacent thereto not now under irrigation, which can be irrigated at a reasonable cost from known sources of water supply by diversion of water from the Colorado River at Laguna Dam.

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*James, George Wharton, Reclaiming the Arid West, 100

**ongressional Record Vol. 38, part 5, 58th Congress 1904, 4963.

Appendix II

Kinkaid Act

Section 2. Secretary of the Interior to report to Congress not later than December 6, 1920, results of examinations with recommendations.
Section 3. Secretary of Interior to report in detail as to the character and estimated cost of the plan or plans on which he may report and if they shall include storage, and location, character and cost and effect of irrigation development.
Section 4. Shall report to what extent he believes United States should participate and in exactly what manner.
Section 5. $20,000 appropriated for the purpose. *

#5.

Agreements and Compacts Between States of the American Federal Union to which Congress Has Given Its Consent.

Boundary Conventions.
1. Kentucky and Tennessee; May 12,1820(Stat.L.vol.3,609)
2. New York and New Jersey; June 28, 1834(Stat.L.vol.4,708)
3. Virginia and Maryland; March 3, 1872(Stat.L.vol.20,481)
4. New York and Vermont; April 7, 1880(Stat.L.vol.21,72)

Jurisdiction over boundary waters for specific purposes.
1. North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, March 4, 1921(Stat.L.vol. 41, 1447)

Erection, Maintenance and operation of waterworks.
1. Kansas and Missouri, September 22, 1922(Stat.L.vol.42,105) **

International Rivers.

"Controversies respecting international rivers are settled(1)by treaty or (2) by war...Interstate controversies are settled(1) by interstate compacts or agreements or(2) by decision of the United States Supreme Court." ***

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*Congressional Record, Vol.59, part 5, 66th Congress 1920, 4367.
**Congressional Record, 67th Congress, 16.
***South Platte River Compact, Colorado Proceedings, 30-31.

Appendix II

#6.

Supreme Court Decision 1921

Case;

Two Colorado corporations under authority and permission of Colorado, were diverting water in Colorado, a considerable portion of the waters of the Laramie River and conducting the same into another watershed lying wholly in Colorado, for use in irrigating lands more than fifty miles from the point of diversion.

Wyoming holds that,

1. Without her sanction the water of an interstate stream cannot rightfully be taken from its watershed and carried into another where she can never receive any benefit from it.

2. Through many appropriations, made at great cost, prior in time and superior in right to the proposed Colorado diversion, Wyoming and her citizens have become and are entitled to use a large portion of the waters of the river in the irrigation of lands in the State and that Colorado diversion will not leave sufficient water.

Colorado declares that,

1. It is the right of Colorado as a State, to dispose as she may choose of any part or or of all of the waters flowing in the portion of the river within her borders,"regardless of the prejudice that it may work" to Wyoming and her people.

2. Colorado entitled to an equitable division of the waters and with all subsisting appropriations and proposed diversion she does not exceed her share.

3. After proposed diversion enough water in river and tributaries to satisfy all appropriations in that State.

State of Wyoming, Complainant vs. State of Colorado, the Greeley Poudre Irrigation district and the Laramie Poudre Reservoir and Irrigation Company,

1. A controversy between two states over the diversion and use of waters of a stream passing from one to the other makes a matter for investigation and determination by the Federal Supreme Court, in the exercise of its original jurisdiction.

2. The upper state of an interstate stream does not have such ownership or control of the waters flowing therein as entitles her to divert and use them regardless of any injury or prejudice to the rights of a lower state in the stream.

3. The lower state of an interstate stream cannot object to a proposed diversion of the water of such stream by the upper state merely because such diversion is to another watershed from which the lower state can receive no benefit, where in neither state does the right of appropriation depend upon the place of use being within the same watershed, diversion from one watershed to another being

made and recognized in both states even where water is taken in one state from a watershed leading away from that state, and from which she never can receive any benefit.

4. The doctrine of appropriation which has prevailed in Colorado and Wyoming from time of the first state settlement, always has been recognized and sanctioned by the United States, the owner of the public lands, should be applied to a controversy between those states over their respective rights in the waters of a non-navigable stream flowing through both states.

5. In suits between appropriators from the same stream, but in different states, recognizing the doctrine of appropriation, rights under such appropriations should be judged by the rule of priority.

6. Great variation in the flow of an interstate stream precludes taking the average yearly flow of all years in a considerable period as the supply when determining the relative rights of the upper and lower states, under the doctrine of appropriation recognized by both states.

7. The lowest natural flow of an interstate stream exhibiting great variations in the flow need not be taken as the test of an available supply when determining the relative rights of the upper and lower states, under the doctrine of appropriation recognized by the states, which also recognized that conservation within practicable limits is essential in order that needless waste may be prevented and the largest feasible use may be secured. The available supply must be deemed to be the amount into which the natural and varying flow is, after the recognized appropriations in the upper states are satisfied, susceptible, by means of practical storage and conservation, of being converted into a fairly constant and dependable flow.

8. Appropriations permits issued by a state engineer of the lower state of an interstate stream do not constitute adjudications by that officer that the supply is available to cover them, where they are mere licenses to appropriate if the requisite amount of water exists.

9. An appropriation does not take priority by relation as to time anterior to the existence of a fixed and definite purpose to take it up and carry it through.*

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*United States Supreme Court Reports, 66 Law Edition, October Term 1921, U.S., 999-1026.

#7

Appendix II

Officers of the League of the Southwest*

April 1920

President, Thomas E. Campbell, Governor of Arizona.
Secretary Treasurer, Arnold Kruckman, San Diego.
Vice presidents;
Frank A. Gesell, Los Angeles, California.
Dr.R.B.Von Kleinsmid, President University of Arizona.
A.L.Richmond, President Arlington Hotel Co. Santa Barbara.
Gov.William D.Stephens, California.
Gov. Oliver H.Shoup, Colorado.
Gov.Octaviano A.Larrazola, New Mexico.
Gov.Emmet D.Boyle, Nevada.
Gov.W.P.Hobby, Texas.
Gov. J.B.A.Robertson, Oklahoma.
Gov.Simon Bamberger, Utah.

August 1924

President, Hon.Thomas E.Campbell
Past President, Dr.R.B.Von Kleinsmid,
Secretary Treasurer, Arnold Kruckman
Vice presidents;
Gov.Freind W.Richardson, California.
Gov.William E.Sweet, Colorado.
Gov.James G.Scrugham, Nevada.
Gov.Pat M.Neff, Texas.
Gov. William B.Ross, Wyoming.
Gov.Chas. A.Mabey
Gov.James E.Hinkle, New Mexico.
Gov.Geo.W.P.Hunt, Arizona.

*Arizona Magazine Vol. IX, 1920, 5.

APPENDIX III, No. 1.

Statutes of Nevada, 1923, 31st Session.

Resolutions and Memorials.

Assembly Joint Resolution No. 1, Clark County Delegation No. 2. - Assembly Joint Resolution, relative to approving Colorado River Compact, approved January 27,1923.

Whereas, Pursuant to appropriate action of their respective legislatures the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, did heretofore appoint commissioners to negotiate and enter into a compact or agreement providing for an equitable distribution and apportionment among the said states of the waters of the Colorado River and of streams tributary thereto; and

Whereas, the Congress of the United States did by an act approved August 19, 1921 (42 Statutes at Large, page 171) grant its consent to the making of such compact or agreement, upon condition that a suitable person, to be appointed by the President of the United States should participate in said negotiations as the representative of and for the protection of the interests of the United States and upon the further consideration that any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said states, and by the Congress of the United States; and

Whereas, The commissioners representing the said states after negotiations participated in by Herbert Hoover appointed by the President as the representative of the United States, did, on the twenty-fourth day of November, 1922, at the City of Santa Fe, New Mexico, agree upon and sign a compact, which was then and there approved by the representative appointed by the President of the United States, and which is in the words and figures following - (Text of Colorado River Compact).

Now, Therefore, be it

Resolved by the Assembly and the Senate of the Legislature of the State of Nevada, jointly, at its thirty-first session, commencing on the fifteenth day of January, 1923, a majority of all the members elected to each house of said legislature voting in favor thereof, that the said Colorado River compact be and the same is hereby approved by the legislature of the State of Nevada; and be it further

Resolved, That the governor of Nevada be and he is hereby authorized and requested to give notice of the foregoing approval to the governor of each of the signatory states and to the President of the United States.

California Statutes

and

Amendments to the Code.

California 1923.

Chapter 17. Assembly Joint Resolution No. 3.
Relative to approving Colorado River Compact.

Whereas, Pursuant to appropriate action of their respective legislatures the states of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, did heretofore appoint commissioners to negotiate and enter into a compact or agreement providing for an equitable distribution and apportionment among the said states of the waters of the Colorado River and of streams tributary thereto: and

Whereas, The congress of the United States did by an act approved August 19, 1921, grant its consent to the making of such compact or agreement, upon condition that a suitable person to be appointed by the President of the United States, should participate in said negotiations as the representative of and for the protection of the interests of the United States, and upon the further condition that any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said states and by the Congress of the United States: and

Whereas, The commissioners representing the said states, after negotiations participated in by Herbert Hoover appointed by the President as the representative of the United States, did, on the 24th day of November, 1922, at the city of Santa Fe, New Mexico, agree upon and sign a compact, which was then and there approved by the representative appointed by the United States, and which is in the words and figures following to-wit: (Compact)

Resolved by the Assembly and the Senate of the legislature of the State of California, jointly at its 45th session, commencing on the 8th day of January, 1923, a majority of all members elected to each house of said legislature voting in favor thereof, That the said Colorado River compact be and the same is hereby approved by the legislature of of the State of California; and

Be it further resolved, That the Governor of California be and he is hereby authorized and requested to give notice of the foregoing approval to the governor of each of the other signatory states and to the President of the United States.

Laws of the State of New Mexico

Passed by the Sixth Regular Session

of the Legislature of the State of

New Mexico.
(January 9,1923 to
March 9, 1923.)

Chapter 6.

An Act Ratifying and Approving the Colorado River Compact. House Bill No. 46; Approved February 7, 1923.

Whereas, the Legislature of New Mexico, by an Act approved March 11, 1921, entitled "An Act Providing for the Appointment of a commissioner on Behalf of the States of New Mexico to negotiate a Compact and Agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and between said states and the United States, respecting the Use and Distribution of the Waters of the Colorado River and the Rights of said States and the United States Thereto, and Making an Appropriation Therefor", appearing as Chapter 121 of the Session Laws of 1921, authorized the appointment of a commissioner to represent the State of New Mexico upon a joint commission to be composed of commissioners representing the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and a representative of the United States of America, for the purpose of negotiating and entering into a compact or agreement respecting the utilization and disposition of the waters of the Colorado River; and

Whereas, the representatives of said states on the 24th day of November, 1922, at the City of Santa Fe, New Mexico, signed a compact in accordance with the provisions of said act, a copy whereof, duly certified by the Secretary of State of the United States, is now on file with the Secretary of this State, therefore:

Be it enacted by the Legislature of the State of New Mexico:

Section 1. The State of New Mexico does hereby ratify, approve and adopt the compact aforesaid, which is as follows:

(Text of Compact)

Section 2. Notice of the approval of said compact shall be given by the Governor of New Mexico to the Governors of each of the other signatory States and to the President of the United States, as provided in Article II of said compact.

Section 3. The ratification and approval of said compact by this State shall not be binding or obligatory until it shall have been likewise approved by the Legislature of the other signatory States and by the Congress of the United States.

Section 4. That it is necessary for the other signatory States and by the Congress of the United States.

Section 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time; and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

APPENDIX III, No. 2.

Laws of Arizona, 1923.

Special Message of the Governor submitting the Colorado River Compact.

Mr. President, Mr. Speaker, Members of the Senate and House of Representatives of the 6th Legislature;

In laying before you the official copy of the Compact between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and between the United States of America, respecting the use and distribution of the water of the Colorado River and the right of said states and the United States thereto, I place in your hands the future destiny of the State of Arizona. In the negotiation of the compact the State of Arizona was represented on the joint commission by Mr. W.S. Norviel, State Water Commissioner, who was appointed to represent Arizona by Governor Thomas E. Campbell, acting under the authority of Chapter 46, Senate Bill 64, of the Session Laws of 1921. Under the provisions of the foregoing law the duties of the Governor are solely ministerial and the Compact, if it is to become effective, must be approved by the legislature.

It is doubtful if any other question will ever arise in Arizona which will mean more to the people and have a greater influence on the development of the State than your action on this proposed compact.

As a citizen of Arizona, and as Governor of the State, I adjure you to study its provisions carefully. Your decision concerning this measure will be scrutinized and studied by the present generation of our people and by posterity.

The deplorable lack of adequate and reliable information in connection with the potential acreage in Arizona which might be irrigated from the waters of the Colorado River adds t o your difficulty in determining the wisest and best course for Arizona to adopt in connection with the proposed pact.

A survey is now being made on the Colorado River under the direction of the U. S. Geological Survey. In a letter under date of January 15, Mr. LaRue informed me that his report would not be ready for publication before July of this year.

The importance of this question, and the fact that the future development of this State largely depends upon the application of the water and power of the Colorado River, suggests the necessity of the Legislature taking such time as may be necessary to secure accurate and adequate information to enable you, as the representatives of the people of Arizona, to act wisely upon this most important subject. I desire to repeat what I said in my message to the Legislature, that "this subject is bigger than political parties; it is bigger than statesmen; it is bigger than any man or the ambitions of any man; it is a question of what is the best thing to do for Arizona and the States of the Colorado Basin, for America and for the peace of the world."

It is my desire to be helpful to you as the representative of the people of Arizona in determining the best course for the State in this matter. Such information as I have been able to assemble in the short period of time at my command is available for your use, and such facilities as the Governor's office may possess for securing additional data will be placed at your disposal.

If you find that the limited information, data and statistics available for your use is insufficient to justify the State of Arizona entering into this compact at present, I recommend that you make suitable provisions to secure the data necessary for the information of the people of Arizona in order that the interest of our State may be conserved.

Accompanying this message I herewith place in your hands a certified copy of the Colorado River Compact for such action as you may deem prudent."

APPENDIX III, No. 3.

Session Laws of the State of Wymoing passed by the Eighteenth State Legislature. Convened at Cheyenne, January 13, 1925. Adjourned February 21, 1925.

Chapter 82.

Original Senate File No. 75. Ratification of Colorado River Compact.

An Act relating to the Colorado River Compact.

Whereas, the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming; heretofore have approved the Colorado River Compact, signed by the commissioners for said States and the State of Arizona, and approved by Herbert Hoover as a representative of the United States, at Santa Fe, New Mexico, November 24, 1922, (Chapter 3 of Session Laws of Wyoming, 1923),and notice of the approval by the Legislature of each of said approving states has been given by the Governor of the other signatory states, and to the President of the United States, as required by Article XI of said compact; Now Therefore,

Be it Enacted by the Legislature of the State of Wyoming

Section I. That the provisions of the 1st paragraph of Article XI of the Colorado River Compact, making said compact effective when it shall have been approved by the Legislature of each of the signatory states, are hereby waived and said compact shall become binding and obligatory upon the State of Wyoming and upon the other signatory states which have ratified and may hereafter ratify it, whenever at least six of the signatory states shall have consented thereto, and the Congress of the United States shall have given its consent and approval, provided however, that this Act shall be of no force and effect until a similar Act or Resolution shall have been passed or adopted by the Legislature of the States of California, Colorado, Nevada, New Mexico and Utah.

Section 2. This Act shall take effect and be in force from and after its passage. Approved February 25,1925.

Laws passed at the 25th session of the State of Colorado. Denver, January 7, 1925, to April 16, 1925. Chapter 177.

Water Commission
Colorado River Compact.

House Bill No. 3, by Messrs. Calkins, Rees, Calkins, Cowan, Newland, Day and McCormick.

An Act Relationg to the Colorado River Compact. Whereas, the Legislatures of the States of California, Nevada, New Mexico, Utah and Wyoming, heretofore have approved the Colorado River Compact, signed by the commissioners for said States and the State of Arizona, and approved by Herbert Hoover as the representative of the United States of America at Santa Fe, New Mexico, November 24, 1922, (Chapter 189, pp. 684-693, Session Laws of Colorado, 1923) and notice of the approving States has been given by the Governor to the Governors of the other signatory States and to the President of the United States as required by Act XI of said Compact, Now Therefore,

Be it enacted by the General Assembly of the State of Colorado:

Section I. That the provisions of the 1st Paragraph of Article XI of the Colorado River Compact making said compact effective when it shall have been approved by the Legislature of each of the signatory states, are hereby waived and said compact shall become binding and obligatory upon the State of Colorado and upon the other signatory States, which have ratified or may hereafter ratify it whenever at least six of the sigantory states shall have consented thereto and the Congress of the United States shall have given its consent and approval, Provided, However, that this Act or Resolution shall have been passed or adopted by the Legislature of the States of California, Nevada, New Mexico, Utah and Wyoming.

Section 2. That certified copies of this Act be forwarded by the Governor of the State of Colorado to the President of the United States, the Secretary of State of the United States and the Governors of the States of Arizona, California, Nevada, New Mexico, Utah and Wyoming.

Section 3. The General Assembly hereby find, determines and declares that this Act is necessary for the immediate preservation of the public peace and health and safety.

Section 4. In the opinion of the General Assembly an emergency exists, therefore, subject to the provisions of Section 1 hereof this act shall take effect and be in force from and after its passage. Approved February 26, 1925.

Laws of the State of Utah
16th Regular Session of the
Legislature, January 12, 1925
to March 12, 1925.

Chapter 64.

Senate Bill No. 122. By Mr. Robinson.
Passed March 10, 1925, approved March 13, 1925; In effect March 13, 1925. Colorado River Compact.

An Act approving and ratifying the Colorado River Compact upon similar action by the States which have already ratified, and providing for certification of the action of this State to the other states of the United States.

Be it enacted by the Legislature of the State of Utah:

Section 1. Compact effective, when- reservation. That the provisions of the 1st paragraph of Article XI of the Colorado River Compact, as set forth in the original compact filed in the archives of the Department of State of the United States, at Washington D.C., a copy of which is set forth in Chapter 5, Session Laws of Utah, 1923, which article of said Compact makes the compact effective when it shall have been approved by the legislatures of the signatory states and by the Congress of the United States, are hereby waived and said compact shall become binding and obligatory upon the State of Utah and upon the other signatory states which have ratified or may hereafter ratify the said compact whenever at least six of the signatory sttes shall have consented thereto or approved the same and the Congress of the United States shall have given its consent and approval, provided that this Act shall be of no force or effect until this or a similar Act or Resolution shall have been passed or adopted by the legislatures of the states which have heretofore ratified and approved the Colorado River Compact.

Section 2. Forwarding copies. That certified copies of this Act be forwarded by the Governor of the State of Utah to the President of the United States, the Secretary of State of the United States and the Governors of the States of Arizona, Colorado, California, New Mexico, Wyoming, and Nevada.

Section 3. This Act shall take effect upon approval. Approved March 13, 1925.

Statutes of the State of Nevada.

Passed at the

32nd Session of the Legislature,

1925.

Begun on Monday, the 19th day of January, and ended on Thursday, the 19th day of March.

Carson City, Nevada.
1925.

Senate Bill No. 87- Senator Smith.

Chapter 96.- An Act relating to the Colorado River Compact; waiving certain provisions of Article XI thereof; agreeing to and entering into said Colorado River Compact as so modified, and providing for the ratification and going into effect of said compact as so modified. Approved March 18,1925.

Preamble:

Whereas, The Legislatures of the States of California, Colorado, New Mexico, Nevada, Utah and Wyoming heretofore have approved the Colorado River Compact signed by the commissioners for said states and the State of Arizona, and approved by Herbert Hoover as the representative of the United States of America at Santa Fe, New Mexico, November 24, 1922, and the approval of the legislature of the State of Nevada was given and granted by Chapter No. 2 of resolutions and memorials passed at the 31st session, Nevada Legislature, 1923, printed and published at pages 393 to 399, inclusive, and notice of the approval by the Legislature of each of said approving states has been given by the governor and each respective governor of the other signatory states and to the President of the United States as required by Article XI of said compact; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. That the provisions of the first paragraph of Article XI of the Colorado River shall have been passed or adopted by the legislatures of the states of California, Colorado, Nevada, New Mexico, Utah and Wyoming.

Section 2. That certified copies of this Act be prepared by the Secretary of State and forwarded by the Governor of the State of Nevada to the Presi-

dent of the United States and the Governor of the States of Arizona, California, Colorado, New Mexico, Utah and Wyoming.

Section 3. Good cause appearing, this act shall take effect immediately from and after its passage.

Laws of the State of New Mexico passed by the Seventh Regular Session of the Legislature of the State of New Mexico.

Convened at Santa Fe January 13, 1925, adjourned March 14, 1925.

Chapter 78. An Act Relating to the Colorado River Compact. Senate Bill No. 105. Approved March 17, 1925.

Whereas, the Legislatures of the States of California, Nevada, New Mexico, Utah, and Wyoming, heretofore have approved The Colorado River Compact, signed by the commissioners for said States and the State of Arizona and approved by Herbert Hoover as the Representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922, (Chapter 6, pp. 7-13, Laws of New Mexico, 1923), and notice of the approval by the Legislature of each of said approving States has been given by the Governor to the Governors of the other signatory States and to the President of the United States as required by Article XI of said Compact, now therefore, Be it Enacted by the Legislature of New Mexico

Section 1. That the provisions of the first paragraph of the Colorado River Compact, making said compact effective when it shall have been approved by the Legislature of each of the sigantory States, are hereby waived and said compact shall become binding and obligatory upon the State of New Mexico and upon the other signatory states, which have ratified or may hereafter ratify it, whenever at least six of the signatory states shall have consented thereto and the Congress of the United States shall have given its consent and approval, Provided, however, that this act shall be of no force or effect until a similar Act or Resolution shall have been passed or adopted by the Legislature of the States of California, Nevada, Colorado, Utah, Wyoming.

Section 2. That certified copies of this Act be forwarded by the Governor of the State of New Mexico to the President of the United States, the Secretary of State of the United States, and the Governors of the States of California, Nevada, Colorado, Utah and Wyoming.

Section 3. That it is necessary for the preservation of the public peace, health and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force from and after its passage and approval.

APPENDIX III, No. 4.

Statutes and Amendments to the
Code of California. 1925.

Chapter 33. Assembly Joint Resolution #15,,
Relating to the Colorado River Compact between the States of California, Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

Whereas, the Legislature of the states of California, Colorado, New Mexico, Nevada, Utah and Wyoming, have heretofore approved the Colorado River Compact, signed by the commissioners for said states and the state of Arizona, and approved by Herbert Hoover as the Representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922,and notice of the approval by the legislature of each of said approving states has been given by the governor thereof to the governors of the other signatory states, and to the President of the United States, as required by Article 11 of said compact; and

Whereas, The said compact has not been approved by the legislature of the State of Arizona, nor by the Congress of the United States, now therefore be it

Resolved by the Assmebly and the Senate of the Legislature of the State of California, jointly, at its 46th Session commencing on the 5th day of January, 1925, a majority of all the members elected to each house of said legislature voting in favor thereof that the provisions of the first paragraph of article 11 of the said Colorado River Compact, making said compact binding and obligatory upon the State of California, when by act or resolution of their respective legislatures a t least six of the signatory states, which have approved or which may hereafter approve said compact, shall consent to such waiver, and the Congress of the United States shall have given its consent and approval; provided, however, that said Colorado River Compact shall not be binding or obligatory upon the state of California by this or any former approval thereof, or in any event until the President of the United States shall certify and declare (a) that the Congress of the United States has duly authorized and directed the construction by the United States of a dam in the main stream of the Colorado River, at or below Boulder Canyon adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet

of water; and (b) that the Congress of the United has exercised the power and jurisdiction of the United States to make the terms of said Colorado River Binding and effective as to the waters of said Colorado River.

That certified copies of the foregoing preamble and resolution be forwarded by the governor of the State of California to the President of the United States and the governors of the states of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

APPENDIX III, No. 5.

Statutes and Amendments to the Code, California, 1925.

Chapter 80. Senate Joint Resolution No. 28.- Relating to the Appointment of a legislative Committee to negotiate with like committees from the States of Arizona, and Nevada for the purpose of settling the respective rights of lower basin states in and to the waters of the lower basin of the Colorado River system.-

Whereas, Pursuant to an act of Congress and acts of the various states hereinafter mentioned, representatives of the United States of America and of the States of Arizona, California, Colorado, New Mexico, Utah and Wyoming, met at Santa Fe, New Mexico, and did on the 24th day of November, 1922, enter into and execute a compact, known as the Colorado River Compact, which compact was subject to ratification as therein provided, and

Whereas, Said compact has been formally ratified by six of said states:-

Whereas, For the purpose of said compact and the allocation of the waters of the Colorado River system therein described, the aforesaid states were grouped into what is therein defined as the upper basin and the lower basin, which lower basin comprises the states of Arizona, California and Nevada; and

Whereas, In and by said compact there was allocated to said lower basin certain portions of the waters of said Colorado River system; and

Whereas, it is desirable to have the respective rights of the states in said lower basin, in and to the use of said waters of said Colorado River syatem, so allocated to said lower basin, determined, fixed and defined; now therefore, be it

Resolved, That a legislative committee consisting of two members of the Senate, to be appointed by the Speaker of the Assembly, which committee shall be known as the lower basin legislative committee, and which shall have authority, and it shall be its duty to confer and negotiate with duly authorized commissions or committees, representing the State of Arizona, and the State of Nevada, or either, or with any committee of the Congress of the United

States respecting the respective claims and rights of the said states of said lower basin, in and to the waters of said Colorado River system, and said committee is hereby authorized to make any and all investigations which may be or become necessary in order to sufficiently advise the members of said committee with reference to said matters and of the rights of the State of California and its citizens in and to the use and benefit of the waters of said Colorado River system, and to that end the members of said committee shall have authority to administer oaths, examine and require the attendance of witnesses and perform such other duties as may be necessary to sufficiently apprise the members of such committee of the necessary facts and furnish them with information adequate to enable them to properly perform their duties.

Be it further resolved that said committee be and it is hereby authorized to enter into an agreement in behalf of the State of California with the said states of Arizona and Nevada, or with either of them, fixing and determining the rights of said lower basin states, or either or any of them, in and to the use of the waters of the Colorado River system, and shall report at the next session of the legislature its findings, the agreement in respect to the use of such waters, together with its recommendations in regard thereto; provided, however, that any agreement entered into by said committee shall not be binding or obligatory upon any of the contracting parties or the states they represent, unless and until such agreement shall have been ratified and approved by the legislatures of the states entering into such agreement and by the Congress of the United States. Serve without compensation, allowed traveling, hotel and necessary incidental expenses. $1250 from each body for advice from state engineers. Governor to make necessary arrangements.

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