REPORT TO R.C. STANFORD, GOVERNOR OF ARIZONA.

REPORT

to

R. C. STANFORD

GOVERNOR OF ARIZONA

&

OTHER STATE

&

FEDERAL OFFICIALS

By

FRED T. COLTER

ARIZONA WATER TRUSTEE

DECEMBER 25, 1938

SUBMITTING

SOME FACTS PROVING THE PRIORITY AND SUPERIORITY OF THE COLTER FILINGS ON THE COLORADO RIVER AND TRIBUTARIES FOR ARIZONA AND WATER USERS UNDER SAID PROJECTS AND DUE DILIGENCE THEREON AND THIRTY-SIGHT EXHIBITS.

-oOo-

Hon. J. C. Wanslee,
State Water Commissioner,
Phoenix, Arizona.

February 25, 1939

Dear Mr. Wanslee;-

Fred T. Colter as trustee for Arizona and those claiming under her is enclosing you a 160 page summary report, a copy of prctest to the Legislature and Governor against S. B. 56 which embodies the Santa Fe and Tri-State compacts and if it passes we will defeat same easily in the courts, with other supplements of due diligence to my water filings on some 40 sites of which (THE GLEN-BRIDGE-VERDE-HIGHLINE IS THE KEY) before the State Commissioner and Federal Power Commission since 1922 and due diligence kept up thereon. These filings were initiated in 1916 and authorized and paid for mostly by Governor Hunt by advice of Attorney General Jones. Diligence and filings were affirmed by Attorney General Peterson in a three volume report 1933 on file in your office. Two additional volumes bringing diligence to 1937 also in your office. In a few days will file all diligence to date.

In making my filings I filed in two capacities. One for Arizona and one for water users under said projects or those claiming under the state which second capacity or jurisdiction becomes vested inchoate property rights. 25,000 landholders are under the main district and municipal districts are being perfected.

The Federal Power Commission and their regulations recognize that State water laws and jurisdiction and irrigation predominates and that irrigation and power naturally and legally are combined together as all my filings so provide and that either the government or state jurisdiction or ownership is only a trusteeship that guarantees protection to a legitimate water filing as my filings and hundreds of others throughout the state are, and keeps out power monopoly and other parasite water filings and permits.

I trust you will read this summary and protest and place same on file as a part of my due diligence. I have hundreds of other exhibits and maps of diligence on file in your office.

Kindly give me receipt for the above, and greatly oblige

Yours very truly

FCT/dc
encl report & Protest

Fred T. Colter, Arizona Water Trustee
Pres. Arizona Highline Reclamation Association.
Pres. Glen-Bridge-Verde Highline Pre-Organization Irrigation & Power Dist.

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C O N T E N T S

DECEMBER 25, 1938

LETTER OF TRANSMITTAL TO R. C. STANFORD, GOVERNOR OF ARIZONA AND OTHER STATE AND FEDERAL OFFICIALS

ATTACHED LETTER OF APRIL 25TH, 1937, BY FRED T. COLTER, ARIZONA WATER TRUSTEE, AND REPRESENTATIVE OF THE GOVERNOR, TOGETHER WITH EXHIBITS WHICH TRUSTEE PRESENTED IN PERSON TO THE FEDERAL POWER COMMISSION IN CONNECTION WITH MANY POWER FILINGS HE MADE, AND LISTED IN THEIR REPORTS. APPLICATION NO. 660 WAS GIVEN THESE FILINGS ON NOVEMBER 15, 1925 AND TO SUCH ADDITIONAL AND SUPPLEMENTAL FILINGS MADE BY THE TRUSTEE SINCE THEN. (a copy of said letter is attached hereto) TOGETHER WITH A LIST OF TRUSTEE'S WATER FILINGS BEFORE THE ARIZONA WATER COMMISSIONER MADE SINCE AND COMMENCING IN 1923 TOGETHER WITH SUPPLEMENTAL FILINGS MADE THEREAFTER, GIVING THE NUMBER OF EACH FILING.

CONTINUATION OF FOREGOING LETTER
PAST ATTORNEY GENERAL'S AND GOVERNOR HUNT'S AUTHORIZATIONS OF COLTER'S WATER FILINGS -- DUE DILIGENCE SUITS ETC. & OF STATE EXPENDITURES THEREFORE.

-oOo-

1454/55

LIST OF EXHIBITS

December 24, 1938

EXHIBIT A — CHART SHOWING THE GLEN BRIDGE VERDE HIGHLINE PROJECT is the KEY to the development of the entire state of Arizona. — Page 9

EXHIBIT A-1 — CHART OF PROJECT COMPARISONS OF THE GLEN BRIDGE VERDE HIGHLINE PROJECT with three other projects showing area irrigated, power developed, pump lift power consumed, pump lift in feet, marketable electric power, Miles of tunnelas, cost in dollars (This chart is on the reverse side of Chart A.) — Page 10

EXHIBIT I — Letter from Hon. R. C. Stanford, Governor of Arizona, to The Federal Power Commission, Appointing Fred T. Colter, Arizona Water Trustee to represent him on any water or power matter before The Federal Power Commission. April 12, 1937 — Page 11

EXHIBIT I-a — Letter of Fred T. Colter to The Federal Power Commission, transmitting various briefs, reports and exhibits, handed them in Washington D. C. as Governor Stanford's representative and as Arizona Water Trustee April 25, 1937 — Page 12

EXHIBIT II — LIST OF COMBINED WATER AND POWER, CANAL AND DAM SITE FILINGS ON COLORADO RIVER SYSTEM, FILED ON BY FRED T. COLTER AS TRUSTEE FOR THE PEOPLE OF ARIZONA, GIVING THEIR OFFICIAL NUMBER, DATE, CAPACITY, ELECTRICAL H. P. HEIGTH OF DAM, ETC. — Page 13-16

EXHIBIT II-a "Guaranteed Future Water Throughout Arizona"-- Fred T. Colter — Page 17-22

EXHIBIT III Special Message of Governor R. C. Stanford to the 13th Legislature February 19, 1937 — Page 23-25

EXHIBIT III-a House Bill 237 — Page 26

EXHIBIT IV — BUDGET SUBMITTED BY FRED T. COLTER TO THE APPRIATION COMMITTEE OF THE 13TH LEGISLATURE UPON THEIR REQUEST showing amounts requested and for what same were to be spent — Page 27

EXHIBIT V — Letter from E. W. Kramer, Regional Director of the Federal Power Commission to Fred T. Colter, asking for list of exhibits presented to the Interstate Committee for the Lower Colorado River Basin States, held in Phoenix, October 15 and 16, 1937. Letter dated September 8, 1938. — Page 28

EXHIBIT VI — Letter of Fred T. Colter to E. W. Kramer, listing the exhibits requested, together with others, (32) all of which were handed to Mr. Kramer by Mr. Colter in Phoenix, on September 23, 1938.
Page 29-32

Mr. Kramer conferred with Mr. Colter regarding the Arizona Colorado River's BRIDGE CANYON POWER DAM filings which were in conflict with the Colter, superior and prior filings, giving IRRIGATION preference over power and combined therewith. September 23, 1938

EXHIBIT VI-a — Summary of the Brief of Fred T. Colter, presented to the Meeting of the Interstate Committee for the Lower Colorado River Basin on revision of the National Resource Committee Report on "Drainage Basin Problems and Progress," published in December 1936, the Meeting being held under the auspices of the National Resource Committee at the State Capitol, Phoenix, Arizona Brief Attached October 15 and 16, 1937
Page 33

EXHIBIT VII — Brief of Fred T. Colter, Arizona Water Trustee and President of the Arizona Highline Reclamation Association, President of the Glen-Bridge-Verde-Highline Pre-organization Irrigation and Power District to the Interstate Committee for the Lower Colorado River Basin on revision of the National Resources Committee Report on "Drainage Basin Problems and Programs." October 13-16-1937
Page 34-36

EXHIBIT B — Scott Engineering Report of Highline. Favorable to the Glen-Bridge-Verde-Highline Project, authorized by Attorney-General K. Berry Peterson, under the Supervision of Fred T. Colter, 1933, for State Water Commissioner and Federal Power Commission.
Page 37-45

EXHIBIT VIII — LETTERS OF ATTORNEYS relative the Colter Filings, giving opinions stating they are prior and superior.

Page 46 — 1. J. Turley to Fred T. Colter - June 10, 1929

Page 47-48 — 2. "Arizona Safeguarded" - J. Turley

Page 49-50 — 3. "Analysis of Arizona's Water Rights and Filings." J. Turley

Page 51-52 — 4. "Why Arizona's Legal Rights in the Colorado River are so well protected. - Clifton Mathews of U. S. Circuit Court of Appeals.

Page 53 — 5. Letter of Thomas E. Flannigan July 6, 1934.

Page 54 — 6. Of J. Irvin Burk, Chairman of Judiciary

	Committee House of Representatives; L.C. McNabb, past City Attorney; John L. Sullivan, past Attorney-General
Page 55-56	7. Robert H. Williams, Engineer and Water Attorney's letter to Governor Stanford, praising Colter's ability and sacrifice on protecting Arizona's water and filings. March 1, 1937
EXHIBIT Page 57	8. Letter to Governor Stanford from Fred T. Colter, transmitting photostatic copies of Statements of responsible authorities who have passed favorable on the water filings he made for Arizona and water users under said projects, showing their priority and superiority, and that they would hold up in court, and a short analysis of the Doctrine of Relation in the water rights and filings as being applicable to Arizona and that nobody would put money in any project if they had to wait to build a project or get water on the land before they could get title, etc.
EXHIBIT IX Page 58-59	TELEGRAM - PROTESTING BRIDGE CANYON POWER PERMIT to The Federal Power Commission from the Woman's Division of the Maricopa County Democratic Central Committee.
EXHIBIT X Page 60-64	Petition of Protest to THE FEDERAL POWER COMMISSION by The Woman's Division of the Democratic Central Committee, Protesting the Bridge Canyon Power Permit with 42 signatures. Five hundred of these petitions are being circulated throughout Arizona.
EXHIBIT X-a Page 65	Governor Stanford's telegram to the Federal Power Commission protesting against the application of a power dam at Bridge Canyon made by the Arizona Colorado River Commission. October 30, 1938.
EXHIBIT X-b Page 66	Telegram Dr. Junius Gibbons, Executive Secretary to Governor Stanford and past chairman of the State Democratic Central Committee, protesting the Bridge Canyon Power permit made by the Arizona Colorado River Commission.
EXHIBIT XI-a Page 67	Re:- Ninety Day Extension July 11, 1930
EXHIBIT XI Page 68-70	Letter Fred T. Colter to Federal Power Commission October 6, 1930
EXHIBIT XII Page 71-74	A letter Fred T. Colter, Arizona Water Trustee, submits to Federal Power Commission, twenty exhibits and contents of 4 Volume Report and the due diligence from statehood to 1936 on the water filings made by him commencing in 1923.

EXHIBITS - CONTINUED

EXHIBITS XIII Page 75-81	Letter of transmittal, Fred T. Colter to The Federal Power Commission and Arizona State Water Commissioner, for Volume 4 of Diligence Report on Filings made by him. December 1935 January 3, 1935
EXHIBIT XIV Page 82-83	BRIEF MENTION OF REPORT OF THE NECESSITY TO RESUME COURSE SET BY ATTORNEY-GENERAL PETERSON IN 1932 AFTER WINNING ARIZONA'S WATER CASE IN THE U. S. SUPREME COURT.
EXHIBIT XV Page 84-85	Letter of transmittal of Fred T. Colter to Attorney-General K. Berry Peterson, April 14 1933 of Volume report of "Due Diligence in the Protection and Development of Arizona's Water Resources," since statehood or before, (1910) authorized by him for State Water Commissioner, and Federal Power Commission, etc. See Exhibit B p.
EXHIBIT XV-a Page 86	MAP OF PROFILE OF THE COLORADO RIVER AND DRAINAGE BASIN, showing Filings of Fred T. Colter
EXHIBIT XV-b Page 87	Map showing dam and canal sites filed on by Fred T. Colter with the State Water Commissioner and The Federal Power Commission for Arizona and water users under said projects. First Filings made in 1923.
EXHIBIT XVI Page 88-100	Engineering, Legal, U. S. Supreme Court and other data, since 1916 on Colorado River, Protection and Development etc. Published in Arizona Republic February 28, 1937
EXHIBITS XVI-a Page 101-102	Robert Williams, Engineer and Water Attorney, praises Arizona Republic for publishing Colter's article of Legal, Engineering and Court data. March 4, 1937
EXHIBIT XVII Page 103-108	A letter of transmittal or Brief to Federal Power Commission as Representative of Governor R. C. Stanford as Arizona Water Trustee, with numerous exhibits of due and reasonable diligence on water filings he made on behalf of the State before the State Water Commissioner and Federal Power Commission since 1923 April 30, 1937
EXHIBIT XVIII Page 109-110	Letter of Fred T. Colter, Arizona Water Trustee, transmitting filings on the water on ten additional dam sites on the Verde with water to be diverted at Camp Creek Dam Site. The filings to be made additional and supplemental to his filings made on the GLEN-BRIDGE-VERDE-HIGHLINE PROJECTS on the main Colorado River to be diverted from the Bridge Canyon Dam into Arizona and to be diverted from

	The Bridge Canyon Dam in Arizona and to be diverted from the Colorado River into the head of the Verde River into Central Arizona. March 9, 1936
EXHIBIT XIX Page 111	Acknowledgement of the above named application which "is supplemental and a part of and part renewal of water filings made by you in 1923 and thereafter." together with reports, data and documents in support thereof. April 29, 1936
EXHIBIT XX Page 112-113	Certified Copy of Cancellation of Diamond Creek Permit by Frank P. Trott, State Water Commissioner. October 13, 1925
EXHIBIT XXI Page 114-117	The following twenty-one exhibits with brief were transmitted to each member of the 13th Legislature, Fourth Special Session, by Fred T. Colter, Arizona Water Trustee
EXHIBIT XXII Page 118-121	LETTER OF TRANSMITTAL BY FRED T. COLTER OF VOLUME 5 AND MAPS AND EXHIBITS OF DUE DILIGENCE EXERCISE TO HIS FILINGS DURING 1936-1937 and 1938 AND SUMMARY OF THE DILIGENCE SINCE STATEHOOD, 1912. January 1939
EXHIBIT XXIII Page 122-125	Analysis of Ruinous Santa Fe Compact by Fred T. Colter, Arizona Water Trustee.
EXHIBIT XXIII-a Page 126-127	Map of filings of Fred T. Colter on Little Colorado River.
EXHIBIT XXIV Page 128	Col. Charles H. Rutherford, Attorney, and member of the Senate in 1923, assisted Senator Colter, who lead the fight to defeat the Ruinous Santa Fe Compact; his letter of December 30, 1936, commending Mrs. Hammer of the Messenger for reprinting December 26, 1936, his Editorial of June 22, 1935, entitled, "PEOPLE URGED TO FOLLOW COLTER'S LEAD, 'PATRIOT REDEEMED STATE FROM RUIN.'"
EXHIBIT XXV Page 129-134	Editorial from Messenger June 22, 1935 "People Urged to Follow Colter's Lead, 'Patriot Redeemed State from Ruin.'"
EXHIBIT XXV-a Page 135-139	Four Governor Hunt's letters of appointing Fred T. Colter to represent him before Legislature Congressional Committees and Federal Bodies, etc. on Colorado River matters, FROM 1922 to 1928.
EXHIBIT XXVI Page 141-144	Six Governor Stanford's letters appointing Fred T. Colter to represent him before Legislature Congressional Committees and Federal bodies, etc. on Colorado River matters.

EXHIBITS - CONTINUED

EXHIBIT XXVII Page 145-148	GOVERNOR STANFORD REITERATES HIS COLORADO RIVER PLAN ON THE COLORADO RIVER TO COLORADO RIVER COMMISSION, AND INSISTS THAT SENATOR COLTER BE CONTINUED AS EXPERT AND ADVISOR, September 29, 1937
EXHIBIT XXVII-a Page 149	Boulder Canyon Project Act and Boulder Power Scheme is subject to Santa Fe Compact. The Boulder Canyon Project Act, Sec. 13 (c).
EXHIBIT XXVIII Page 150-152	Governor of Arizona, R. C. Stanford, many years district judge of Arizona, address of welcome at the meeting of Colorado River Basin States, and other states and Government officials, held at Phoenix, Arizona June 22-23, 1938. The Governor stated that the Santa Fe Compact was unfair and unconstitutional; and that it is impairative to Arizona for water to be diverted above Boulder Dam to irrigate central and southern Arizona; and he notified United States Secretary Hull to warn Mexico not to impair Arizona's water rights.
EXHIBIT XXIX Page 153-154	Excerpts of Minutes of Colorado River Commission of Arizona organization meeting of July 3, 1937, making Fred T. Colter expert and advisor to Colorado River Commission.
EXHIBIT XXX Page 155	Telegram from Robert Williams, Attorney and Engineer, (Specializing on water power and land, Telegram to Governor Stanford that the Arizona Colorado River Commission has repudiated the water rights of Arizona as expressed in Stanford's and State Party platforms and his message to the Legislature. September 16, 1937
EXHIBIT XXXI Page 156	Brief Biography of Fred T. Colter in Who's Who in America and Who's Who in Commerce and Industry.
EXHIBITXXXII	Fred T. Colter's letter of 7/21/38, praising Governor Stanford's address of welcome at the Phoenix meeting June 22, 1938; address is outlined in above Exhibit 28. Also Colter gave his tory of the Compact between Colorado and New Mexico suits and court opinions thereon. Colo. U. S., Henderlider, state engineer of Colo. 73 Pac. (2) 997.
EXHIBIT XXXIII	Colter's letter of Feb. 24, 1939 transmitting this report and other data of Dec. diligence to Arizona Water Comm.
EXHIBIT XXXIV	Colter's protest of Feb. 22, 1939 against Senator Bell 56, embracing Santa Fe and tri-state compacts.

COPY

MAJOR J. TURLEY IS A HIGH STANDING WATER ATTORNEY AND ENGINEER

Hon. Fred T. Colter, June 10, 1929
Phoenix, Arizona.

Dear Senator:

I desire to congratulate you on the long successful, courageous fight you havr made for Arizona and proper development of the Colorado River, also your fight against the Swing-Johnson Bill and Santa Fe Compact and Boulder Dam.

Your foresight in filing on the water of the Colorado River for Arizona and its water users and the seven years legal diligence exercised, giving your fortune and time gives these water rights a legal and effective standing and is the basis for any court action; you have given to these rights and thereby they are of great value to Arizona and water users, and to protect all possible future developments. Titles will hold in court.

I am stating this as an attorney admitted to practice before the U. S. Supreme Court with a lifes actual engagement in water and land problems especially on the Colorado River, and initiating and developing the oldest rights to ninety six percent of the Colorado River water on San Juan river in New Mexico; going back to 1901-1903.

I have been opposed to the Swing-Johnson Bill and Santa Fe Compact and Boulder Dam, and continue to be, and desire the proper development of the Colorado River for the best good of all, therefore, recognizing you as having a trust as owner of the main water rights in Arizona, due to your water filings etc., I, with my old water rights, desire to cooperate with you and contract with you to oppose the Swing-Johnson Bill, Santa Fe Compact and Boulder Dam, and at the same time develop the Colorado River to get the greatest good to Arizona and the Colorado River States. I will bring my water to Arizona in accordance to your cooperating when and as done and agreed upon.

Best wishes for success.

Yours truly,

(Signed) J. Turley,
Albuquerque, New Mexico.

Ex. 33A p. 162
Colter's letter of transmittal to the Legislature, Gov. R. T. Jones, State Water Commissioner, Federal and State officials, of his PROTEST against Senate Bill No. 56, which embodies the provisions of the ruinous Sante Fe Compact which Arizona has refused to sign for the past 18 years, Feb. 22, 1939.

Ex. 34 p. 163
Representative W. R. Palmer's PROTEST against Sante Fe Compact Senate Bill No. 56, as destructive to Arizona. Printed in the Journal of the House of Representatives. March 1, 1939

Ex. 35 p. 163,165 & 166
Fred T. Colter, Arizona Water Trustee's PROTEST against Senate Bill No. 56, embracing the Sante Fe Compact, to the Legislature, Governor of Arizona, Attorney General, Arizona State Water Commissioner, Federal Power Commission and others. Printed in Journal of the House of Representatives. Feb. 22, 1939

Ex. 36 p. 164
ROBERT H. WILLIAMS, engineer and attorney's letter to the Arizona Republic, praising them for printing full page article by Fred T. Colter, entitled "ENGINEERING, LEGAL, U.S. SUPREME COURT and OTHER DATA SINCE 1916 ON COLORADO RIVER PROTECTION AND DEVELOPMENT." Sunday Feb. 28th, 1937. March 4, 1937

Ex. 37 p. 168
PROTEST RESOLUTION denouncing Senate Bill No. 56, which attempts to ratify the ruinous Sante Fe Compact and Tri-State compact, passed by the Committee of Safety and Citizens, at the State Capitol, Feb. 6, 1939

Ex. 38 p. 169
GOVERNOR R. C. STANFORD'S letter notifying the Presidentof the United States of America, Hon. Franklin D. Roosevelt, of the formation of the Colorado River Commission, selecting Fred T. Colter as expert and advisor to the Commission and Sidney Kartus as Assistant Secretary to both. July 21, 1937

Ex. 39 p. 169
GOVERNOR R. C. STANFORD'S letter notifying the appointing of Sidney Kartus, who was assistant Secretray of the Colorado River Commission as a member of the NATIONAL RESOURCE BOARD. Dec. 12, 1938

Ex. 40 p. 170
Stanford's letter to Secretary of the Interior reiterating his protest against Boulder Dam Bill and Sante Fe Compact as outlined in his personal talk and appearance and brief with exhibits presented before him at Washington, D. C. April 16, 1937. August 22, 1938

Ex. 41 p. 170
Talk in part of Sidney Kartus, past chairman of the Special Colorado River Committee elected by the Maricopa County Democratic Central Committee, published in the proceedings of the Colorado River Drainage Basin Meeting, Phoenix, Ariz. Dec. 12-13, 1938

Ex. 42 p. 171-174
GOV. R,C, STANFORD'S talk, brief and exhibits, presented before the Secretary of the Interior against the Sante Fe Compact and advocating the diversion of water above Boulder Dam into central Arizona at Boulder Dam contracts hearings, Washington, D. C. April 16,1937

Ex. 43 p. 178 -176
STANFORD'S letter to brief and talk, before members of the COLORADO RIVER DRAINAGE COMMITTEE and other officials at their proceedings and meeting, condemning the Sante Fe Compact.
Ex. 44 p. 177 to 182 Phoenix, Ariz. Dec. 12-13,1938
Fred T. Colter's talk and protest and exhibits, against the BOULDER DAM BILL and Sante Fe Compact, in Washington, D. C. as Arizona Water Trustee and as Governor Stanford's Representative, as President of The Arizona Highline Reclamation Association and as President of the GLEN-BRIDGE-VERDE-HIGHLINE pre-organization Irrigation and Power District. April 16, 1937
Ex. 45 p. 183
Effie Keen, past State Historian and editor of the Arizona Historical Review, Guest editorial ARIZONA GAZETTE, Oct. 2,1937, "COLTER, THE PLAN AND THE MAN", on principals and water conservation.
Ex. 46 p. 184,185 Statement of Fred T. Colter, Representative of Governor R. C. Stanford, alleging the unconstitutionality of the Sante Fe Compact and Boulder Act, adverse to proper National and State river planning, addressed to the MISSISSIPPI FLOOD CONTROL ASSOCIATION, Washington, D. C. May 7, 1937
Ex. 47 p. 186,188
Letter of transmittal, of Volume V . Diligence report, on "DUE and Reasonable Diligence in the Protection and Development of Arizona's Water Resources", to the State Water Commissioner, and The Federal Power Commission . March, 1939
Ex. 48 p. 189-192
House Resolution No. 3, 11th Legislature, Third Special Session, instructing the Attorney General of Arizona, to again bring suit in the United States Supreme Court, against adverse contenders, alleging the unconstitutionality and unfairness of the Sante Fe Compact, and the indispensableness to allege the Colter filings and projects, combining irrigation and power, with irrigation superior and prior, with diversion at highest elevation for maximum lands, including hundreds of other filings of INITIATED,INCHOATE, VESTED AND PERFECTED rights and Projects thruout Arizona, with Mass meeting Meeting Resolution, of April ,1939, requesting the Attorney General to do likewise. House Resolution No. 3, 11th Legislature printed in the Journal pages .
Ex. 49 p. 193
MASS MEETING RESOLUTION, requesting the Attorney General of Arizona, to bring suits protecting Arizona's water rights and asking assistance for Colter and others in bringing intervention and separate suits. April 1939
Ex. 50 p. 194
"NEVER WAS BIGGER HOAX THAN COLORADO RIVER COMPACTS," Arizona Gazette, Oct. 20th, 1926 by Professor E. G. Smith of the University of Arizona . See Highline Book, 1934 edition, p. 32.
Ex. 51, p. 195,196,197
PROTEST AND NOTIFICATION TO Mexico, and to ADVERSE CONTENDERS, to Arizona's water and power rights in the Colorado River and tributaries, stating that the waters had already been appropriated in Arizona and the United States of America, by Fred T. Colter Arizona Water Trustee, and representative of Gov. R. C. Stanford, and as Arizona President of the Arizona Highline Reclamation Association.
Note: Other protests have been sent by previous governors, and legislatures and by Fred T. Colter, since 1922.

MEXICAN TREATY MATTERS

Ex. 52 p. 198-203 HOUSE RESOLUTION NO. 4, adopted by the 11th LEGISLATURE, introduced by Fred T. Colter, informing the U. S. TREATY MAKING POWERS of the United States, that the waters of the Colorado River have already been appropriated in Arizona and in the United States of America, and in such appropriations the reflow waters therefrom will more than take care of all of the land in the delta of the Colorado River in Mexico. printed in the Journal of the Houseof Representatives 11th Legislature, p. 53 Date

Ex. p. 204,206
HOUSE RESOLUTION NO. 1,ELEVENTH LEGISLATURE, THIRD SPECIAL SESSION, printed in the Journal of the House of Representatives, pages 31,32, 33, about the same as Exhibit No. 52 above. These resolution passed the legislature and were sent to officials.

Ex. 54 p. 207
GOVERNOR F. C. STANFORD's letter requesting Secretary of State CORDELL HULL to notify Mexico, that she is not entitled to the use of water initiated and belonging to Arizona and the United States of America, alleging water for Arizona to be diverted above Boulder Dam into central and southern Arizona. July 21,1938

Ex. 55, p. 209-213
FRED T. COLTER, REPRESENTATIVE OF GOVERNOR R. C. STANFORD, letter, brief and exhibits to LAWRENCE M. LAWSON , International Boundary Commissioner, El Paso, Texas, First floor National Bank Bldg.

Ex. 55 p. 214 Date .
Letter of acknowledgement from Lawson, acknowledging receipt of above letter. Date

Ex. 56, p. 215-220
FRED T. COLTER's letter showing the necessity of compiling due diligence, legal and engineering facts, showing Arizona and Nation's Water rights in the Colorado River are prior and superior to those of the REPUBLIC OF MEXICO, addressed to the President of the Senate,Speaker of the House of the Arizona Legislature, read and ordered printed in the Journal , March 13,1937
and
TRANSMITTING communication from HON. HENRY F. ASHURST, to HON. FRED T. COLTER, enclosing Ashurst's letter to HON. R.Walton Moore, Acting Secretary of State, Washington , D. C. inserted in Congressional Records, Dec. 1, 1936, Ref. to 711-1216 M/921

Regarding Arizona & Mexican Treaty matters, Colorado River . Read and printed in the Journal of the House of Representatives, pages 863-868, THIRTEENTH LEGISLATURE, 1937.

EX 57 p. 221-223
HOUSE RESOLUTION No. 5, introduced by Hon. Fred T. Colter, and passed by the Thirteenth Legislature, PROTESTING against Secretary of the Interior Wilbur's offer to contract to Arizona, which offer proposed to destroy this state by forcing upon her the old Santa Fe Colorado River Compact and Tri-state Colorado River compact and protesting against any agreement with California and alleging the Colter filings as well as hundreds of other filings on the Colorado River and tributaries, Arizona's only source of water supply.

INDEX OF EXHIBITS -cont .

Ex. 58 p. 224
GUEST EDITORIAL, Phoenix Gazette, _____ 1936 by Effie Keen, past State Historian and editor of the State Historical Review (LAND WATER AND POWER) condemning the Sante Fe Compact as disastrous to Arizona, especially when they restrict Arizona's completed projects. Advising to be guided by Colter's program for Colorado River Development.

Ex. 59 p. 225
Editorial from The Messenger, Asking the abolishing of the Colorado River Commission who are against Arizona's Water protection and development. Date _____

Ex. 60. p 226-230
HOUSE RESOLUTION NO. 5, THIRD SPECIAL SESSION, ELEVENTH LEGISLATURE, Urging the ABOLISHING OF THE COLORADO RIVER COMMISSION AS They are adverse to Arizona's protection and development of the Colorado River for the benefits of all states as well as Arizona and the United States of America. Printed in the Journal of the House of Representatives, pages 146-150 Date_____

Ex. 61 p. 231
EDITORIAL addressed to the CONGRESSIONAL DELEGATION, UPPER B SIN STATES, Washington, D. C. against the ruinous Colorado River Compact, hy Mrs. Angela Hammer, editor of the Messenger, and speaking for those loyal Arizona's led by Colter who are fighting to protect Arizona's water rights . July 13, 1938.

EX 62 p. 232-252
U. S. SENATE DOCUMENT, No. 113, by Fred T. Colter, 69th Congress, 1st Session, 20 pages, GLEN-CANYON BRIDGE CANYON DAM PROJECT and Arizona Highline Canal, Summary of the arguments made by Senator Fred T. Colter, president of the Arizona Highline Association, on S. 3414, a Bill providing for the building of the Glen-Bridge-Dams and the ARIZONA HIGHLINE CANAL, introduced in the U. S. Senate March 3, 1926, as a substitute for the Swing-Johnson Boulder - Black Dam and Compact Bill, presented by U. S. Senator Ralph Cameron May 17, Calendar day May 18, 1926, ordered to be printed with illustrations, Washington Government printing office. 1926.

Ex. 63 p. 253-163
United States Senate, part of Congressional Record, COLORADO RIVER DEVELOPMENT remarks of Ralph H. Cameron, of Arizona in the Senate of the United States, Fri. January 15th, 1926.

Introducing due diligence and other data, letters, maps, telegrams and remarks of Hon. Fred T. Colter, Arizona State Senator, on protection and development of Arizona and the Nation's water resources and the Glen-Bridge-Verde Highline reclamation projects in Arizona being best for the Nation and for the maximum beneficial development of the entire Colorado River system, which development the Sante Fe Compact and Boulder Dam Bill would destroy.

Ex. 64 P. 264 - 265
Mrs. Hammer, editorial, The Messenger, protesting against the Compact and those in and outside of Arizona, who are favoring it, addressed to the Upper Basin Congressmen and others.

Ex. 65 -p 270-272
$350,000,000 P. W. A. Loan application, made by Fred T. Colter Arizona Water Trustee in 1933 and thereafter for the Glen-Bridge-Verde-Highline Project to develop 5 million H. P. and to irrigate 5 million acres of desert lands, and supply water for completed projects and potential projects.

Ex. 66. p. 272-275
Summary of intervention suit by Fred T. Colter & Sidney Kartus in the United States Supreme Court, October Term, 1936, state of Arizona vs California, Colorado, Nevada, New Mexico, Utah, and the State of Wyoming, showing Arizona's water and titles, which the attorney General failed to allege etc. Oct. Term, 1935

Ex. 67 p. 276-280
HOUSE RESOLUTION No. 77. by Representative W. R. Palmer, condemning the Colorado River Commission and asking that the legislature abolish same as their actions are adverse to Arizona protection and development of the Colorado River, TWELFTH Legislature, printed in the Journal of the House Pages _____

Ex. 68 p. 281-286
House Resolution No. 5, introduced by Hon. Fred T. Colter. ELEVENTH Legislature, Third Special Session, "To avolish the Colorado River Commission, because of their actions, detrimental to Arizona. Printed in the Journal of the House of Representatives, pages 147-148 Date _____ Passed

Ex. 69 p. 287-291
House Resolution No. 6, introduced by Hon. Fred T. Colter, Third Special Session, ELEVENTH LEGISLATURE, condemning the contract offer of Secretary of the Interior Wilbur and the Colorado River Commission, as being same as the Colorado River Compact and would desolate Arizona. Printed in Journal Pages 152-155 Date _____

Ex. 70 p. 292-293
House Memorial No. 8, introduced by Fred T. Colter, THIRD SPECIAL Session, ELEVENTH Legislature, requesting homestead entries be protected in the Taylor Grazing law, printed in the Journal, pages 155-156 Date _____

Ex. 71, p. 293-295
Summary & Brief of Fred T. Colter, Arizona Water Trustee, before the NATIONAL RIVERS & HARBORS 34th Annual Convention, held in Washington, D. C. March 21-24, 1939. This congress was presented with a similar brief presenting the Glen-Bridge-Verde-Highline Project, at their 32nd Annual Convention with exhibits, by Fred T. Colter Arizona Water Trustee, and the project is listed with the Congress for consideration and investigation, as No. 327

Ex. 72 p. 295-300
Oral statement and brief with 30 exhibits of Fred T. Colter to the NATIONAL RIVERS AND HARBORS CONGRESS as delegate for Arizona, representing Governor R. C. Stanford and as Arizona Water Trustee, President of the Arizona Highline Reclamation Association, and of the Glen-Bridge-Verde-Highline, Pre-organization Irrigation and Power District. April 16, 1937

Ex. 73 p 301-304
Letter of Transmittal to the THIRTEENTH Legislature, Sept. 30th, 1938, by Fred T. Colter, of the 1st Edition of "COLTER'S RECLAIMER" including 21 exhibits, proving the priority and superiority of the Colter filings, on the Colorado River and tributaries in Arizona and showing that any filings made at this late date by the Colorado River Commission or any other state agency or anybody at this late date, or any date, or filings made for power dams alone in the

Ex. 73 p. 301-304 - cont.
canyon section of the Colorado River or at the Bridge Canyon Dam site, that do not provide for diversion above Boulder Dam into central Arizona, combining the irrigation with the power for maximum lands, with irrigation prior and superior as provided for in the Colter filings, would mean desolation to Arizona and hinder the proper development of the river, to the detriment of all states concerned.

Ex. 74 p. 305-307
Tentative Water agreement by Fred T. Colter, of the 7 Colorado River Basin States, that would be fair and constitutional by giving the upper basin states all the water they can use forever within the system attached to Colter's letter to Governor R. C. Stanford, praising him for sonderming the compact etc. July 21,1938
See (Ex. 32 page 157)

Ex. 75 p. 307-309
House Concurrent Resolution No. 1 introduced by Fred T. Colter, THIRD SPECIAL SESSION, ELEVENTH LEGISLATURE, providing for loans at low rate of interest and long time on agricultural and livestock interests as provided for in the FRAZIER-LEMPKE VIII , Printed in the Journal of the House, pages 31-32.

Ex, 76. p 310
Telegram of Dr. Junius Gibbons, Chairman of the Democratic State Central Committee, and Executive Secretary of Governor R. C. Stanford, to Hugo Farmer, pro-compactor, member of the Colorado River Commission,protesting his erroneous statements against the feasibility of diverting water above Boulder Dam, when it is most economical and water rights have been established therefor thruout the state. April 18th,1937

Ex. 77, p. 311-313
TELEGRAM, Dr. Junius Gibbons, to Hon. Carl Hayden, June 28, 1937 asking him to head off anything that would bring Arizona into the Santa Fe Compact or injure projects and water filings made for Arizona or injure the projects and water filings made for Arizona and the GLEN-BRIDGE-VERDE-HIGHLINE Projects, especially since the U. S. Supreme Court has held Arizona is not bound by these compacts or Boulder Act and that Arizona's rights are not impaired thereby.

Ex. 78 p 314
J. B. Weber, chairman of the Anti Santa Fe Compact Committee and past president of the Arizona Democratic Association and member of the special Colorado River Committee elected by the Maricopa County Democratic Central Committee and Hon. J. Irvin Burke , Chairman of the Judiciary Committee of the Thirteenth Legislature, House of Representatives, denounce over KTAR Radio, the Boulder Power Santa Fe Colorado River Compact schemes, ruinous to Arizona, and urge the construction of the Glen-Bridge-Highline Project, lead by Arizona patriotsk pleading them to assist and be guided by the Arizona Water Trustee who for 18 years lead the fight to protect Arizona's rights in the Colorado River, for 16 initiated and main Arizona water projects.

Ex. 79 p. 315 Hon.Lewis Douglas, editorial, published in the Arizona Gazette, 1931, and Highline Book 2nd edition, statin that under the terms of the compact and Boulder Canyon Project Act construction of dam at Parker cannot and never will benefit Arizona as under the compact there would be no water for future use in Arizona. Mr. Douglas was Director of the National Budget, in 1931, and Congressman from Arizona.

Room 300 Capitol Bldg.
December 24, 1938

Hon. R. C. Stanford
Governor of Arizona
State House
Phoenix, Arizona

Dear Governor.

1. I am handing you herewith a brief article regarding my water filings with the Federal Pow er Commission and the State Water Commissioner and due and reasonable diligence exercised thereon.

2. I am also submitting a copy of my letter to the Federal Power Commission dated April 25th, 1937, which I handed to them exhibits in person while in Washington, D. C. as your representative and as Arizona Water Trustee.

3. In addition to this article and letter I am enclosing another letter to the Federal Power Commission dated April 30th, 1937 listing exhibits transmitted therewith.

4. I am also attaching a copy of my reply to the Federal Power Commission regarding the ninety day period in which to reply, at the same time the suspension of all filings took effect.

5. A copy of a letter from E. W. Kramer, regional director of the Federal Power Commission dated September 8th, 1938, regarding a preliminary permit for the Bridge Canyon Dam made by the Arizona Colorado River Commission for a power day alone.

6. A copy of my reply dated September 23, 1938 with list of 32 exhibits handed to Mr. Kramer by myself while he was in Phoenix, together with a set of large maps. He contacted me in connection with the filings made by the Colorado River Commission on the Bridge Canyon Dam site for a power dam, which filings conflicted with my filings. The Commission's filings if accepted would mean dissolution of Arizona.

The article and exhibits I submit herewith show that is self-evident that my filings before the Federal Power Commission and the State Water Commission are in perfect standing as verified by different lawyers opinions, copies of which I am enclosing herewith, in addition to matter I submitted to you in our conference on December 22, 1938.

I have given, with the aid of my wife and others, many thousands of dollars worth of services in the preparation of the due diligence that is required before the State Water Commissioner and the Federal Power Commission and others and have been typing seven copies of all acts of diligence since 1938 to the present, and will be able to complete the diligence which is the essence of all filings.

We are also preparing the supplemental filings to be made before the Federal Power Commission as well as performing an immense amount of work in completing the irrigation districts under said filings.

I have had to spend many times more money than I have received in the past two years, and owe several hundreds of dollars for supplies, maps, etc.

7. I, as your representative, assisted in obtaining the 1937 appropriation for the Colorado River Commission. This appropriation was obtained for the purposes outlined in the Governor's message to the Legislature, (copy of which is enclosed herewith).

8. Also for the purposes set out in the budget (copy enclosed) which the appropriations committee of the legislature asked me to present among which were the following also set forth in your message. These are the purposes for which I have been working and for which money has been expended to the limit and pressing obligations incurred.

1. Completion of irrigation districts on which I have been working since 1925.

2. Keeping up the due diligence on the water filing before the Federal Power Commission and the State Water Commissioner.

3. Mexico and State Treaty Water matters.

4. Surveys of information for the diverting of water above Boulder Dam, etc.

The compiling of the diligence is imperative and indispensable for any suits that may be brought; for treaty negotations with Mexico and other states and for many other official purposes.

The main purpose of the appropriation was for the purpose of ascertaining the most feasible of several routes already surveyed to divert w ater above Boulder Dam throughout Arizona.

All of these requirements I have worked for and expended a large fortune for since 1923, and for the past two years with the aid of my wife and others and in conformity with the purposes set out in the budget and the Governor's message.

The Colorado River Commission spent their time and money to do just the opposite.

Trusting you will see fit to give this matter your immediate attention so that the work we are doing can be completed in good shape before the end of the year. I owe much for which I am pressed to limit, and also need additional supplies to complete the important and necessary work to be done.

Re

Respectfully yours

Fred T. Colter.
Arizona Water Trustee

Dec. 24, 1938

THE ATTACHED LETTER OF APRIL 25, 1937, BY FRED T. COLTER, ARIZONA WATER TRUSTEE, AND REPRESENTATIVE OF THE GOVERNOR, TOGETHER WITH EXHIBITS WHICH TRUSTEE PRESENTED IN PERSON TO THE FEDERAL POWER COMMISSION IN CONNECTION WITH MANY POWER FILINGS HE MADE, AND LISTED IN THEIR REPORTS. APPLICATION NO. 660 WAS GIVEN THESE FILINGS ON NOVEMBER 15, 1925, AND TO SUCH ADDITIONAL AND SUPPLEMENTAL FILINGS MADE BY THE TRUSTEE SINCE THEN, (a copy of said letter is attached hereto.) TOGETHER WITH A LIST OF TRUSTEE'S WATER FILINGS BEFORE THE ARIZONA WATER COMMISSIONER MADE SINCE AND COMMENCING IN 1923, TOGETHER WITH SUPPLEMENTAL FILINGS MADE THEREAFTER, GIVING THE NUMBER OF EACH FILING.

While in Washington, D. C., as Arizona Water Trustee and as the representative of Governor Stanford of Arizona, the trustee appeared before the Federal Power Commission and other bodies and was prepared to make filings with the Federal Power Commission supplemental to No. 660. However, his filings, as well a s practically all other filings on the Colorado River before the Federal Power Commission, were temporarily suspended in 1932 due to the passage of the Boulder Dam Act. Therefore, they were not accepting any filings or giving permits at that time. However, realizing that due and reasonable diligence is the essence of all water rights and filings, the trustee filed the attached letter of April 25, 1937, with the listed exhibits and many other exhibits of acts of diligence previous to this and thereafter.

Before and since then, the trustee has been preparing supplemental filings t his application No. 660, 1925, with the diligence thereto which he is comple ting to date on all water filings before said commission and the Arizona Sta Water Commissioner. All of his filings are listed in Federal Commissions an nual report from 1925 to 1933 on file in the State library.

The State water filings are of record in the office of the State Water Commissioner and are listed in their annual reports. These filings have never been questioned since their inception in 1923. They are superior and prior to any filings made by California and Mexico on the Colorado River, and are the protection of Arizona's water rights on the Colorado River.

The filings of the trustee on the Colorado River and tributaries, made for the people of Arizona and water users under said projects, on some forty dam canal and power sites, made in 1923 and since then, were made previous to th passage of the Swing-Johnson Bill or Boulder Dam Act, and are prior and super ior to any attempted water appropriation by Mexico and others as will be shown by attorneys letters attached.

In the trustee's filings the power is combined to the irrigation, with irrig tion given preference over and made prior and superior to the power with such water to be diverted above Boulder Dam at highest elevation to irrigate the maximum lands thereunder, and the sale of the power is to assist in paying the cost of the irrigation and power development.

These filings also provide for furnishing the surplus water for the old completed projects throughout the state, all of which are short of water in nor mal times, as well a s for initiated projects.

The GLEN-BRIDGE-VERDE-HIGHLINE PROJECT is the KEY to Arizona's growth and development (see chart attached) and will develop millions of acres of land and generate millions of horsepower. Around 4,000,000 Acres under these Projects are now patented and homestead and irrigation districts were initiated by the trustee in 1925 under the

Bridge-Verde-Highline irrigation and power pre-organization district of which the Trustee is president. These districts when completed will become municipalities and by the assessment of a few cents an acre can do the necessary work and things to keep up said filings and assure non-taxable irrigation district bonds to build said projects either by government, state or private interests, and when the districts are completely organized, the trustee will turn over his filings to said districts.

Regarding the trustee's Federal Power Commission filings, Application No. 660, 1925--with the diligence thereto--he has been preparing supplemental filings and is completing the legal due diligence to date, on all water filings before the State Water Commission and the Federal Power Commission. All said filings are valid and active.

Although the Federal Pow er Commission during trustee's trip to Washington was not prepared to accept any filings at that time (May 1937) the trustee realized that due diligence was the most important factor in keeping up said filings, therefore he handed Exhibit No. 1 (attached hereto) with exhibits as listed, together with additional exhibits of due diligence to the Federal Power Commission. In Interviewing several head officials, their attorney and assistant attorney, he was advised by them not to be uneasy about his filings, made by him as trustee for the people of Arizona in the past, for if he continued his diligence and his water filings before the Arizona Water Commissioner, they recognized that the STATE laws had to be followed and that the jurisdiction of the state predominated. In addition, they recognized that the irrigation was prior and superior to the power and combined thereto as the trustee so provided in all his filings.

The Federal Power Commission's annual reports from 1925 to 1933 which are on file in the State library, record the trustee's filings among the thousands of others, and include trustee's application No. 660 with the description of same which are in good standing.

Attached hereto is copy of letter to the Federal Power Commission dated May 30th, 1937, together with list of exhibits.

Attached herewith my brief to the Federal Power Commission dated October 6th, 1930, when they temporarily suspended all water filings on the Colorado River without prejudice because of the passage of the Swing Johnson Bill or Boulder Canyon Project Act, giving ninety days for reply.

Since the passage of the Boulder Dam Act in two United States Supreme Court suits, which Arizona brought against the act, the Supreme Court hold that this state was not bound by the Santa Fe Compact, Boulder Act or Dam, and that her present and future rights would not be impaired, and that Arizona could divert water from above Boulder Dam and elsewhere, which practically validated all of the trustee's water filings on some forty dam, canal and power sites on the Colorado River and its tributaries in Arizona, as well as other filings throug out this state that were legal.

Mainly because of such decisi on, the Federal Power Commission ha s recently established a regional office in San Francisco, and there they have been accepting various applications. The Trustee has been preparing the diligence up to date and supplemental to applications No. 660.

Attached herewith is a letter from E. W. Kramer, Regional Director of the Federal Power Commission, dated September 8th, 1938, regarding application at the instance of the Arizona. Colorado River Commission to the Federal Power Com-

mis..ion to the Federal Power Commission for a preliminary permit for a solely pow er dam at the Bridge Canyon site on the Colorado River, asking for exhibits and a copy of brief the trustee presented to the Interstate Committee on Oct. 15 and Oct. 16, 1937 with exhibits as listed.

Attached herewith is a copy of a letter and list of 32 exhibits of which Fred T. Colter, Arizona Water Trustee, handed two copies to E. W. Kramer, Director of the Federal Power Commission's regional office recently established in San Francisco, dated September 23, 1938, when Mr. Kramer came to see the trustee after writing because of the Bridge Canyon Power filing for a power dam, made by the Arizona Colorado Commission, which filing conflicted with the filinng of the trustee.

The Commission's filing was made for power alone, not combined to irrigation, and did not provide for diversion of water from above Boulder Dam for irrigation of maximum lands. The filings for a solely power dam at the Bridge Canyon site would be equivalent to the Old Diamond Creek power filings and approximately in the same location, which Diamond Creek permit was cancelled and killed in 1924, because it destroyed irrigation and was equivalent to the Santa Fe Compact, giving all of Arizona's water to Mexico.

The Arizona Colorado River Commission's Bridge Canyon Power Dam Filing is much worse at this late date than the Santa Fe Compact.

Any filing made at this late date by anyone other tha n the Trustee or the Irrigation and Power District, when completed and after the trustee assigns amended and supplemental filings with their priority and superiority to them for whom he is holding same in trust, would be a disaster.

Arizona defeated the Diamond Creek Power monopoly permit, although filings therefor were made prior to those of the Trustee and that when Arizona had no favorable surveys or United States Supreme Court decisions. Now to Arizona's favor, we have both as The United States Supreme Court indicated that neither Congress or a Legislature ha s any right to compact away or deprive a State or anyone of p roperty rights.

THE DAIMOND CREEK POWER PERMIT Arizona's Colorado River Commission's BRIDGE CANYON POWER DAM application for a solely power dam in the Grand Canyon of the Colorado, NOT tied to IRRIGATION, with irrigation given preference over power, will have the same effect asthe ruinous SANTA FE COMFACT and would mean the desola tion of Arizona.

The people of this state ha ve, since 1922, refused to sign the Santa Fe Compact or its equivalents, and will not in the future permit the ruin of their state, and the United States Supreme Court will back them as in the past.

Attached herewi th is a copy of a telegram from the Democratic County Central Committee, Woman's Division, Maricopa County, dated October, 1938 protesting an any power development above Boulder Dam without provisions for diverting water for irrigation above Boulder D m. (Exhibit IX)

Also a copy of a protest petition dated October 28 th, which with 42 signatures to Clyde L. Seavey, Acting Chairman of the Federal Power Commission, Washington D. C. protesting against the issuing of the Bridge Canyon Power Permit, etc. by said Woman's Division; 500 of which are being circulated.

Attached are opinions of ten good attorneys on the priority of trustee's and state's water filings and rights. (Exhibit VIII 1 to 6 with signatures)

PAST ATTORNEY GENERAL'S AND GOVERNOR'S AUTHORIZATION OF COLTER'S WATER FILINGS - DUE DILIGENCE SUITS EST. & OF STATE EXPENDITURES THEREFORE

December 24, 1938

Attorney General Wiley Jones, in 1923, advised Governor Hunt, Chairman of the Commission of State Institutions, and as Governor, that he could authorize Fred T. Colter to make the water filings for the State of Arizona; which Governor Hunt did in 1923 and paid for most of the filings thereafter, as well as for the compiling of due diligence out of his fund.

These water filings were made by combining irrigation to the power, with irrigation prior and superior with the water to be diverted at highest elevation and above Boulder Dam to the maximum lands thereunder, with the power to pay for the development.

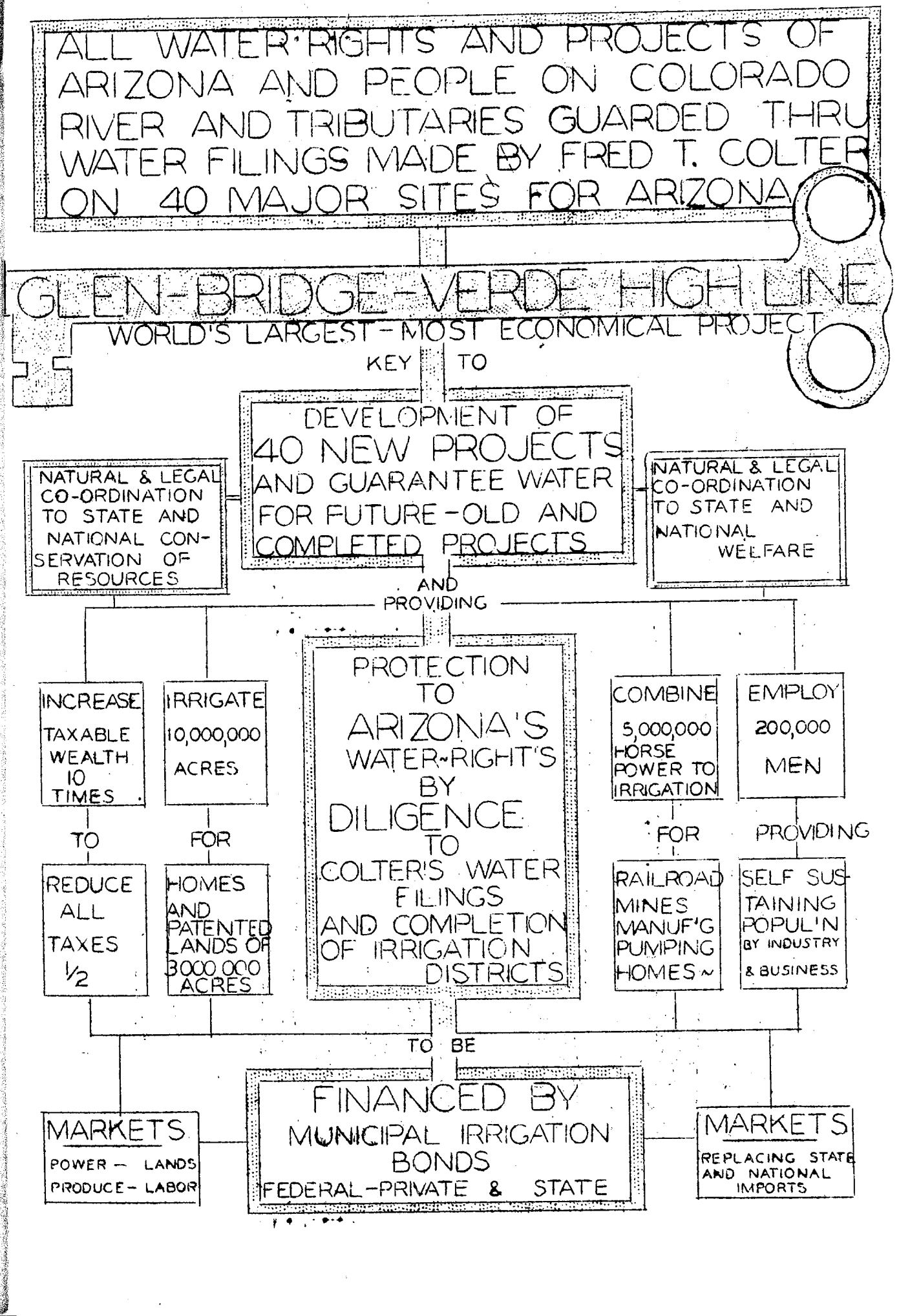
Because of this we won the Daimond Creek Power Dam suit, notwithstanding their filings were made 10 years prior to the Colter filings and the spending of $100,000.00 thereon, and were instrumental in cancellation of same is on the records of the State Water Commissioner of Arizona.

This also won the Boulder Dam Compact Suit.

Also, Attorney General Murphy in 1925 appointed Fred T. Colter as Chairman of the Committee to steer the Diamond Creek Suit.

Attorney General Peterson in 1932 and 1933 authorized Fred T. Colter and paid for the preparation of and the compiling of the report of Due Diligence on the Colter water filings and others, from statehood to 1934 and authorizing Colter to employ Donald Scott, Engineering Co. to make and prepare report of such engineering data, maps required to go into the three volume report, (for which he paid) and which Colter was making and for his water filings up to that date.

On December, 1935, Fred T. Colter, Arizona Water Trustee, filed with the State Water Commissioner, Volume IV, Part I and Part II of Diligence with the State Water Commissioner, and he is now completing Volume V of diligence and making such supplemental water filings necessary, before the State Water Commissioner and the Federal Power Commission.


ALL WATER RIGHTS AND PROJECTS OF ARIZONA AND PEOPLE ON COLORADO RIVER AND TRIBUTARIES GUARDED THRU WATER FILINGS MADE BY FRED T. COLTER ON 40 MAJOR SITES FOR ARIZONA
GLEN-BRIDGE-VERDE HIGH LINE
WORLD'S LARGEST-MOST ECONOMICAL PROJECT
KEY TO
DEVELOPMENT OF 40 NEW PROJECTS AND GUARANTEE WATER FOR FUTURE-OLD AND COMPLETED PROJECTS
NATURAL & LEGAL CO-ORDINATION TO STATE AND NATIONAL CONSERVATION OF RESOURCES
NATURAL & LEGAL CO-ORDINATION TO STATE AND NATIONAL WELFARE
AND PROVIDING
INCREASE TAXABLE WEALTH 10 TIMES
IRRIGATE 10,000,000 ACRES
PROTECTION TO ARIZONA'S WATER-RIGHT'S BY DILIGENCE TO COLTER'S WATER FILINGS AND COMPLETION OF IRRIGATION DISTRICTS
COMBINE 5,000,000 HORSE POWER TO IRRIGATION
EMPLOY 200,000 MEN
TO
FOR
FOR
PROVIDING
REDUCE ALL TAXES 1/2
HOMES AND PATENTED LANDS OF 3000,000 ACRES
RAILROAD MINES MANUF'G PUMPING HOMES ~
SELF SUSTAINING POPUL'N BY INDUSTRY & BUSINESS
TO BE
FINANCED BY MUNICIPAL IRRIGATION BONDS FEDERAL-PRIVATE & STATE
MARKETS
POWER — LANDS
PRODUCE — LABOR
MARKETS
REPLACING STATE AND NATIONAL IMPORTS

PROJECT COMPARISONS

PROJECT	AREA IRRIGATED	POWER DEV.	PUMP LIFE POWER CONSUMED	PUMP LIFE IN FT.	MARKETABLE ELEC. POWER	MILES OF TUNNELS	COST IN $
GLEN CANYON VERDE HIGHLINE PROJECT ARIZ.	4,700,000 ACRES	5,000,000	NONE	NONE	5,000,000	80	$390 *
METROPOLITAN WATER DIST. CALIF.	400,000 ACRES		800,000 H.P.	1617	200,000	115	750 *
COLUMBIA GRAND COULEE PROJECT WASH.	1,200,000 ACRES	4,000,000	2,000,000 H.P.	312	2,000,000	NONE	400*
TENNESSEE VALLEY PROJECT TENN.	NONE	4,000,000	NONE	NONE	4,000,000	NONE	952*

*In Millions of Dollars.

GOVERNOR R. C. STANFORD
CHAIRMAN
DONALD C. SCOTT
SECRETARY
J. A. MULCAHY
MEMBER
ALMA M. DAVIS
MEMBER

FRED T. COLTER
ARIZONA WATER TRUSTEE
EXPERT AND ADVISOR
TO COMMISSION
SIDNEY KARTUS
ASST. TO EXPERT AND
ADVISOR, AND
ASST. SECRETARY
OF COMMISSION

Colorado River Commission
OF ARIZONA

504 SECURITY BUILDING
PHONE 3-7750
PHOENIX, ARIZONA

EX 1 a

COPY

COLTER FILINGS - FEDERAL POWER COMMISSION

Letter of Fred T. Colter, Arizona Water Trustee to Federal Power Commission, transmitting brief with numerous exhibits Apr.30,1937

Letter Fred T. Colter, to Federal Power Commission, transmitting twenty exhibits and copy of table of contents of Diligence report on protection and development of Arizona's Water Resources from Statehood to 1936, on filings made by him, as Trustee commencing in 1923. May 1927.

Letter of Fred T. Colter, Representative of Gov. R. C. Stanford, on Colorado River matters, appeared before Federal Power Commission Department Heads and Attorneys, and handed them various exhibits, while in Washington, D. C. (1937) April 25th,

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U. S. Federal Power Commission
Washington, D. C. April 25th, 1937

Gentlemen:- I am handing you herewith 2 copies of the report of the Arizona Colorado River Commission, 1931-1932- two copies of the HIGHLINE BOOK, - Analysis of the Santa Fe Compact - Brief of Fred T. Colter " Legal, U. S. Supreme Court and other data since 1916 on Colorado River Protection and Development - copy of my letter to The Mississippi Flood Control Association Meeting, Washington, D. C April 7,1937 - and all other available data in connection with my application No. 660. filed November 15,1925, that I have made for the state of Arizona and water users under said projects on the GLEN- Canyon Storage and Flood Control Dam, the Bridge Canyon storage and Diversion Dam and other damsites between two said dams, and the Marble Gorge and Colorado-Verde project, and the Arizona All Gravity Highline Irrigation and Power Canal. In addition I will forward later, a Four Volume report entitled "Due and Reasonable Diligence in the Protection and Development of Arizona's Water Resources in the Colorado River & Tributaries) which is due diligence to my filings, (filed with the State Water Commissioner) I will also forward additional and amended oil tracings and maps in accordance to the requirements of your office.

Respectfully submitted

Fred T. Colter

Fred T. Colter, Arizona Water Trustee - Representative of Gov. R. C. Stanford, before State Legislature and National bodies on Colorado River matters. 1937 and 1938.

encls:-
2 copies Colorado River Commission Report(1931-1932) (1934)
2 Highline Books(Fred T. Colter Publisher) Analysis of Ruinous Sante Fe Compact(FTC) Engineering, Legal & U. S. Supreme Court Data (Report by Fred T. Colter) Feb.28, '37
Cronological Table of Contents of 4 volume report "Diligence & Protection Arizona Water Resources, filings made by him as outlined in report made by him to the Attorney General of Arizona and State Water Commission, Hon. Frank P. Trott, January 1, 1937.

(over)

BUDGET SUBMITTED BY FRED T. COLTER TO THE JOINT APPROPRIATIONS COMMITTEE OF THE 13TH LEGISLATURE UPON THEIR REQUESTSHOWING AMOUNTS REQUIRED AND FOR WHAT SAME WERE TO BE SPENT

COLORADO RIVER COMMISSION
$120,000 APPROPRIATION-DISTRIBUTION
(APPROXIMATE)

1. Survey of five feasible diversions above Boulder Dam into Central Arizona to determine the most practical, and surveys of diversions from Imperial and Parker Dams, and for suits and Protests against the ruinous Santo Fe Compact.....	$80,000.00
2. Complete irrigation-power districts and obtaining rights-of-way.....	6,000.00
3. Printing, binding, map work and cuts.....	8,000.00
4. Preparing Documents for State Water Commissioner and Federal Power Commission to keep up water filings with due diligence and for U. S. ' Mexico Treaty Commission, National Resource & Planning Boards , investigating and reporting on projects throughout the west for Federal assistance, which data is also indispensable for the Attorney General to have and present in any needed litigation, and for numerous other required purposes, and officials, including the President of the United States, Secretary of the Interior, Congress etc. and to keep up Arizona's water rights and filings and those made for her people against adverse claimants..	$10,000.00
5. Secretarial and clerical office staff for editing and compiling the data, for records, filing, stenographic work, etc, annually	6,900.00
5. Operation and Capitol Investment.....	4,000.00
6. Traveling and other expenses for appearing before official bodies, etc.....	5,000.00
7. TOTAL.....	$120,000.00

Note: Fred T. Colter, Arizona Water Trustee and official Representative of Governor Stanford on Colorado River matters, presented to the Legislature the above distribution of Budget, in conformity with House Bill No. 237, including requests of Governor Stanford in his Special Message to the 13th Legislature on the Colorado River, February, 19th, 1937.

SPECIAL MESSAGE OF GOVERNOR R. C. STANFORD
TO THE
THIRTEENTH LEGISLATURE ON THE COLORADO RIVER

Mr. President, Mr. Speaker, Members of the Senate and of the House of Representatives:

On the 11th day of January, 1937, upon the convening of the Legislature I delivered my general message upon various problems of the State which I considered necessary and which merited your consideration. Among other things I called your attention to the Colorado River problem and stated to you that the problem was so vital to the future of the State that it merited and demanded our close study and cooperation and I told you then that I would have a special communication for you upon this subject during the session in which I hoped to place before you my views and recommendations and I do so at this time.

Surveys and data are needed to determine the feasibility of irrigating nearly 700,000 acres by diverting water from Parker Dam instead of a pump-lift of around five hundred (500) feet from the proposed Imperial Dam, taking advantage of any construction now existing or in progress on the river.

Our State has repudiated the Santa Fe Compact and the courts have held that we are not bound by that Compact, or any contracts, growing out of the same. We are thoroughly convinced that by developing the Colorado River in its higher reaches that we will not only protect the interests of the people of our State in securing water for the irrigation of millions of acres, and the power to enable our people to carry on their enterprises, but that such development will not in any wise interfere with or deprive any of the other states of any right which they may have in the Colorado River, nor will it in any manner decrease the advantages which they may have in the same, but that owing to the development being made in accordance with economic principles advised by irrigation engineers of prominence the conservation of the water and the power will be sufficient so that the additional amount secured by proper development and proper maintenance will be enough to supply these other states with all to which they are now entitled, and to obtain highest beneficial use of the Colorado River for all peoples.

It is necessary that we should at this time be fully advised as to the position in which we are and to take immediate action to preserve and develop our rights throughout Arizona in the Colorado River and its tributaries. Practically all of this state lies within the watershed of the Colorado River. Plans have been initiated and water filings have been made on irrigation and power sites to the end that the people may be protected against the loss of this valuable heritage, said filings having been made on behalf of the State and water users under said projects, and maintained with due and reasonable diligence.

There comes a time, however, in all affairs, when in order to save the effected property rights, it is necessary that some action be taken.

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So far in the development of the Colorado River we have maintained our position and rights and they cannot be altered. You are familiar with the law of prior appropriation and beneficial use. So that you may at this time fully realize the reason for immediate action, I wish to call your attention to the construction of the Boulder Dam and Parker Dam and other projects that have been carried on subject to the Santa Fe Compact and Boulder Canyon Project Act by which Arizona is not bound, and that in order to continue to protect these filings that have been made and to keep up our priority with due diligence as against adverse claimants, it will be necessary for you to take immediate action. With the filings already made all that we have to do is to secure additional engineering data to enable us to determine the most practical of several feasible routes to divert water above Boulder Dam into Central Arizona and to begin construction of such works as may be necessary to develop the water in the higher reaches of the Colorado River in Arizona. When the filings have been made and the notice given the State Water Commissioner, such filings and notices segregate and protect for the use of such project the waters filed on so long as maintained with due diligence until it is completed. The filings are made and notices given, and it remains for us to continue this diligence by surveys and to initiate some developments as soon as possible to put into actual use enough of the water to show our good intention to complete the work in accordance with filings.

The law of prior appropriation and beneficial use requires that water should be used in such manner as to give the most benefit and this rule requires that diversion and development must begin in the upper reaches so as to permit a maximum return flow, increase and inflow of the river and will not deplete the flow. This principle of reflow has been studied and has definitely established that from projects built in the higher reaches in Arizona and resulting reflow there will be sufficient water to supply both Arizona and lower reaches of the river.

We need more data to permit us to determine which way would be the best to convey the water to the most of Arizona but we know such project is feasible and within the rights of the people of Arizona to construct. We should allot money in order to obtain the immediate data necessary to determine our most desirable route of construction.

The data to be gathered by the engineers and others which we propose the Colorado River Commission shall employ will serve many purposes, among which are the following.

1. To be used in cooperation with the National and State Water Resources and Planning Board, Secretary of the Interior, Federal Power Commission and such Federal agencies as are investigating projects through the West, in order that we may place Arizona in the foreground of the list for Federal aid now and in the future.

2. To use for the basis for organizing irrigation-power

lf

districts or such other organizations or methods as may be used for financing the building of such projects.

3. For the purpose of conciliating the differences which now or may hereafter exist among the Colorado River Basin States.

4. We must appropriate money sufficient to bring such actions as may be necessary to quiet Arizona's water rights in the Colorado River. These and other necessary steps can be performed only if the necessary data has been secured. We are in a position to maintain suits to adjudicate our rights to water and power developments of the Colorado River and its tributaries.

To this end I recommend that you enact such legislation as will provide the Colorado River Commission with the necessary fund to secure such engineering and other data upon which to base developments and legal protection, and to carry on such actions in the United States Supreme Court or other courts to protect our rights.

R. C. STANFORD
GOVERNOR OF ARIZONA

Phoenix, Arizona
February 19, 1937

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Federal Power Commission, September 23, 1938
Regional Office, Mkt. & O'Farrell St.
San Francisco, California.

Attention: Mr. E. W. Kramer

Dear Mr. Kramer:-

In reply to your request of the 8th, because of Arizona Colorado River Commissions application for permit to build solely Power Dam near Bridge Canyon which conflicted with those I had made for ARizona and hundreds of others in the state, I am handing you herewith the following: 2 copies each.

Exhibits of Folder No. 1.

(1) Engineers favorable report of Colorado River Commission of Arizona 1931-1932 for Glen Bridge Verde Tunnel Highline.
(2) Highline Book published by Fred T. Colter.
(3) Engineering, Legal, U. S. Supreme Court and other data by Fred T. Colter.
(4) Statement of Fred T. Colter to the National Rivers and Harbors Congress 23rd Convention.
(5) Brief of Fred T. Colter to the Boulder Dam Contract Hearing.
(6) Letter of Transmittal from Fred T. Colter to Attorney General on Diligence in Protection and Development of Arizona Water Resources.
(7) Special Message of Governor R. C. Stanford to the Thirteenth Legislature on the Colorado River.
(8) Statement of Governor R. C. Stanford to the Boulder Dam Power Conference.

Folder No. 2

In addition to the above exhibits you asked for, I am also handing you herewith two sets of the following exhibits.

(1) All Water Rights and Projects of Arizona and people on Colorado River and Tributaries (Ariz. only water supply). Established through Water Filings made by Fred T. Colter, Trustee on 40 Major sites.
(2) Congressional Record Sixty-Ninth Congress, First Session Colorado River Development - Remarks of Hon. Ralph H. Cameron of Arizona in the Senate of the U. S., Friday Jan. 15 (legislative day of Wednesday, Jan. 12, 1926. Remarks of Hon. Fred T. Colter as to how the Colorado River should be developed.
(3) Summary of Irrigation and Power Filings made by Fred T. Colter to Federal Power Commission and Arizona Water Commission for fourteen sites on Colorado River from 1923 to 1929.
(4) Letter to Federal Power Commission, June 14, 1929; Letter June 16, 1929; Letter July 30, 1929.
(5) "Guaranteed Future Water Throughout Arizona for Semi-Arid Lands and Developed Lands," by Fred T. Colter, Arizona Water Trustee.
(6) Analysis of Ruinous Santa Fe Compact, by Fred T. Colter, Arizona Water Trustee.
(7) List of combined water and Power Filings and Dam sites in Colorado River System, embracing their Official Number, Data, Capacity, Elevation of River at Base of Dam.
(8) Sturtevant-Stam Survey -- 1923.

(9) Letter to Federal Power Commission Jan. 3, 1936, Fred T. Colter.
(10) Brief Mention of Reports of Necessity to resume course set by Attorney General Peterson in 1932, after winning Arizona's Water Case in the U. S. Supreme Court.
(11) Letter J. Turley, Water Atty. to Fred T. Colter, June 10,1929 Re Filings.
(12) Scott Engineering report favors Highline
(13) Letter Nov,27, 1936, enclosing copy of Atty. General Letter of Transmittal by Fred T. Colter of his 3 Volume Report entitled "Diligence in Protection and Development of Arizona's Water Resources.
(14) Protest and Nitification to Contenders Adverse to Arizona's Water and Power Rights in the Colorado River, May 31, 1937 by Fred T. Colter.
(15) Talk of Ired T. Colter, Arizona Water Trustee and Representative of the Governor of Arizona before the legislature.
(16) MAP - Department of Interior, U. S. Reclamation Service, Irrigation on Little Colorado River Proposed Project.
(17) Press Memo "Colter Makes Diligence Report to Federal Power Commission May 11, 1937 (As Governor's representative).
(18) Excerpt from "A River Treasure" American Bar Asso. Journal, September 1934, page 560-561.
(19) Letter to Franklin D. Roosevelt from R. C. Stanford, Governor of Arizona, re Creation of Colorado River Commission ETC.
(20) Gov. R. C. Stanford's address of Welcome at the Meeting of Colorado River Basin States, and other State and Government Officials, held at Phoenix, Ariz. June 22-23, 1938.
(21) Two copies Messenger Article, June 22, 1935, "Urge to Follow Colter."
(22) Democrat March 12, 1937 "Phoenicians are indignant in Colorado River Water Meeting."
(23) Finance Letter and feasibility of Glen Bridge Verde Highline, all gravity Irrigation and Power Project.
(24) In the SUPREME COURT OF THE UNITED STATES October term, 1935 Motion for leave to File Petition to Intervene and Petition to Intervene.
(25) UNITED STATES SENATE DOCUMENT NO. 113 69th Congress - ABill Providinf for the building of the Glen Bridge Verde Highline Project, Introduced in the U. S. Senate March 3, 1926, as a substitute for the Swing-Johnson Boulder-Black and Compact Bill, Presented by U. S. Senator Mr. Cameron.
(26) Federal Power Commission letter by Fred T. Colter, January 3,1936.
(27) March 13, 1937, Letter to the President of State Senate from Fred T. Colter, transmitting letter of Henry F. Ashurst dated March 5, 1937 enclosing copy of Ashurst letter to Hon. R. Walton Moore, Acting Secretary of State, Washington, D. C. Re Mexican Treaty, etc.
(28) Copies of letters of Governor R. C. Stanford appointing Fred T. Colter as his representative before the Nat'l Rivers & Harbors Congress the Federal Power Commission, the Pres. of U. S. Senate and House of Representatives at Washington, D. C. April 12, 1937.
(29) Letter of June 10, 1929 by Major J. Turley to Fred T. Colter who examined Colter's Water Filings, stating we were in good standing.
(30) Analysis by Major J. Turley, Western Water Atty. and Engineer of Arizona's Water Rights and Filings.
(31) "ARIZONA SAFEGUARDED" by Maj. J. Turley, Colter Water Filings which are prior and Superior, and Ariz. are Protected by U. S. Supreme Court Decisions.
(32) "Why Arizona's Water Rights in the Colorado River are so Well Protected." Speech of Clifton Matthews Interpreting Arizona VS Calif. Decision of U. S. Supreme Court.

Yours very truly,
Fred T. Colter,
Arizona Water Trustee.

GOVERNOR R. C. STANFORD
CHAIRMAN
DONALD C. SCOTT
SECRETARY
J. A. MULCAHY
MEMBER
ALMA M. DAVIS
MEMBER

Colorado River Commission
OF ARIZONA
504 SECURITY BUILDING
PHONE 3-7759
PHOENIX, ARIZONA

FRED T. COLTER
ARIZONA WATER TRUSTEE
EXPERT AND ADVISOR
TO COMMISSION
SIDNEY KARTUS
ASST. TO EXPERT AND
ADVISOR, AND
ASST. SECRETARY
OF COMMISSION

VI-a

SUMMARY OF BRIEF OF FRED T. COLTER ARIZONA WATER TRUSTEE PRES. GLEN-BRIDGE-VERDE-HIGHLINE ORE-ORGANIZATION IRRIGATION AND POWER DISTRICTS- PRES. ARIZ. HIGHLINE RECLAMATION ASSOCIATION (presented in addition to his oral statement

TO

The meeting of the Interstate Committee for the Lower Colorado River Basin on revision of the National Resource Committee Report on "Drainage Basin Problems and Progress," published in Dec. 1936, meeting held under auspices of National Resource Committee, State Capitol, Phoenix, Ariz., Oct. 15-16, 1937.

* * * * * * *

Arizona has 92% of the power and practically one-half the drainage basin and irrigable land of the Colorado River system her only water development of which would be for the best interests of the entire Colorado River system and the United States. The Sante Fe Compact, had Arizona signed it or any contract thereto, such as the Boulder Dam Power Authority Compact Act, or accepted the major factors of the Arizona State Planning Board Report of the National Resource Committee were to be followed out, would have given the minimum river system development and would desolate Arizona by compacting the major Colorado River system waters to Old Mexico-California land syndicates at the low and wrong end of the river for first development, and compete with our agriculture, labor and industry and endanger our peace, ruin proper development of this great stream, which must begin in the upper reaches, subvert our Federal Constitution and the sacred and inherent rights that belong to the people and the sovereign state of Arizona.

THEREFORE, I Fred T. Colter, as Arizona Water Trustee, filed on some forty sitesthroughout the state of which the GIEN-BRIDGE* VERDE-HIGHLINE PROJECT is the KEY.

I HEREBY PROTEST against such schemes whether by our own Arizona Resource Planning Board, past or present executives, Colorado River Commissions or out of state adverse contenders and users, all of which would be in contempt of the unanimous U. S. Supreme Court rulings in the Arizona vs California decisions that Arizona is not bound nor her present and future rights impaired by the Colorado River Compact or the Boulder Canyon Project and that Arizona can divert water from above Boulder Dam which the courts allowed to be built for navigation only and subject to Arizona's rights.

Oct. 15- 16, 1937
Fred T. Colter

SCOTT ENGINEERING REPORT FAVORS HIGHLINE.

The following favorable engineering report by Donald Scott recommending the Glen-Bridge-Verde-Highline Reclamation Project was authorized by Attorney General K. Berry Peterson and made for Senator Fred T. Colter, trustee for the people of Arizona for said projects, who made water filings therefor commencing in 1923, and on November 10th, 1933 made application for a $350,000,000 Federal loan thereon, which included the Scott report, the Arizona Colorado River Commission of 1932, survey and favorable report and others.

The Scott Report was made for Senator Colter to be embraced in his three volume bound book report of due diligence exercised on said water filings made with the State Water Commissioner and Federal Power Commission, copies to be filed with them. One copy of said report was filed with the Attorney General for use in suits and as a guide, with legal water acts and court opinions, engineering estimates and other facts of diligence. Upon the construction of the Glen-Bridge-Verde-Highline Project depends Arizona's present and future growth. Summary of the report follows.

SCOTT ENGINEERING COMPANY
Ellis Building
Phoenix, Arizona

March 28, 1933.

Hon. K. Berry Peterson,
Asst. Attorney Gereral,
State Capitol,
Phoenix, Arizona.

Dear Sir:

In accordance with your instructions of April, 1932 I have prepared and delivered to Mr. Fred T. Colter Maps and Photostat to be used in the report which he has been making to your office on the due and reasonable diligence exerted since statehood and especially during the past twelve years by the State of Arizona and by him as trustee, to the water filings he has made for Arizona and its people, which is more fully explained in my letter of transmittal to Mr. Colter, a copy of which is attached hereto.

Sincerely yours,

DONALD C. SCOTT (SIGNED)
SCOTT ENGINEERING COMPANY,
By. Donald C. Scott.

March 28, 1933

To the Hon. Fred T. Colter,
Phoenix, Arizona.

Dear Mr. Colter:

I am handing you herewith a set of maps on tracing cloth comprising twenty sheets with many copies therefrom in conformity with the requirements of the Arizona State Water Commissioner and the Federal Power Commission. These maps with some thirty others and the photostatic copies for the reports were prepared for the following purpose:

(1) For assisting in the perpetuation of the combined irrigation and power filings, with irrigation superior to power therein, made by you on the Colorado River System beginning in 1923 and thereafter on the projects delineated in these maps for and in behalf of Arizona and water users under said projects, which water filings are on file with the Arizona State Water Commissioner and the Federal Power Commission;

(2) To be used for any amended water filing you may make therewith;

(3) To be used in this present report by you to the Arizona Attorney General, of which these maps and photostats and this letter are a part, of the past twelve years diligence exerted by the State of Arizona and its people and yourself as trustee to these said water filings, which report will also be filed with the Arizona State Water Commissioner and the Federal Power Commission as a further act of diligence to said water filings and water rights, and as additional notice to any adverse water contenders.

These maps show the topography of the proposed Glen Canyon Dam and Reservoir site, the Bridge Canyon Diversion Dam and Reservoir site, The Williams River Dam site, the approximate location of all proposed canals, tunnels and siphons, the approximate acreage to be irrigated under each project and the total acreage to be irrigated under the combined projects set forth therein and filed upon by you as trustee as above stated. The maps show the 4,455,000 acres

to be irrigated under these projects and give contours, range and township locations of lands to be irrigated.

In the preparation of these maps in conformity with the general plan proposed by yourself and the Arizona Highline Reclamation Association, every effort has been made to collect all the available information to be had at this time, and to incorporate this information in the maps. The following sources of information have been reviewed and used in this work:

(1) "Report Based on Reconnaissance Investigations of Arizona Lands Irrigable from the Colorado River", by the Arizona Engineering Commission, under the direction of E. . LaRue, made in 1923.

(2) United States Geological Survey Water Supply Paper No. 556, made in 1925.

(3) All Gravity Aqueduct Plan from Bridge Canyon Dam Site to Secure Water for Southern California, by E. C. LaRue -- Hydraulic Engineer, May 1929.

(4) Summary of irrigation and power filings made by Fred T. Colter to the Federal Power Commission and the Arizona State Water Commissioner for irrigation, reservoir and power sites on the Colorado River from the years 1923-1929, most of which were published in Hydraulic Engineers, September, 1929.

(5) All United States Geological Survey Quandrangles available for this area.

(6) Sturtevant-Stam Highline Canal and Spencer-Bridge-Canyon Diversion Dam Site survey of 1923, on the basis of which Engineering data Fred T. Colter, trustee, made the first of said water filings.

(7) Topographic Map of State of Arizona by the United States Geological

Survey and the University of Arizona, in 1925.

(8) Trott-Parker Surveys in 1925.

(9) All advance sheets of the United States Geological Survey which are available at this time.

(10) From my personal records and information I have been able to obtain in the field.

GENERAL PLAN

The general plan of development of this project is predicated on the construction of the Glen Canyon Dam, which will provide storage, flood and silt control for the other structures which are to be built below this project. This dam will provide storage for 50,000,000 acre feet of water to be used for power and irrigation.

The water stored, in passing through the proposed power plant at the Glen Canyon Dam, will develop 700,000 electrical horse power, and this same water in passing the four other power sites between the Glen Canyon Dam and the Bridge Canyon Dam, which will be the point of diversion, will manufacture additional power as follows:

Dam Site	Electrical Horse Power to be developed.
(1) Redwall	362,000
(2) Mineral Canyon	588,000
(3) Ruby Canyon	494,000
(4) Spencer-Bridge Canyon	392,000

Under this plan the proposed point of diversion will be the Bridge Canyon Dam. At this point it is possible to develop another 1,000,000 electrical horse power. The portal of the proposed irrigation tunnels would be at an elevation of 1940 feet providing a storage of 9,000,000 acre feet is the Bridge Canyon Reservoir, and, with storage capacity at the Glen Canyon Reservoir, the total available storage would be 59,000,000 acre feet available for irrigation. The water stored in the four reservoirs of the power sites cannot be

considered as available for irrigation as it will be necessary to maintain these reservoirs at their maximum power at each site.

These reservoirs could be drawn upon at any time in case of emergency at a sacrifice to the power developed.

In addition, 600,000 electrica l horse power will be manufactured on the Arizona Highline Canal. These added, total 4,136,000 electric horse power to be made on the combined projects. The value of this great amount of electric power will more than pay for all the combined irrigation and power development of 4,455,000 acres under these projects.

IRRIGATION PROJECTS

The irrigation plan is divided into three projects and two alternate projects as follows:

1. Arizona Glen-Bridge-Highline Canal Project to irrigate 4,455,000 acres.

2. Williams River Project, included in Glen-Bridge-Highline Project.

3. The Parker-Gila Valley Project alternate. The 912,100 acres that can be irrigated thereunder can be irrigated at less cost under the Glen-Bridge-Highline Project or Glen-Verde Project.

4. The Glen Canyon-Verde River Project and Colorado River-Verde Project (to irrigate approximately 4,455,000 acres).

THE GLEN-BRIDGE-HIGHLINE CANAL
PROJECT TO IRRIGATE 4,455,000 ACRES.

The water for the Glen-Bridge-Highline Canal Project would be stored at Glen Canyon Reservoir site and diverted from the Bridge Canyon Reservoir at a tentative elevation of 1940 feet, and from this point of diversion water would be conveyed by two tunnels to a point near Yucca, Arizona. From this point water would be conveyed in an open canal to the Williams River Reservoir where provision would be made to fill and mainta in this reservoir at its ma ximum capacity, the filling being done at the periods when the entire ca pacity of the tunnels and canals is not needed to irriga te the lands served by them. From the Williams Reservoir the canal would pass through a tunnel in the

Buckskin Mountains and follow the high contour around the south slope of the Harcuvar Mountains, flowing in an easterly direction and crossing the Hassayampa River by means of a siphon, thence easterly passing north of the White Tank Mountains and crossing the Santa Fe Railroad at a point south of Whitman, thence in an easterly direction crossing the Agua Fria River at a point south of the proposed Verde Diversion Dam. From this point the canal would run southward, crossing the Salt River at a point between the Granite Reef Dam and Stewart Mountain Dam thence south and crossing the Gila River at a point near Florence. From here the canal would run south and west to a point near the Gillespie Dam. The total length of this canal would be approximately 577 miles.

SOUTH BRANCH

The South branch of the Arizona Highline Canal would have its junction with the Arizona Highline Canal at a point near the southwest end of the Harcuvar Mountains. From this point it would pass along a ridge to a point near the northwest end of the Eagle Tail Mountains, thence easterly to the Gila River where it would cross the river near the Gillespie Dam by means of a siphon. At this point there would be a power drop of about 250 feet which would be used to generate power by passing the water used on the lower lands through a power plant at this point. From this point the canal would run in a southwesterly direction ending at a point near the north end of the Cabeze Prieta Mountains. The approximate length would be 200 miles.

THE PALOMAS BRANCH

The Palomas Branch, which would have an approximate length of 97 miles, would have its junction with the South Branch near the west end of the Eagle Tail Mountains and from this point the canal would wind in a southerly direction to a point where a drop of 150 feet could be used for the generation of electrical energy. This canal would continue on south and branch, part of the flow going east and part going west. The total acreage under the Arizona Highline Canal and its branches would amount to 4,455,000 acres. For a more detailed location of these canals reference is made to sheet 4 of the accompanying maps.

THE WILLIAMS RIVER PROJECT.

This project calls for the construction of a dam on the Williams River, the high water contour of which would be at the 1500 foot contour elevation. As stated, this reservoir could be filled from the Arizona Highline Canal and Williams River. Water could be taken out of this reservoir at approximately an elevation of 1320 feet for power and irrigation purposes. From this point water would be conveyed by means of canal and used to irrigate approximately 493,100 acres of land. (See map).

THE PARKER-GILA VALLEY PROJECT.

Under this project there are 912,100 acres of land which are a part of the 4,455,000 acres which can be more economically irrigated from the Arizona Highline Canal. By irrigating this area from this project the needed tunnel capacity is reduced and with silt and flood control taken care of to some extent at the above described dams and the fact that the water passed through the power house at the dam could be used for irrigation at this point if it would ever be deemed proper to include this area under the Parker-Gila Project.

The Parker-Gila Valley project calls for the construction of a diversion dam on the Colorado River at a point north of Parker, Arizona. At this point the water would be diverted and taken by a canal south and about parallel to the Colorado River. There would be about 110,000 acres of land which would receive gravity water from this canal. There are two power drops on this canal in addition to the power developed at the diversion dam. These drops are 80 and 150 feet. At the south end of the gravity district the water would be pumped to a point 200 feet above the lower canal. From this point it would be conveyed by canal and tunnel to irrigate 912,100 acres along both sides of the Gila River. For a more detailed layout of this project see sheet 5 of maps.

ALTERNATE GLEN CANYON-VERDE PROJECT FILED TO IRRIGATE 4,455,000 ACRES.

An alternate project is shown on the accompanying maps which calls for a canal and tunnel

connecting the Glen Canyon Reservoir with the Verde River. Under this plan 970,000 acres could be excluded from the Highline Project, but about the same land would be irrigated as under the Highline Project. The canal locations would be very nearly the same as shown on the maps with the water flowing west from the Verde River to Agua Fria River. This project would work in conjunction with the present proposed Paradise-Verde Project with all storage reservoirs being developed on the Verde River to handle the peak irrigation demands and develop the maximum electrical energy through five power and storage dams on the Verde River below tunnel to diversion point. This project, or Glen-Bridge-Highline Project could be assisted by the construction of a dam at the Sentinel Dam Site as a large amount of the return flow could be used on the lands on the lower Gila Valley.

I also show on maps No. 3 and 4 as alternate high canal to be diverted from the 1800 foot dam in the vicinity of the Bridge Canyon Dam site at 3000 feet elevation, said dam could be a rock fill dam to a great height and would irrigate about 1,000,000 acres more above the Highline Canal.

The Colorado River-Verde or Glen Canyon-Verde Projects are practical, also verified by Arizona Colorado River Commission Survey and report of 1932 but the Glen-Bridge-Highline Canal Project is more economical and practical than either and to ascertain how much more economical it would be, I would recommend an additional survey of the Arizona Highline Canal, especially for determining the best and most economical of several places from which a canal or tunnel could be diverted from Bridge

Canyon Dam Site. These surveys would also continue to constitute due and reasonable diligence and would help to keep up the water filings made by you for the people of Arizona on said projects and assist in obtaining proper rights of way.

Most of this could be done by aerial survey methods at a cost which would be very much cheaper than by present field methods. This type of survey, which I am prepared to make, would be very valuable in that it would not only show the topography, but would show the general character classification of all the land and geological formations with this type of survey and very little field work. It would be possible to make an estimate of cost within a more reasonable degree of accuracy.

Respectfully submitted,

(SGD) DONALD C. SCOTT,

SCOTT ENGINEERING CO.
By Donald C. Scott.

(wkm)

Univ. of Arizona Library

ARIZONA SAFEGUARDED

MAJOR TURLEY SAYS COLTER WATER FILINGS, WHICH ARE PRIOR AND SUPERIOR, AND ARIZONA ARE PROTECTED BY UNITED STATES SUPREME COURT DECISION

Major Lee Turley, water expert and attorney, admitted to practice before the U. S. Supreme Court, with a life of actual engagement in water and land problems, recites cases and facts to verify extremely favorable position and justification of Arizona in claiming water rights in the Colorado River. He reviews the recent decision of the U. S. Supreme Court in the Wisconsin v. Illinois case, against Chicago diverting waters out of Lake Michigan into the Mississippi River, not in conformity with the law, and therefor ordered to cut down diversion after it had actually been made for over forty years. Also the Connecticut v. Massachusetts and New Jersey v. New York cases were decided on the basis of protecting state's rights, as also the U. S. v. Utah case, which held that the Upper Colorado River is navigable in the state of Utah, and the Arizona v. California, Wilbur, et al., U. S. Supreme Court case, which held the lower Colorado River is navigable and that the rights of Arizona are unimpaired by the Boulder Dam Act.

Major Turley insists any Arizona pleading MUST set forth ALL of the waters of the Colorado River HAVE been "APPROPRIATED" in Arizona, as technically they have, and when California or any source starts to take any water belonging to Arizona out of the Colorado River they MUST and CAN be STOPPED, for there would then be an actual invasion or vested property rights, decidedly an unconstitutional act. He refers to the "doctrine of relation" in the laws of Arizona under which, when a project is properly initiated and filed on in this state, the waters called for under such filings are segregated from the public waters and are dedicated to the use of such project until same is abandoned or is judicially determined to be extinguished. Therefore when Fred T. Colter made the filings on all waters of the Colorado River for the superior consumptive use on some 6,000,000 acres in Arizona and 5,000,000 horsepower, these waters were segregated for the Colter projects and there are NO waters LEGALLY LEFT in the Colorado River. Therefore it must be that these facts be set out in any Arizona pleadings before the U. S. Supreme Court, or in any court.

The Hoover or Boulder Dam is permitted to go ahead. However, the decision specifically sets out that Arizona's State's Rights are not impaired and Arizona CAN divert ALL of those waters either above or below the Hoover Dam. The problem on the Colorado River must be settled on the basis of titles and property rights in the use of these

waters. The court has merely decided that congress has authority to build this dam for navigation ONLY and not that the secretary of the interior and a state or states can ride ROUGH-SHOD over ARIZONA'S WATER RIGHTS.

Since Arizona is not bound by the Santa Fe Compact or Tri-State Compact (as held by the Supreme Court), Arizona is the ONLY state in the Colorado River Basin which has NOT BARGAINED AWAY HER WATER RIGHTS. Now what Arizona must do is to declare her water rights, get behind these water rights, exert due diligence in their development and co-operate in the best plan for all concerned with respect to the Colorado River problem. Colter made these filings, commencing in 1923, which are PRIOR and SUPERIOR and in good standing and has led the fight for Arizona's protection and gives a fortune of his own to preserve the priorities of these waters for the people of Arizona. NOW because of past events the best course left for the state's interest is for Senator Colter to form a corporation to hold these filings, rights and priorities and to give certificates to those who have and those who shall contribute anything of value towards such water rights, so that they as well as the records may have some evidence of what has been done to perfect and develop said water filings.

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ANALYSIS BY MAJOR LEE TURLEY,
WESTERN WATER ATTORNEY AND ENGINEER,
OF ARIZONA'S WATER RIGHTS AND FILINGS

"Arizona was safeguarded by the United States Supreme Court decision notwithstanding Arizona's case was dismissed by a non-presentation of all the facts. I will be brief now, but plain, upon one principal point--that of an 'appropriation.' A bill or case must present the facts as they are, and have been, in Arizona. To deny facts does not change them. I bring to your attention that ALL THE WATERS OF THE COLORADO RIVER HAVE BEEN 'APPROPRIATED' IN ARIZONA BEFORE ANY MOVE WAS MADE BY CALIFORNIA AND MEXICO. This gives a PRIORITY AND SUPERIORITY in Arizona ahead of them, in addition to the fact that California has no right to take water out of Arizona and the Colorado River System into another river system.

"Have you ever . . . heard of the 'doctrine of relation' in the appropriation of water? Well let me tell you. In the growth of the 'appropriation' idea as distinct from that of 'riparian rights' of the common law it was the small diversions of the miners and the pioneers which initiated the change. Then the old doctrine of relation was that the right to the appropriation dated from the actual placing of the water to beneficial uses after the works were completed. But, because of the unfairness to a larger project, this was changed by statutes, as also by decisions of the courts, so that all such priorities do actually relate back to when the project was initiated under the statutes of the State. In other words, when a project is properly filed upon, notices given, or work started in the field, as provided by the State Statutes, the waters therefor are segregated from the public waters and dedicated to the uses of such project till it is completed or till it is judically determined to be forfeited according to law. There are three periods in the life of any such project; a period of formulation and initiation; one of construction, and the period of use after completion. Any project--no matter by whom initiated--which has been properly initiated and filed upon under the laws of Arizona has an actual 'appropriation' therefor to the extent of all the waters so segregated from the public waters; and by all means should be so pleaded in any water suit Arizona has brought or will bring. Filings made for the State and those claiming under it and completed and proposed reclamation sites therefor and the maximum acreage to be irrigated and power manufactured thereunder should be enumerated and pleaded.

"The laws of Arizona recognize the doctrine of 'relation' of priorities relating back to when the projects were initiated or filed on. This fact should be set forth in any bill and brief--that ALL THE WATERS HAVE BEEN HERE-

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unlawful use of it, Arizona could complain then and the court would hear her complaint. So the court dismissed our bill, without prejudice, thereby, reserving to Arizona the right to renew it later, if necessary.

"Consider now the position this puts California in. All she has got is the decision saying Boulder Dam may be built. Her three projects, power, Los Angeles water, and the All-American Canal, are still under fire. Instead of validating and approving these projects the decision casts the gravest doubt upon their legality.

"In order to get the court's approval of the Boulder Dam, California claimed, and the court upheld her claim, the Colorado is navigable. If the river is navigable, the bed of it from the center of the stream to the high-water mark on the Arizona side belongs to and is owned by the State of Arizona. The government can use the Arizona land (her half of the river bed) for the purpose of building a navigable dam or otherwise regulating navigation. But California has no right to use Arizona's half of the river bed for any purpose without Arizona's consent.

"One-half of the proposed power plant, one-half of the proposed diversion dam for Los Angeles, and one-half of the proposed diversion dam for the Imperial Valley, are to be constructed in and on Arizona's half of the river bed. It cannot truthfully be said these projects are for the improvement of navigation. How then can they be constructed without Arizona's consent.

"And that isn't all. We didn't know until recently, but now we know, that we have a great navigable river flowing between us and California. That being so, the State of Arizona has the legal right to insist that its navigability be protected and preserved. We can go into court, if necessary, to enjoin obstructions of it, or diversions of water from it, such as would seriously impair its navigability. That is what New York, Michigan, and Wisconsin did in the Chicago Drainage District case. That is what New Jersey and Pennsylvania did in their recent suit against New York. What these states did Arizona can do, and intelligent Californians know it. That is why they aren't as happy over the Boulder Dam decision as some of us have imagined here, who have misunderstood the support given Arizona in the court's dismissal without prejudice."

lf

Special Attention to Land & Water Matters

ROBERT H. WILLIAMS
ENGINEER, ATTY. AT LAW

Hon. R. C. Stanford, Governor of Arizona. March 1, 1937
Phoenix, Arizona

My Dear Governor:

Please permit me to express to you my hearty concurrence and approval of the content of your special message to the legislature on the Colorado River.

I have watched with keen interest the progress of events, from your first pronouncement on the subject during the primary campaign, and have noted with satisfaction the character of men with whom you have immediately surrounded yourself in the governor's office; and have been gratified at the prospect that at last the stat's policies on this momentous subject are going to be framed intelligently in the interest of the present people of Arizona, and of those who may hereafter wish to make their homes here.

I have been gratified, also, to note that you have not failed to give due and public credit to the one man in Arizona, who with keen insight and marked ability has consistently and courageously, and against great odds, for two decades devoted his superior talents and unflagging energies to the practical work of initiating, filings on and maintaining them and the rights of the people of this state to the use of the unappropriated public waters of the Colorado River on the lands best adapted thereto.

As you may know, I have had the privilege of working with Senator Colter, on both the legal and the engineering phases of the Colorado River problem for the past fifteen years to the extent that I could afford to give my time to it, and in my judgment the value of his voluntary contributions to the preservation of the people's rights in and to the use of Colorado River waters are beyond estimate or calculation.

Please also permit me to express the hope that in selecting the personnel of your Colorado River Commission, no person shall be considered who is not known to be thoroughly in accord with the state democratic platform, and with the intent and purpose of your message, as well as with the leadership of Fred T. Colter in Colorado River matters. Senator Colter cannot be bought. He cannot be scared or stampeded; and he cannot be fooled by false engineering and legal bugaboos.

If you may see fit to entrust the carrying out of the content of your Colorado River message to the leadership of Fred T. Colter, I believe you will gratify more people in the State of Arizona than could be gratified by the appointment of any other citizen to any place of influence or authority in your administration. In doing so you would no doubt displease some, but if you will dig to the roots of their displeasures, I believe you will find such dissenters to be people not sincerely in accord with the objectives expressed in your message. If they were, personal differences would not count with them.

The immediate occasion of my writing this letter was the publication in the Arizona Republic of yesterday morning of the full-page statement of Senator Colter's "Views on the Colorado River Problem." Without making this too long, it gives me the opportunity to endorse a particular program without the burden setting it out in particular. I am very much gratified at the publication of this statement, and hope it may mark the end of the malevolent fight that has been made against any intelligent consideration of the Colorado River problem by a large section of the press of the state.

Very truly yours, (signed) Robert H. Williams.

Mr. Olin Nash Jays, Chairman,

Phoenix, Arizona
July 6, 1934

Dear Sir:

I have read with interest the opinion of the attorneys:

Colonel Charles E. Rutherford--ex Senator
Honorable Amos A. Betts--Corporation Commissioner
Richard F. Harless, Esq. County Attorney
F. J. K. McBride--Past Secretary to Corporation Commissioner and I concur in the opinions of these gentlemen, as follows, to-wit:

1. That Fred T. Colter, as "Trustee for the State of Arizona and water users under said projects," and legal authority to initiate, (beginning in 1922), and make filings on (beginning in 1923) some thirty dam and canal sites, together with the combined water and power rights, on the Colorado River and its tributaries in Arizona. And that his efforts to get the State Legislature to appropriate money for the survey to obtain engineering data upon which to base these filings; and amendatory and supplementary filings, thereafter; together with his various acts to protect the State of Arizona and Water Users under said Projects, including his opposition to the Santa Fe and other compacts; and his assistance in the obtaining of the favorable United States Supreme Court Decision; and his making application for a Federal PWA Loan of $350,000,000 with which to complete these Districts and begin and complete the development of the Colorado River and Arizona, constitute Due and Legal Diligence, which is the title to water and power rights.

2. The said Fred T. Colter, as President of the Arizona Highline Reclamation Association, and as President of the pre-organization Glen-Bridge-Verde-Highline Reclamation and Power District; has power to incur indebtedness for the expense of preliminary organization work, maintaining continued Due and Legal Diligence, and all other such work as is necessary to protect title and provide for the final organization, financing and development of said Districts. And that the said Fred T. Colter, acting as said officer and Trustee has authority to issue "Certificates of Indebtedness" or Warrants, which becomes a legal charge against the property of such Districts, when organized, and must be paid out of first money received from sale of bonds or other securities, or by the levying of assessments against the property of said Districts.

3. The Form of such "Certificates of Indebtedness," a copy of which is attached to this opinion and made a part hereof, is sufficient and proper for present purposes.

Respectfully submitted,

Thomas E. Flannigan

The above opinion was approved and signed in a separate letter to Fred T. Colter by: J. Irvin Lurk, Chairman Judiciary
L. C. McNabb, Past City Atty.
John L. Sullivan, Past Attorney General

Mrs. Samuel White
Nat'l Committeewoman

Bridgie M. Porter
State Vice-Chairwoman

Mrs. Thos. F. McAlister
Nat'l Vice-Chairwoman

DEMOCRATIC COUNTY CENTRAL COMMITTEE
Women's Division - Maricopa Co.
Mrs. Coit I. Hughes, Vice-Chairwoman
Phoenix, Arizona.

3/6/39

Vivian Mitchell
Executive Secretary

Louise Brice
Assistant Secretary

Mrs. F. A. Mueller
Publicity

Iola M. Henry
Precinct Organizer

Mr. Martha Griffith
Hospitality

Ora Lee Saidel
Registrar

Sue L. Flake
Finance Chairwoman

Ruth Meyers
The Democratic Digest

Mrs. Harriett Sprague
Labor

Mrs. Jeanette Jennings
Radio

Mrs. Alice G. Davis
Alma Nibbelink
Mrs. Mary L. Johnson
Members at Large

To the President, Speaker, Legislature, Governor and Other Official Bodies:

THOUSANDS INCLUDING ASSOCIATIONS PROTEST BRIDGE CANYON DAM APPLICATION MADE THROUGH ARIZONA COLORADO RIVER, COMMISION OR ANY OTHER POWER DAM ABOVE BOULDER DAM NOT PROVIDING FOR DIVERTING WATER THEREFROM ABOVE BOULDER FOR MAXIMUM LANDS WHICH IF NOT DONE WOULD EVENTUALLY DESOLATE ARIZONA THE SAME AS WOULD THE SANTA FE COMPACT (WHICH WE PROTEST) BY SEPARATING THE IRRIGATION WATER TO MEXICO LEAVING POWER MONOPOLIZED.

We, the Woman's Division - Maricopa County Democratic Central Committee are enclosing herewith a protest signed by 41 charter protestants (of which 500 copies are being circulated for signatures) against the issuance of a solely power permit at the Bridge Canyon Dam site in the Grand Canyon section of the Colorado River. Such Permit does not provide for the diversion of water therefrom or above Boulder Dam to the Maximum lands throughout Arizona to supply water to hundreds of initiated and completed projects that are and would be short of water in normal times including the Roosevelt and Coolidge Dams and would prevent the combining of the power thereto to assist in paying for the construction, which indispensable.

It is self-evident that if the legislature authorized such Bridge Canyon or solely power dam filing or its equivalent, to be made by the Colorado River Commision or by any other body, or if any agency attempted to authorize such, as said Colorado River Commission illegally sought to do, with any such filing or be made at this late date, the same would be an attempt to surrender all of the water priorities throughout the state, obtained since 1916 and would be retroactive and an attempt to impair the vested, inchoate, perfected, prior and superior water rights and filings of hundreds of filings made, including the Colter filings and rights maintained for Arizona.

It is unconstitutional for the legislature or congress to pass a retroactive act. If permit were given it would be unconstitutional and in opposition to the due process provisions of our federal constitution, which provides that neither a legislature nor congress has the right to impair or take property without due process and paying therefor.

Such application for a solely power permit at the Bridge Dam site has been made at the instance of the present Colorado River Commission (which turned coat on Arizona through their actions and expenditures) being in opposition to the budget provided for by the appropriations committee of the 13th legislature and in the special message of Governor R. C. Stanford to that legislature.

We not only protest against the unfair act taken by the Commission but also protest against their continuation in office.

Outline and attached is the same procedure taken by application for the Diamond Creek Dam site for power alone, not combined with maximum irrigation nor with irrigation prior and superior, as required by state and federal laws, regulations and court decisions including federal water power act which recognizes the predominance of the states jurisdiction and irrigation.

The filings for the Diamond Creek were made 8 years previous to the Colter filings and permit granted for same by the Arizona State Water Commissioner under Governor Campbell's administration in 1921. The Arizona Colorado River in 1923 went to Washington to request the Federal Power Commission to grant such Diamond Creek permit which was not accomplished because of the following action. During such hearings Senator Colter made the water filings, combining the maximum irrigation to the power with irrigation prior and superior, on the GLEN CANYON STORAGE DAM, THE BRIDGE CANYON DIVERSION DAM, AND THE ARIZONA ALL GRAVITY HIGHLINE CANAL, for the diverting of the water therefrom for the people of the state and led the circulation of thousands of petitions protesting against the permit for the Diamond Creek being issued as well as preparation of a suit against same and was authorized by the then Atty. General to act as chairman of a committee to steer said suit which procedure is outlined on the reverse side of the copy of the telegram of the Woman's Division, copies of which will be placed on the desk of the members of this legislature.

The patriotic citizens of Arizona succeeded in winning the suit and in securing cancelation of the Diamond Creek permit by the State Water Commissioner. Copy of said cancelation is attached hereto.

The Bridge Canyon solely power dam application, if permit were issued or its equivalent, would be similar or worse than the above attempted power dam disaster and to the Santa Fe Compact, all of which attempt to desolate Arizona.

Enclosed is a copy of a telegram of protest to the Federal Power Commission from the Maricopa County Woman's Division of the Democratic National Committee, protesting the issuance of said Bridge Canyon power permit to the Arizona Colorado River Commission together with a copy of the signed protest by prominent and outstanding persons. The original was mailed to the Federal Power Commission in Washington, D. C. and a copy to the Regional office in San Francisco.

Respectfully submitted

Executive Secretary.

Vivian Mitchell

Phoenix, Arizona
October 28, 1938

Mr. Clyde I. Seavey
Acting Chairman
Federal Power Commission
Washington D. C.

Gentlemen:

We, the undersigned do solemnly protest against the issuing of Bridge Canyon Dam Power permit in the Grand Canyon section or any other similar application for power sites therein of the Colorado River, because it is not properly authorized and will be opposed by the majority of the people and landholders of Arizona, because said permit fails to provide in application that this Bridge Canyon Dam is a part of a whole and comprehensive plan of developing the Grand Canyon section of the Colorado River above Boulder Dam as one unit, with the power to be combined in this development with the water to be diverted therefrom and from Bridge Canyon Dam to obtain a maximum development of irrigation into Arizona, and that the sale of said power therefrom is to be reserved therefor which is indispensable to pay cost of such irrigation development and to keep up the water rights and filings thereon. Said application also fails to provide for (which is indispensable) a guarantee of and compliance with dates of and the priority and superiority of such Arizona water rights and filings, and the manner in which they are made as hereto set out as follows:

That the water filings made by Fred T. Colter, Arizona Water Trustee for and in behalf of Arizona water users under said projects, on forty major irrigation and power sites throughout Arizona of which the Glen Canyon's storage, irrigation, and power dam, and Bridge Canyon irrigation, storage, and diversion dam, and all gravity highline irrigation and power canal, which project is the key and major project, indispensable to all future projects, and those completed projects which are all now short of water in normal times throughout Arizona, to irrigate and supplement irrigation for five million acres therein, combined with like amount of power.

That said water filings were initiated in 1918 and made commencing in 1923 and that, in making said water filings with the State Water Commissioner and Federal Power Commission the IRRIGATION was made superior and prior to and combined to the power, with the storage and diversion water to be developed

at the highest elevation in Arizona to irrigate the maximum land thereunder, especially water to be diverted above Boulder Dam, and legal and reasonable diligence has been exercised to keep up said water filings which were authorized by the Governor of Arizona. The Attorney General employed an engineer to assist in producing the engineering, facts, and maps for a three-volume report of legal diligence to said water filing; which report was compiled by Fred T. Colter, and was authorized by the Attorney General.

That making such water filings on such early date and in said manner and due diligence thereafter, and providing therein for the plan of development in a whole unit, which Bridge Canyon Dam is a part, was and is indispensable and has saved Arizona from desolation in the past and it is imperative to continue in the future. It is also imperative to follow such procedure to get the maximum economical, beneficial development of the Colorado River system for all concerned, for navigation, reclamation, flood control, etc.

That any water filings now made at this late date, authorized to be made by the Legislature, or state, or any one else, on said major projects would destroy the priority and superiority of the irrigation development throughout Arizona, so would the filings on or the building of a solely power dam on the Colorado River be likewise, and either would be equivalent to the same ruin to Arizona, as the Colorado River Santa Fe Compact, the California-Arizona-Nevada tri-state compact, or the California Limitation act, the Boulder Dam act, all controlled by the compact, if Arizona had approved or signed same, or do so in the future.

That over four million acres of land under said projects have been filed on and patented; irrigation districts have been initiated and formed and landholders and districts have acquired inchoate and vested rights for thewater thereon depending on the planning of and complying with the said development provided for in said water filing made for them and state, by said Arizona Water Trustee.

That these landholders, districts, and trustees, therefore, Arizonians, and National conservationists are initiating hundred of protests petitions against the issuing of the Bridge Canyon Dam power permit, and they will be compelled to file suit if permit is issued therefor, in order to safeguard theirs, and Arizona's rights, which water rights would go to irrigate millions of acres in Old Mexico,

owned by California land syndicates, leaving only power dams alone to be monopolized to the detriment of Arizona, citizens and nation because the flood storage being equilized, the irrigation and Municipal water would by gravity or compact be separated from the power (which are combined together by nature and law) to go to the lowest river reaches and land which if such combination is maintained with irrigation made superior and prior and preference given to upper river reaches the return and reuse water will be sufficient for entire river system and conform to proper river control, and to follow these principals is indispensable to the arid and semi-arid regions.

That a similar Diamond Creek power application was made by Arizona interests cooperating with the state for a power dam alone near the Bridge Canyon site was held up by your commission after hearings in 1923 and permit therefore was cancelled by Arizona State Water Commissioner in 1925, notwithstanding, Diamond Creek power filings were made many years before the Arizona Water Trustee made his, after thousands of citizens had signed protest petitions and court action had been filed against it.

That since then to verify this protest we have had several state and government favorable surveys and United States Supreme Court favorable decisions. Bridge Canyon Dam power application is like Diamond Creek Dam permit which failed to provide for diversion of water therefrom for maximum irrigation, and such a power permit in the Grand Canyon whether by State, Federal, or private development would be disastrous, having the same effect of the Santa Fe compact or its equivalent. The United States Supreme Court has held Arizona was not bound by said compact or Boulder Dam, or act, and that neither could divert water above Boulder Dam, and throughout the state.

We sincerely urge that you observe the conditions and safeguards herein stated.

Signed,

NAME AND ADDRESS	OCCUPATION OR OFFICIAL CAPACITY
_____	_____
_____	_____
_____	_____

CLASS OF SERVICE DESIRED

DOMESTIC		FOREIGN	
TELEGRAM		FULL RATE CABLE	
DAY LETTER		DEFERRED CABLE	
NIGHT MESSAGE		NIGHT CABLE LETTER	
NIGHT LETTER		RADIOGRAM	
SHIP RADIOGRAM			

PATRONS SHOULD CHECK CLASS OF SERVICE DESIRED, OTHERWISE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE COMMUNICATION

Postal Telegraph
THE INTERNATIONAL SYSTEM
Commercial Cables · All America Cables · Mackay Radio
TELEGRAMS CABLEGRAMS RADIOGRAMS

RECEIVER'S NUMBER
CHECK
TIME FILED
STANDARD TIME

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Form 2L

Robert Williams, attorney & engineer specializing in water, power & land matters, telegraphs Gov. R. C. Stanford stating that the Colorado River Commission of Arizona has repudiated the water rights of this state as expressed in Stanford s & State party platform & Governor's message to the 13th Legislature Jan. 11, '37

(COPY) September 16, 1937

Hon. R. C. Stanford, Governor of Arizona, 1514 E. McDowell Road.

The astonishing news that your Colorado River Commission and particularly Messrs. Alma Davis and Donald C. Scott have taken it upon themselves to repudiate their earlier action towards carrying out the avowed policies of the Democratic state platform and of your administration in Colorado River affairs has just been brought to my attention. It is indeed deplorable that these men have not long since had the common decency to resign from the Commission in view of their disloyalty to their former publicly expressed convictions and the resolutions unanimously adopted by them at your first commission meeting, but since they have not, I hope you will not hesitate to remove them summarily from office and to state your reasons for such action publicly.

(COPY) Signed R. C. Williams

TELEGRAMS PROTESTING solely POWER DAM at BRIDGE CANYON site. made at the instance of the Arizona Colorado River Commission

To The Federal Power Commission(Clyde L. Seavey(Acting Chairman Washington, D. C. and E. W. Kramer Regional Director, San Francisco

October 28, 1938

I PROTEST most emphatically against granting any permit at the Bridge Canyon or any other power permit above Boulder Canyon which is not coupled with permit to divert water from the Colorado River in Arizona to Central Arizona and which power is not used to help finance reclamation projects. Signed: Junius Gibbons, Executive Secretary to Governor

(COPY) October 30, 1938

To Federal Power Commission, Washington D.C & San Francisco.

I PROTEST against granting any power permit at Colorado River Bridge Canyon site or any site above Boulder Dam unless it is coupled with permit to divert water from such site into Central and Southern Arizona for maximum irrigation & municipal use and unless funds from such power be used to aid in financing such project. Signed: R. C. Stanford, Governor

POSTAL TELEGRAPH-CABLE COMPANY

TRANSMITS AND DELIVERS THE WITHIN MESSAGE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

To guard against mistakes or delays, the sender of a message should order it REPEATED; that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated message rate is charged in addition. Unless otherwise indicated on its face, THIS IS AN UNREPEATED MESSAGE AND PAID FOR AS SUCH, in consideration whereof it is agreed between the sender of the message and this Company as follows:

1. The Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the UNREPEATED MESSAGE rate, whether caused by the negligence of its servants or otherwise, beyond the sum of FIVE HUNDRED DOLLARS; nor for mistakes or delays in the transmission or delivery, or for non-delivery of any message received for transmission at the REPEATED-MESSAGE rate, beyond the sum of FIVE THOUSAND DOLLARS; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the SPECIALLY VALUED MESSAGE rate, beyond the sum at which such message shall be valued, in writing, by the sender thereof when tendered for transmission and for which payment is made or agreed to be made of the amount of the repeated-message rate and an additional charge equal to one-tenth of one per cent of the amount by which such written valuation shall exceed five thousand dollars; nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages.

2. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company or by any other means of communication when necessary to reach its destination.

3. Domestic messages and incoming cable messages will be delivered free within one-half mile of the Company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the Company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.

4. No responsibility attaches to this Company concerning messages until the same are accepted at one if its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

5. The Company shall not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

6. It is agreed that prompt and correct transmission and delivery of this message shall be presumed in any action for recovery of tolls thereto; subject, however, to rebuttal by competent evidence.

7. Special terms governing the transmission of messages under the classes of messages enumerated below shall apply to messages in each of such respective classes in addition to all foregoing terms.

8. NO EMPLOYEE OF THIS COMPANY IS AUTHORIZED TO VARY THE FOREGOING.

POSTAL TELEGRAPH-CABLE COMPANY
CLARENCE H. MACKAY, CHAIRMAN OF THE BOARD
A. H. GRISWOLD, EXECUTIVE VICE-PRESIDENT

CLASSES OF SERVICE

DOMESTIC MESSAGES

FAST TELEGRAMS. A full-rate expedited service.

DAY LETTERS. A deferred day service at rates lower than the fast telegram rate. One and one-half times the Night Letter rate for the transmission of 50 words or less, and one-fifth of the initial rate for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS. In further consideration of the reduced rate for this special "Day Letter" service, the following special terms in addition to those enumerated above are hereby agreed to:

(a) Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letter is, in all respects, subordinate to the priority of transmission and delivery of full rate telegrams.

(b) This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of full rate telegrams under the conditions named above.

NIGHT MESSAGES. Accepted up to 2.00 a. m. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day. Night messages may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Messages at destination, postage prepaid.

NIGHT LETTERS. Accepted up to 2.00 a. m. for delivery on the morning of the ensuing business day, at rates still lower than night message rates, as follows: The fast telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS. In further consideration of the reduced rate for this special "Night Letter" service, the following special terms in addition to those enumerated above are hereby agreed to:

(a) Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

CABLE MESSAGES

FULL RATE MESSAGES receive regular and prompt service in their order of filing. Code language permitted.

DEFERRED RATE MESSAGES at one-half of the full rate to follow full rate messages. Must be in plain language of country of origin, or of destination, or in French. Full particulars as to countries where this class of service is effective will be furnished upon application to any Postal Telegraph office.

NIGHT CABLE LETTERS at reduced rates. Must be in plain language of country of origin, or of destination, or in French where transmitted by telegraph to destination. Subordinated to the priority of transmission of full and deferred rate messages. May be posted, when sender so directs, to countries where this service is not available, at tariffs to countries from which such messages are posted. Under latter circumstances, messages must contain complete mailing address including chargeable posting instructions (i. e., "Post London," etc.). Minimum word basis of twenty to twenty-five words applied. Code addresses may be used except for messages delivered by post. Figures explained by text admitted. Indicator "NLT" required and charged for as one word. For further particulars apply at any Postal Telegraph office.

NO EMPLOYEE OF THIS COMPANY IS AUTHORIZED TO VARY THE FOREGOING.

BRIEF MENTION OF REPORTS
OF THE NECESSITY TO RESUME COURSE SET BY ATTORNEY-GENERAL PETERSON IN 1932 AFTER WINNING ARIZONA'S WATER CASE IN U.S. SUPREME COURT

Following is copy of letter of transmittal, April 1933, to Attorney-General K. Berry Peterson of a three-volume report by Fred T. Colter, Arizona Water Trustee, entitled "Diligence in Protection and Development of Arizona Water Resources," which Attorney-General Peterson authorized Senator Fred T. Colter to make. This report is based mainly on the plan Colter initiated and has led since 1921, and includes also a summary of an engineering report by the Scott Engineering Company, authorized by Peterson to be made under Colter's supervision. Attached also hereto is copy of letter of transmittal, December, 1935, by Colter of Volume 4 to Arizona Water Commissioner continuing same report.

After Attorney-General Peterson won his suit in 1931, he started laying the base for his general adjudication suit conforming with U. S. Supreme Court suggestions and for any other matters in or out of court to defend and develop Arizona. Continuing these reports also required the making of additional surveys and making more perfect the renewal of water filings and the legal due diligence in maintaining them. Especially was this indispensable on the 40 dam and canal sites and lands thereunder, which sites and water therefor Fred T. Colter filed on commencing in 1923 for Arizona and the people, and which sites are the major potential projects throughout Arizona, with the Glen-Bridge-Verde-Highline being the key to these and the entire state, to irrigate ~~six~~ million acres and develop six million electrical horsepower.

The obtaining, assembling and printing of this data, including engineering reports, and maps, is indispensable. All this Attorney-General Peterson was proceeding to do, having started under the direction and assistance of Fred T. Colter. In addition to this he authorized the Scott Engineering Company, under Mr. Colter's direction and assistance to make a survey and compilation of past surveys and legal maps of said projects, including the 40 major dam sites filed on by Colter, which was necessary for suits, the Arizona Water Commissioner, Federal Power Commission, Congress, National and Arizona Resources and Planning Boards, United States-Mexico Treaty Commission, Legislature and others. Also in 1931-1932 an extensive survey by the Arizona Colorado River Commission was in progress in order to have reports of same for this Peterson suit, all at the instance of Fred T. Colter and the three reclamation associations of which he is President, and other

patriots. This Commission made this survey for diverting the water from the Colorado River near Glen Canyon Storage Dam site to the head of the Verde River to millions of acres throughout central Arizona. The surveying of all the main canals and laterals and water diversion also proved, as had many previous surveys, the economical necessity to construct these projects, the result of which was shown in a large and comprehensive printed report.

Some of these surveys were of different diversion canal routes above Boulder Dam, and reconnaissance surveys are required to know which are most economical and expedient, to assist in completing rights-of-way, loan applications, etc. Fred T. Colter made a $350,000,000 PWA loan application for said projects.

When the succeeding Attorney-Generals, Colorado River Commission and Arizona State Planning Board, appointed by preceding governor, took office in 1932 they ignored these past constructive steps and these surveys, indispensable to defend and develop Arizona. These officials continued a four-year surrender policy, but thanks to Divinity and Arizona patriots we are preventing their course. With five U. S. Supreme Court decisions and the governor and his river commission favorable to Arizona and our program we can make up for and continue the required reclamation program where Peterson and the Arizona Colorado River Commission left off in 1931-1932. Then Arizona will become secure, prosperous and near tax-free. Appropriations for this are needed and suits must be filed to head off any adverse water contenders.

STATE
LEGISLATOR

FRED T. COLTER
PRESIDENT

Phoenix, Arizona
April 14, 1933

Hon. K. Berry Peterson, Attorney Gen. Office
State Capitol, Phoenix, Arizona

Dear Sir:

By your authority of April, 1932, I have written and prepared a report entitled DILIGENCE IN PROTECTION AND DEVELOPMENT OF ARIZONA WATER RESOURCES, comprising approximately 1200 pages and 50 maps and illustrations, bound in three separate books: Volume I, Part I, Introductory Report; and Volume I, Part II (in two books), Acts of Due or Reasonable Diligence to the Water Filings in the Colorado River System Made by the Trustee for and on behalf of Arizona and Water Users. In addition, there are still being prepared indexed volumes of exhibits and a newspaper scrapbook of clippings from newspapers for the past twelve years.

I am handing you herewith the original of five copies of this report, which is a history of the legal due and reasonable diligence exercised since Statehood, and especially in the past twelve years, in keeping up the water filings and water rights made for the State of Arizona and those claiming thereunder. The report and data are indispensable for the quieting of title to and the adjudication of our water rights in the Colorado River System and for the settling of any other matters relative to the water rights of Arizona and those claiming thereunder.

Copies of this report, the original tracings of the maps, and other data required to be filed with the State Water Commissioner and the Federal Power Commission and with other sources, in addition to what I have already filed with them in the past twelve years, to continue to maintain diligence in keeping up the water filings I have made in 1923 and thereafter as trustee for Arizona and water users under said projects. It will also be necessary to make additional and amended water filings before the State Water Commissioner and the Federal Power Commission with additional maps and other data required therefor.

Since you authorized this report in April, 1932, my wife and I have been working constantly in compilation of this summary report from a great deal of data which had accrued during our past twelve years' firing line fight, besides collecting much vital court, legislative, and congressional and engineering data for this report, which incurred much tedious research. A major portion of the time we had to work nights with help of others.

The magnitude and extreme importance of this subject,

lf

the most important ever to come before any state, as it embraces Arizona's only water, the Colorado River System, cannot be over-estimated. Forty-three per cent of the drainage area and ninety-two per cent of the electric power of the entire system are within the borders of the State of Arizona, which power is as much as is now being developed by water in the United States. The major project I have filed upon is the most economical and largest proposed reclamation project in the world. My water filings on some thirty major reclamation projects in the Colorado River and its tributaries and the due and reasonable diligence I have exercised continuously in taking the lead in keeping up these filings thereafter have been and will continue to be the fundamental and primary safeguard in Arizona's protection and development. Even since this fight began there have been around three million acres of land homesteaded and patented, with organized and pre-organization irrigation districts formed thereunder and many American Legion Posts and school districts thereon.

Of course you know that I have given practically my entire time during the past twelve years, which time was mostly spent on the firing line, and have given and sacrificed much over a million dollars of my hard earned reclamation and agricultural property which I built up in this state, in order to protect and keep up these water rights and water filings, with the assistance of my wife and thousands of patriotic people, including subscriptions from hundreds of citizens in Phoenix and in the State.

After building up my reclamation and agricultural outfit my time in the later years just before coming into this water fight was worth $50,000 a year, and with my age at that time the most valuable and opportune part of my whole life was the twelve years immediately ahead which were given in service to the State. Notwithstanding this and the tortures I have gone through, I am glad that I did so because it was through this and my life's experience, the making of the water filings, my necessary legislative career and giving away all my fortune and the many other vital steps which I took that made it possible for us to win this long and bitter struggle, including the favorable United States Supreme Court decision in your Boulder Canyon Project Act suit which practically validated all my water filings and water rights for Arizona.

With the Attorney General's office and myself now carrying practically the entire official responsibility of this serious question, my cooperation and services which I desire to give you are most vital to you and to the State, especially in the next few years because of my life's hard knocks and successful experience in reclamation development in all its phases in the many projects of my own and in the past and present struggle for the protection of the State's water resources.

On account of my wife's intimate work in assisting me during the past twelve years in this fight, her assistance in this report has been indispensable. Our cooperation and assistance which we desire to give you will be just as important in the future as it has been in the past.

Faithfully yours,
FRED T. COLTER

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ENGINEERING, LEGAL, U. S. SUPREME COURT AND OTHER DATA SINCE 1916 ON COLORADO RIVER PROTECTION AND DEVELOPMENT

BY

FRED T. COLTER

ARIZONA WATER TRUSTEE

REPRESENTATIVE OF

GOVERNOR OF ARIZONA ON COLORADO RIVER MATTERS

AND
MEMBER OF

ADVISORY COMMITTEE OF NATIONAL RIVERS AND HARBORS CONGRESS
AND

EXPERT AND ADVISOR TO THE COLORADO RIVER COMMISSION

OF ARIZONA

Arizona Republic - Feb. 28, 1937

EDITOR'S NOTE

Fred T. Colter, president of the Arizona Highline Reclamation Association and the Glen-Bridge-Verde-Highline Irrigation and Power Association, has prepared an analysis of his views on the Colorado River problem.

Mr. Colter, recently appointed, upon recommendation of John R. Murdock, Arizona representative in Congress, to the advisory board of the National Rivers and Harbors Congress, and is expert and advisor to the Colorado River Commission, and has for 18 years led Arizona's fight for her Colorado River Water.

MADE WATER FILINGS

Beginning in 1923 he made water filings for the people of the state of Arizona on some 40 dam and canal sites throughout the state, and has led in maintaining "due diligence" on them in behalf of the people of the state.

Mr. Colter's summary, here presented, covers the engineering, legal and other data since 1916 on Colorado River protection and development.

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ENGINEERING, LEGAL, U. S. SUPREME COURT AND OTHER DATA SINCE 1916 ON COLORADO RIVER PROTECTION AND DEVELOPMENT

BY
FRED T. COLTER, ARIZONA WATER TRUSTEE

ARIZONA-BODY OF THE COLORADO RIVER SYSTEM

Practically all of Arizona lies within the watershed of the Colorado River. We have no other water supply. Arizona contains 92% of the electrical horsepower, nearly one-half of the drainage area and over half of the irrigable land of the river system. Arizona is the trunk and body of this remarkable stream, the fastest falling river in the world having steep and close-walled canyons for economical diversion and storage dam sites. Near these sites and from 500 to 2000 feet below them are millions of acres in Arizona to which the water combined with power can be economically conveyed and developed.

INITIATION AND DILIGENCE

Initiation of plans for diverting water from the main Colorado River into central and southern Arizona was begun in 1916. At first the practicality of such large water projects was questioned, but since 1923 five official surveys by the state of Arizona have obtained sufficient data to prove, in comparison with the projects already being constructed such as the Columbia River-Grand Coulee pumping project, the Central Valleys Project of California and others, that Arizona's principal gravity projects are much more feasible and practicable and will reclaim more land at less cost, and that power created by the drop of the water to the land levels will pay entire cost of development.

Almost immediately upon admission of Arizona into the Union the legislature of Arizona initiated a policy of securing and compiling information and data on the Colorado River and other water sources of the states, all of which are either direct or indirect tributaries of the Colorado River, and otherwise investigating and determining the surface water supply of the state, making regular appropriation therefor.

During the interval of time since the admission of Arizona into the Union the government of the United States has spent an amount equal to that spent by the State of Arizona in gauging the Colorado and its tributaries in the State of Arizona. In addition thereto, the federal government has made a series of completely connected surveys and a series of detailed contour maps and profiles of the whole course of the Colorado River through the State of Arizona and for a portion of the way along the western border of the state showing all the dam and reservoir sites with sufficient accuracy to enable engineers to compare the relative merits of such dam and reservoir sites for particular purposes.

In 1919 the Arizona legislature created the Arizona Resource Board, with special direction for the study of the Colorado River, and made appropriations for that purpose. During the years 1920, 1921, and 1922 the State of Arizona, acting through the Arizona Resource Board, spent $15,474.26 in procuring and assembling information and data on the water resources of Arizona.

This legislation bore no fruit, as the secretary of the board accepted the findings of Arthur P. Davis, then director of the reclamation bureau under Albert B. Fall, secretary of the interior, to the effect that the only lands in Arizona feasible of development from the Colorado River and its tributaries were the Parker Indian Reservation, the bottom land opposite Needles, the Yuma Project, already developed, and other small acreage, making a total of 280,000 acres to which Arizona would be limited, as set forth in the Fall-Davis report in 1922, printed as Senate document No. 142, 87th Congress, Second Session. The Secretary of the Arizona Resource Board recommended to the then Governor of Ariz. that the State Wate

Commissioner be directed to withhold authority for the development of any project on the Colorado River other than the Boulder Canyon Project, sponsored by Davis and Fall, whose report became the base of the Santa Fe Compact. This proved unsatisfactory to the people of Arizona.

In 1921 the legislature appropriated further funds for investigations of the Colorado River, and specifically instructed the State Water Commissioner to make such investigations before the Colorado River Compact should be negotiated. Again an unsatisfactory resultoccured, for notwithstanding the specific instruction, the investigation was not started until August 15, 1922, a year after the money became available, and the report of the investigation of the Colorado River was not made until July 5, 1923, nearly eight months after the Santa Fe Compact was negotiated and signed on November 24, 1922.

ARIZONA ENGINEERING COMMISSION

The Arizona Engineering Commission, which made this investigation, was composed of E. C. La Rue, chairman, Porter J. Preston, reclamation bureau engineer, and E. H. Turner, engineer with the State Water Commissioner. La Rue, hydraulic engineer loaned for the survey by the United States Geologic Survey, was outstanding federal authority on the river, having issued the first comprehensive work on utilization of the river in 1915, Water Supply No. 315 of the geological survey. The report of this commission, notably the findings of La Rue, proved there was something radically wrong with the findings of Author P. Davis, and completely upset the basis upon which irrigation in Arizona from the Colorado River was computed in the Santa Fe Compact, by showing the possibility of irrigating 700,000 acres in Southern Arizona from the main river, and an additional 2,000,000 acres in Central Arizona through the Highline Canal from a point above Boulder Dam. The Commission recommended further surveys and data on the highline canal.

THE STURTEVANT-STAM SURVEY

In the sixth regular session of the Arizona legislature (1923) Fred T. Colter, state senator, introduced Senate Concurrent Resolutions No. 5, 7, and 8 urging legislation and appropriations providing for complete surveys and engineering investigations of irrigation possibilities and power from the Colorado River in Arizona, and for the protection and preservation of such rights by suitable filings.

It was apparent from available engineering data and contour maps that a survey party put into the field could take a route for an all gravity Arizona Highling Canal from an elevation higher that that used by the Arizona Engineering Commission and that such higher canal would irrigate nearly double the acreage at little increased cost, and the survey would provide the exact information for the making of water filings on dam sites, the highline canal and water to irrigate these millions of acres and generate millions of electrical horsepower to pay the cost of development.

Such survey, known as the Sturtevant-Stam Survey, was thereupon authorized by the governor at the request of Senator Colter, who with the Arizona Highline Reclamation Association partly financed the survey, the remaining funds being furnished by the state. On September 18, 1923 the Sturtevant-Stam Survey submitted its report to the governor that the Arizona All-Gravity Canal was entirely feasible and recommending its construction to irrigate 3,500,000 acres. An account of the Sturtevant-Stam Survey, and a copy of its report were included by the Governor in his message to the seventh legislature in 1925. Upon this survey the governor of Arizona authorized Colter to make the water filings.

Acting on the basis of the data obtained by the Sturtevant-Stam Survey, and under the authority of the governor, and in order to comply with the laws, court decisions and regulations of Arizona and the other western states and the federal government, Senator Colter, on September 20, 1923 and thereafter, made water filings for and on behalf of Arizona and those claiming thereunder, on over forty dam and canal sites throughout Arizona on the Colorado River and its tributaries, and water and power thereof, of which the Glen Canyon Storage and Diversion Dam, the Bridge Canyon Diversion Dam, Arizona Highline Canal and alternate Verde Tunnel are the principal features to develop several million acres and electrical horsepower. In the filings it is expressly stipulated that the irrigation and power are combined, with irrigation superior and to have preference and priority, to reclaim maximum lands in Arizona including all built and future projects, with water storage and diversion at the highest altitudes, these stipulations and safeguards to be observed regardless of type, place and date of first construction and in any financing thereof. The filings were made in two capacities on behalf of the state and those claiming under it, the latter constituting property rights now inhering in water users under the projects.

TROTT-PARKER SURVEY

Again at the request of Senator Colter and his associates the then governor in 1925 authorized the Trott-Parker altitude surveys of Spencer, Bridge and Diamond Creek dam sites on the Colorado River. The report of the survey party was submitted by the governor to the legislature on Feburary 5, 1925 in a message to the President of the Senate and to the House. This survey recommended the Bridge Canyon dam site as the highest site available for diversion into the highline canal to irrigate several million acres of productive land in Arizona.

THE BIRDSEYE SURVEY AND LA RUE REPORT

The next survey was that led through the Grand Canyon by Colonel Birdseye of the United States Geological Survey, accompanied by E. C. La Rue. This survey was the culmination of La Rue's life work on the Colorado and the basis of his final report, Water Supply Paper No. 556 in 1925, in which he recommended, as he had previously, the Glen Canyon Dam for storage and the Bridge Canyon Dam for diversion for gravity irrigation in Arizona and California from the Colorado River.

COLORADO RIVER COMMISSION REPORT 1931-1932 ON COLORADO-VERDE PROJECT

In 1931-1932 the Arizona Colorado River Commission made an extensive survey-report on the Colorado River Verde Tunnel Project, an alternate route filed on by Colter in 1927 for the state and water users under these projects. This survey ran 752 miles of canal lines, and estimated an additional 362 miles. A soil and canal survey of 3,500,000 acres was made requiring 15,000 laboratory tests. Geological investigations, reconnaisance survey and analysis of the power market were made, etc. The report found the project feasible and that power developed would amortize the cost and pay a profit per acre.

PRESTON REPORT

At about the same time a like survey, known as the Preston Report, was completed by the Federal Government of an additional million acres adjoining the above acreage in Maricopa County and Yuma County, for which assisting appropriations have been made in the state of Arizona. This additional land would be irrigated under

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the Glen-Bridge-Verde-Highline or Verde Tunnel Gravity Projects, or by a diversion dam at Parker with pump lift.

SCOTT ENGINEERING REPORT

The most recent engineering report is that by the Scott Engineering Company authorized by the attorney-general to be included in the authorized three-volume report by Fred T. Colter to the attorney-general in 1932, entitled DILIGENCE IN PROTECTION AND DEVELOPMENT OF ARIZONA WATER RESOURCES, which due diligence report is on file in the office of the attorney-general and the State Water Commissioner. The Scott report, submitted March 28, 1933, concluded that both the Bridge Canyon diversion route and the alternate Verde Tunnel are practical and feasible, but that the former is more so and less expensive, and recommended final surveys to determine the best of several alternate locations from which a canal or tunnel can be taken from the Bridge Canyon site.

THE DOCTRINE OF RELATION

The term used to signify the maintaining of water filings and rights is due or reasonable diligence.

Any money expended, time given, and efforts and acts of value accomplished toward and actually initiating and completing, defending and developing water filings and reclamation sites therefor regardless of obstacles interposed by acts of God or man are legally considered due and reasonable diligence.

In the growth of the appropriation law as distinct from that or "riparian rights" of the common law it was the small diversions of the miners and the pioneers which initiated the change. Then the old doctrine of relation was that the right to the appropriation dated from the actual placing of the water to beneficial uses after the works were completed. But because of the unfairness to peoples projects, this was changed by statutes, as also by decisions of courts, so that all such priorities do actually relate back to when the project was initiated under the statutes of the State. In other words, when a project is properly filed upon, notices given, or work started in the field, as provided by the state statutes, the waters therefor are segregated from the public waters and didicated to the uses of such project until it is completed or until it is judicially determined to be forfeited according to law. There are three periods in the life of any such project: a period of formulation and initiation; one of construction; and the period of use after completion. Any project, no matter by whom initiated, which has been properly initiated and filed upon under the laws of Arizona has an actual appropriation therefor to the extent of all the waters so segragated from the public waters; and should be so pleaded in any water suit Arizona will bring. Filings made for the State and those claiming under it, and completed and proposed reclamation sites therefor, and the maximum acreage to be irrigated and power manufactured thereunder should be enumerated and pleaded.

As in the other appropriation states, the laws of Arizona, and all states in the Colorado River Basin, recognize the doctrine of "relation" of priorities relating back to when the projects were initiated or filed on. No funds whatsoever from any source would be put into such projects in Arizona if title could not be obtained until the waters were diverted, after the loss of time in constructing the works out onto the lands or to other uses.

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MAXIMUM BENEFICIAL USE

The only right obtainable in water is the right to its maximum, beneficial, continued use. This requires that storage, diversion and development must begin in the upper reaches which permits multiple reflow and re-use of the same water and will not deplete the river's flow. In Kansas vs. Colorado, 206 U.S. 46, the United States Supreme Court found that, despite large-scale diversion in Colorado from the Arkansas River in its upper reaches for irrigation of land, return flow was such that the river had not depleted its flow materially at the Kansas-Colorado Boundary.

If the upper basin states take all the water they can put to use, the Colorado river will never diminish at the Utah-Arizona line, nor at the Mexican boundary as the result of unrestricted use in Arizona. No legitimate interest in the river system need be deprived or injured. Maximum development of rivers throughout the world has proven that there will be more water running into the sea than before a ditch was ever taken out.

Such multiple reflow use would change the definite water division figures given in the Santa Fe Compact, for the Colorado River that by re-use has already increased to 26,000,000 acre feet may in fifty years reach 100,000,000 acre feet. The Gila River has already doubled by reuse of water. This is why the courts, which are elastic, have the right to change any temporary estimation of water to conform with an ever-expanding population and growing use of water. The compact would destroy this expansion and growth beginning in the higher altitudes by binding the water to go to the foot or low end of the river in definite figures of perpetual ownership, although it is legally impossible to own water.

President Roosevelt, whose main concern is reclamation and conservation, has repeatedly pointed out since taking office that the conservation of American land and water depends on up-stream development of river systems. This policy is essential for greatest reclamation, navigation, flood control, drouth prevention, soil erosion control, and all other watershed requirements. On the other hand, the President's National Resource Committee, including five cabinet members, in 1935 reported that the Santa Fe Compact is an unworkable, unpractical failure.

SUPREME COURT DECISIONS PROTECT ARIZONA

It is because Arizona's position is based on these fundamental reclamation and legal truths that we have been victorious against powerful opposition, and have had our inherent and inchoate rights confirmed and protected by five favorable rulings of the United States Supreme Court. The first and basic decision, Arizona vs. California, 283 U.S. 522, handed down March 10, 1931, held in substance that Arizona is not bound by the Santa Fe Compact, the Boulder Canyon Project or by the dam itself, that Arizona's present and future rights and projects were not impaired thereby, and that Arizona can take water out above Boulder Dam or elsewhere in the State.

The special attorney for Arizona in this case was Clifton Matthews, formerly U. S. district attorney and now a judge of the federal circuit court of appeals. In a speech at Globe, August 6, 1931, after the decision, Judge Matthews stated: "The compact--was the one all important question in the case, and the court decided it in our favor. The decision says we are not under the compact, that we cannot be bound by it--just as if the Boulder Canyon Project Act had never been passed." Judge Matthews denounced the compact as "The most inequitable document a sovereign state was ever asked to put its pen to and one which congress in the Boulder Canyon Project Act sought to ram down our throats."

The second Arizona vs. California suit, 292 U.S. 341, decided by the court May 31, 1934, was dismissed without prejudice to Arizona because Arizona's attorneys in

effect pleaded the Santa Fe Compact and failed to plead Arizona's water title, and rights, property and injury thereto.

PARKER DAM SUIT

The third suit was the Parker Dam case, 295, U.S. 182, decided April 25, 1935, in which the United States sought unsuccessfully to enjoin Arizona and its officials from interfering with construction of Parker Dam. In this case the government based its suit on the National Emergency Act, and the decision was a remarkable victory for Arizona in proving her basic rights set out in the first decision could not be violated even under the guise of national emergency legislation.

The following quotation from the Parker Dam decision is of great significance:

> "Arizona owns the part of the river bed that is east of the thread of the stream. New Jersey vs. Deleware, 291 U.S. 361, 379 et seq. Her jurisdiction in respect of the appropriation, use and distribution of an equitable share of the waters flowing therein is unaffected by the Colorado River Compact or Federal Reclamation Law."

This decision was as to the Parker Dam site, which is on the boundary with California. Where the Colorado flows entirely within Arizona, as it does at our essential dam and reservoir sites, the state owns the entire bed of the stream, and an equitable portion of all waters flowing in the main stream of the river is subject to appropriation, diversion and use under the laws of Arizona to the same extent as though the Colorado River compact did not exist and the United States Reclamation Laws, including the Boulder Canyon Project Act, had never been enacted, or the Boulder Dam never built.

The Parker Dam decision did not state or intimate that the court would allow construction of the dam even if subsequently authorized by the Congress although Arizona's opponents attempted to create the impression that all they had to do was to obtain such authorization. Even if the court allowed the dam to be built, which is doubtful, authorities agree it could only be for aid of navigation and subject to our rights, Parker Dam as a barrier in the river to be used wholly for pumping water out of the river and its watershed to Los Angeles, under the guise of aiding navigation, would not aid but impair navigation, especially if water storage and diversion rights and initial construction were not definitely provided for from the Glen Canyon Dam site at head of Grand Canyon down to Boulder Dam reservoir.

After this decision, the Parker Dam was authorized by Congress for navigation in the Rivers and Harbors Bill for 1935, which also attempted to validate contracts made by the secretary of the interior, including those connected with Boulder-Parker Dams and subject to the Santa Fe Compact. As the supreme court has held repeatedly that Arizona is unfettered by the compact or federal reclamation law, that the part of the Rivers and Harbors Bill validating such past and existing contracts is illegal and unconstitutional in so far as Arizona and those claiming under it are concerned and regardless of the attempt to link such contracts with navigation in the Rivers and Harbors Bill.

Nevertheless, the secretary of the interior resumed and is now unconstitutionally going on with the construction of Parker Dam, which should be enjoined in order to maintain Arizona's rights and filings. This applies to any construction work or party adverse to the water rights of Arizona, especially such as fail to heed the supreme court's Arizona decision since 1931. If a proper suit had been brought after the Boulder Dam decision in 1931, as the supreme court indicated to be necessary, an injunction proceeding would have been preferable to calling out the militia which delayed and put Arizona on the defensive at the time. This, however, is past history, and the supreme court decisions have cleared Arizona's way, so we must proceed effectively and promptly, with the long delayed

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proper adjudication suits and such other future steps and suits as may be required to defend our rights.

ARIZONA VS CALIFORNIA, 1936

The fourth case, Arizona vs. California, 80 Supreme Court Reports, Law Editors Advance Opinions, page 877, decided May 25, 1936, was dismissed without prejudice by the court which pointed out in effect that Arizona's attorneys did not bring in proper parties, nor allege water titles and injury, and failed to challenge the secretary of the interior for attempting to carry out the compact when Arizona is not bound by it. The court on October 12, 1936 denied a petition for rehearing of this deficient suit, leaving our water rights established and the way open to return with proper pleadings which Arizona must do as quickly as possible. This was the fifth and latest action.

KANSAS VS COLORADO

In addition to these direct rulings, the U. S. supreme court by innumerable decisions, old and recent, throughout its history, has confirmed our stnad. In Kansas vs. Colorado, a riparian versus a prior appropriation state, the supreme court said:

> But it is useless to pursue the inquiry furtner this direction. It is enough for the purpose of this case that each state has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

In Kansas vs. Colorado the United States Reclamation Service caused the United States Attorney General to intervene for the Federal Government, alleging that this was a matter for the United States, and not the individual states, as the reclamation of large acreages of arid lands was involved. The Supreme Court dismissed the contention of the United States and held that "this relates to the powers of the Federal Government", and that the Federal Government is a government of delegated, limited and enumerated powers and can exercise no powers which have not been delegated to it, that it might well be that there are vast areas of land which should be reclaimed, that there may be no other means strong enough to reclaim them, but that after an examination of the powers granted the Federal Government in the Constitution it was plain that the reclamation of lands is not one of such powers, and since no such power was granted none can be exercised.

WYOMING VS. COLORADO

As the doctrine of prior appropriation and beneficial use prevails among all the Colorado River basin states, the Wyoming vs. Colorado decision, 259 U. S. 419, is applicable, in which the court ruled, both states being prior appropriations states, that:

> "The doctrine of appropriation, by which priority of appropriation gives superiority of right, affords the only equitable basis for determining this controversy, in which Wyoming seeks to prevent diversion of water from the headwaters of the Laramie River in Colorado for use in irrigating Colorado lands, to the detriment of prior irrigation appropriations made from the same stream in Wyoming.
>
> "In applying the doctrine of appropriation in this case, private appropriations should be recognized in the order of their priority, as they would if the stream lay wholly in either state."

WISCONSIN VS. ILLINOIS

Practically all Colorado River water now being used by California, or any additional waters she would use, are or would be taken out of the watershed. The

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right to do this has been denied by the supreme court, which in the Parker Dam case went so far as to cast a cloud on the legality of present irrigation in the Imperial Valley by stating that the Laguna diversion dam has been allowed merely because it has never been questioned. In the case of Wisconsin vs. Illinois, 278 U.S. 367, the United States Supreme Court decided against Chicago and held that neither the Federal Government nor Congress have the power to give authority for the diversion of water out of one stream system into another, in contravention of state laws. Commencing about 1868, the City of Chicago commenced diverting waters out of Lake Michigan into the Mississippi River drainage basin, and has so continued to divert waters, increasing the amount all the while. In 1899 Congress gave authority for such diversion, but after over sixty years of actual diversion the court held that the City must stop this diversion as speedily as possible, as it was not legal in the beginning and continued use has not made it legal since that time.

NEBRASKA VS. WYOMING

Turning to more recent interstate water cases, in the Nebraska vs. Wyoming decision on water rights in the interstate Platte River, handed down April 1, 1935 (Law Editors Advance Opinions, Vol. 79, No. 11, P. 587), the court held that the secretary of the interior regarding any such right is subject to the state like any other individual, in this language:

> "The bill alleges, and we know as a matter of law, that the secretary and his agents, acting by authority of the reclamation act and supplementary legislation must obtain permits and priorities from the state of Wyoming in the same manner as a private appropriator or an irrigation district formed under the state law. His rights can rise no higher than those of Wyoming, and an adjudication of the defendants rights will necessarily bind him. Wyoming will stand in judgment for him as for any other appropriator in that state."

In California-Oregon Power Company vs. Beaver Portland Cement Company (Law Editors Advance Opinions, Vol. 29, No. 13 and 14, P. 754), decided April 29, 1935, the court stated:

> "Nothing we have said is meant to suggest that the act, as we construe it, has the effect of curtailing the power of the states affected to legislate in respect of waters and water rights as they deem wise in the public interest. For since "Congress cannot enforce either rule on any state," (Kansas vs. Colorado, 206 U.S. 46) the full power of choice must remain with the states. The Desert Land Act does not bind or purport to bind the states to any policy. It simply recognizes and gives sanction, so far as the United States and its future grantee are concerned, to the state and local doctrine appropriation."

LA PLATA RIVER INTERSTATE COMPACT CASE

Finally we come to the only case in history in which a ratified interstate water division compact has been brought into question before the highest state and federal courts. The compact between Colorado and New Mexico on the waters of the La Plata River although ratified by the legislatures of both states, was found unconstitutional by the supreme court of the State of Colorado in La Plata River and Cherry Creek Ditch Co. vs. Hinderlider (25 Pac. 2nd Series, 187), decided July 3, 1933. Rehearing was denied September 18, 1933, and appeal was denied by the United States supreme court on March 12, 1934.

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This decision, which should be of intense interest and gratification to us in view of our defeat of the Santa Fe Compact, held that:

> "If by means of such a compact, state officials.....can thus take water from an interstate stream at the state's border, they can take it in the interior, and if they can thus take water, they can take any other property in any amount under similar facts and similar pretext....
>
> "It falls far short of a grant of power to any state, with the consent of congress, to enter into a compact violating federal or state constitutions....
>
> "No person shall be deprived of property without due process of law. If private rights may be stripped from the citizens by state 'compacts', by legislative fiat, by commissioners, by the uncontrolled discretion of state engineers, then "due process" is dead in Colorado."
>
> "They do not touch the right of a state by compact, without notice, hearing or compensation, to take property from one of its citizens and give to another state or its citizens, a mere matter of expediency without regard to the legality of their claims thereto, and in total disregard of existing constitutional, statutory and judicial prohibitions."
>
> "There is not the slightest pretense, either in this compact itself, or in the proceedings leading up to it, to a decision of the question of what water Colorado owns, or what water New Mexico owns, or what water their respective citizens own. It is a mere compromise of presumably conflicting claims, a trading therein, in which the property of citizens is bartered without notice or hearing, and with no regard for vested rights."

The La Plata River Compact, held unconstitutional, provided for rotation of water, and was not nearly so binding and damaging as the Santa Fe Compact, which impossibly attempts to put water into perpetual ownership.

BOULDER DAM POWER

The Boulder Canyon Project Act is subject to and controlled entirely by the Santa Fe Compact. Section 13 (c) of the act provides that:

> Also all patents, grants, contracts, concessions, leases, permits, licenses, rights of way, or other privileges from the United States or under its authority, necessary or convenient for the use of waters of the Colorado River or its tributaries, or for the generation or transmission of electrical energy generated by means of the waters of said river or its tributaries, whether under this act, the Federal Water Power Act, or otherwise, shall be upon the express condition and with the express covenant that the rights of the recipients or holders thereof to waters of the river or its tributaries, for the use of which the same are necessary, convenient or incidental, and the use of the same shall likewise be subject to and controlled by the Colorado River Compact.

This and other sections of the act make it unquestionable that a drop of water or a kilowatt of power from Boulder Dam under the present set-up would

be a step by Arizona into the Santa Fe Compact. Propositions are now being advanced to bring Boulder Dam Power into Arizona, through contracts with the secretary of the interior. Under the provisions of the Boulder Act quoted ante, it would be mandatory on the secretary that such contracts would be subject to the Santa Fe Compact. It is recognized by authorities that this tie cannot be severed except through proper suit by Arizona against the secretary and other necessary parties.

With respect to power, the guiding principal for Arizona to follow, required by law and successful reclamation, is that power must be combined with and subsidiary to maximum reclamation of Arizona, with power revenue financing and paying reclamation cost, as in the Salt River Project. We have an existing body, the Colorado River Commission, which is empowered to and should handle all matters with respect to water and power of the Colorado River and its tributaries.

DANGER OF CALIFORNIA LIMITATION ACT AND TRI-STATE COMPACT

Attention should be called to mistaken assertions or pleadings that Arizona is being protected by the California Limitation Act, or by Section 4(A) of the Boulder Canyon Project Act, which section embraces the following damaging provisions:

(1) The Colorado River Compact;
(2) The Colorado River Compact plus the California-Nevada-Arizona Tri-State Compact;
(3) The California Limitation Act, which includes both of the above.

The California Limitation Act includes the water divisions of both compacts, which would give California and Mexico practically the whole river, or four and one-half million acre feet plus one-half of surplus water, a total of about fourteen million acre feet. Arizona would thereby be limited to 2,800,000 acre feet, which is already absorbed by present and used waters in Arizona, and would have to guarantee Mexico's deficiency in dry years when all water users of the river would be short. In addition, by the compact, Mexico would receive all surplus water. It would be disastrous for Arizona, being situated in the highest elevation and having one-half of the irrigable land and 92% of the power, to be limited to any permanently bound, stipulated amount, as all surplus waters would then be contracted or forced to Mexico, at the low end of the river. Such would prevent the maximum use obtained through re-use, re-flow, and reprecipitation of water, which is the major portion of the entire river and increases the amount in succeeding years, for when higher elevations are given preference the same water will be counted as water appropriations a multiplicity of times and will irrigate all the lower lands.

Fortunately, no body has authority to divide or agree on permanent limitation of water, and only the courts can determine rights to the maximum beneficial, economical, and continued use thereof, and proper place and use of dams and canals.

RECLAMATION OPPORTUNITY

Drought and soil erosion and depletion, which have brought to ruin or near ruin hundreds of millions of acres of former agricultural land, are now threatening the nation's food supply and survival. All proposed reclamation projects throughout the west, especially the large ones, are being inventoried and investigated by the President's National Resource Committee, the Federal Reclamation Bureau and other agencies, which are requesting large appropriations

from Congress and increased Public Works Administration Loans and grants for development of such projects.

Because of this and the president's backing of land and water development, it is almost inexcusable that Arizona is not better prepared with engineering surveys and reclamation data to enter this situation. The legislature has not made a new appropriation of Colorado River funds, since 1931, although such funds are almost exhausted and were insufficient to begin with. Since 1932 not a single survey party has been in the field.

SURVEY AND DATA NEEDED

Arizona should have spent more for this purpose than any other, but has expended less than any other state with not one-tenth of our potentialities. The data obtained brings in capital and population. It conserves and developes agriculture which is the base of industry and society, and the only means of permanent prosperity and for adding new and increased value to the tax-rolls. Our mines not only deplete, but also fluctuate violently, with years of complete inactivity.

The water problems of other states are normal. Arizona for the past fifteen years has had to fight a successful battle for existence, against monopolistic promoters who try to seize and exploit our vast and valuable water and power resources. During this time and previously they have been able, both in Washington and Arizona, to prevent sufficient appropriations for obtaining data on Arizona's water resources, aware that if such data were available to the people and responsible capital, their Mexican land and power exploitation schemes would fail. They have spread misinformation that Colorado River appropriations by the legislature were costing the taxpayer too much, when such appropriations are the only substantially possible way in a new state to relieve the taxpayer by adding new development and wealth to the tax-rolls, and to protect him, his home, property, state and water from desolation through the Santa Fe Compact and its equivalents.

Such data is also required for the general adjudication suit, the President, Congress, the United States-Mexico Water Treaty Commission, the Federal Power Commission, State Water Commissioner, and other official bodies.

OTHER NEEDED STEPS AND APPROPRIATIONS

Other indispensable steps for which such reclamation data is likewise required, include perfection of irrigation-power districts, which as municipalities can issue tax-exempt bonds to construct the projects; reconnaissance and final engineering survey-reports to select the best of several feasible diversions by canal or tunnel from the main river above Boulder Dam; obtaining of canal rights-of-ways on the basis of such reports; compiling, editing and printing data; financing, etc. With the reconnaissance surveys and data obtained, some open physical construction should then be started on our canals, dam sites or other works, even if at first on a small scale, as such steps are legally recognized as important acts to continue to maintain with due diligence our water filings and rights to protect them against adverse claimants in Mexico and California and elsewhere, in addition to other necessary steps and diligence as outlined above to keep up these rights.

Fortunately, the Colorado River Commission under the statutes is empowered to carry on all these phases, including litigation and any others required, and

lf

all that is necessary is for the legislature to make adequate appropriations to the commission.

Our titles are secure and the economy and wealth of our water resources demonstrated. Although our water projects are feasible and highly practical, they would be just as necessary to us if costly for growth is impossible without water.

Let us act with all celerity, unanimity and diligence to take the immediate steps imperative to overcome past delays and keep up Arizona's water rights, filings and development, so that Arizona will advance into the most remarkable future as a great and prosperous state with abundant land and water wealth which is the stay and staff of life and civilization.

Letter of Fred T. Colter, Arizona Water Trustee, transmitting filings on the water on 10 additional dam sites on the Verde with water to be diverted at Camp Creek Dam site on the Verde. These filings to be made additional and supplemental to his filings made on the Glen-Bridge-Verde-Highline Projects on the main Colorado River to be diverted from the Bridge Canyon Dam into Arizona and to be diverted from the Bridge Canyon Dam site and to be diverted from the Colorado River into central Arizona.

- - - - - -

March, 9th, 1936

Arizona State Water Commissioner
Phoenix, Arizona
Federal Power Commission
Washington, D. C.

Re: A- 1677 Little Colorado River (map)

Gentlemen:-

I, Fred T. Colter, the applicant for and on behalf of Arizona and water users, and myself, under said projects, hereby apply and make renewed water filings which are a part of and supplemental to water filings made by myself in 1923 and since then on the Colorado River, Verde River, and Williams River on all unappropriated flow (55,000,000 acre feet, and 25,000 second feet) to be used for domestic, irrigation, municipal, power purposes, etc., as described fully in application, maps and exhibits given you for the following described 10 additional dam, reservoir and canal sites and water of the Verde River, including the major sites on the Coloradoriver and lands thereunder, subject to Verde River and Salt River Valley Water District's rights.

NAME OF DAM SITE	STREAM	HEIGHT OF DAM(FEET)	CAPACITY IN ACRE FEET
Camp Verde	Verde River	423	10,000,000
Malpais	" "	197	70,000
Fossil	" "	150	45,000
Pete's Cabin	" "	190	94,000
Yavagila	" "	140	48,000
Tangle Creek	" "	152	87,000
Horseshoe	" "	159	240,000
Cliff Dwellers	" "	95	
Bartlett	" "	230	300,000
CAMP CREEK	" "	76	DIVERSION SITE

The water and power filings for these 10 additional Verde River Dam sites, including canal sites, of to-day, are made subject to THE Verde Irrigation and Power District and Salt River Valley water rights and to furnish from the Colorado River the supplemental water said district may need and for such acerage within said districts as may not be able to obtain water therefrom.

Water to be stored and developed at Glen Canyon Reservoir and Marble Canyon Reservoir to be diverted in 100 mile tunnel into head of Verde River near Camp Verde, Arizona, and thence down the Verde River to be diverted out onto the lands. Also water to be stored at Glen Canyon Reservoir, to be stored and diverted at Bridge Canyon Dam and Reservoir into the Arizona

Highline Irrigation and Power Canal to the Williams Reservoir; thence into canals to irrigate 6,000,000 acres of land in Arizona; 7,500,000 with reflow use; and develop 5,000,000 horse power; or from a highest diversion from about 2,800 foot diversion at or near Bridge Canyon Dam site that may be diverted into the upper Verde River, etc. Maps and exhibits are enclosed herewith.

The power developed from the Verde and Colorado River filed on by myself, is to be combined to the maximum irrigation to be obtained from the highest elevation diversion and storage, and the electric power is to assist in paying for the irrigation developments ; and all projects are to be developed as much as possible as one unit, with the irrigation made superior and prior, regardless as to whether the power construction is made first; all of which requirements were complied with in all of applicant's water filings.

These are supplemental and additional and renewal water and power filings and information and diligence to initiated water rights starting in 1916, and with those since, - my water filings of September 9 1923 - May 11th, 1925 - October 7th,1925; -March 17th, 1926; - June 10th,1927; - August 29th, 1929; - July 29th,1931;-etc., on the Colorado River and tributaries and previous extensive data of and on past diligence already filed with you, and the Federal Power Commission

I pray that you give careful consideration to my applications for construction and the unequalled diligence exerted therefore, on which depend the saving from ruin of the State of Arizona and our natural resources in the Colorado River, our only water.

Faithfully yours

FTC / dc
encls.

Fred T. Colter, Trustee for and on behalf of the State of Arizona and water users under said projects.

copy of Verde Colorado River Profile (map)

Receipt EX.XIX-p.111

April 29th, 1936

Office of State Water Commissioner
Room 407 Arizona State Building
Phoenix, Arizona .

Senator Fred T. Colter
Security Bldg. Phoenix, Arizona . Re: A-1677 Colorado River

This will acknowledge receipt of the above named application which "is supplemental and a part of and part renewal of water filings made by you in 1923 and thereafter", together with reports, data and documents in support thereof.

Very truly youre
signed Edwin T. Stewart
State Water Commissioner

ETS;f
encls.

MRS. SAMUEL WHITE
NATIONAL COMMITTEEWOMAN

BRIDGIE M. PORTER
STATE VICE-CHAIRWOMAN

MRS. THOS. F. McALLISTER
NATIONAL VICE-CHAIRWOMAN

DEMOCRATIC COUNTY CENTRAL COMMITTEE

WOMEN'S DIVISION — MARICOPA COUNTY

MRS. COIT I. HUGHES, VICE-CHAIRWOMAN

VIVIAN MITCHELL
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ALMA NIBBELINK
MRS. MARY L. JOHNSON
MEMBERS AT LARGE

TELEGRAM

Phoenix, Arizona
October 29, 1938

Mr. Clyde L. Seavy, Acting Chairman
Federal Power Commission
Washington, D. C.

WOMEN'S DIVISION OF MARICOPA COUNTY DEMOCRATIC COMMITTEE PROTEST AGAINST ANY POWER DEVELOPMENT ON COLORADO RIVER ABOVE BOULDER DAM WITHOUT LIKE PROVISION FOR DIVERTING WATER ABOVE 1900 FEET ELEVATION FOR RECLAMATION OF LANDS IN CENTRAL ARIZONA NOW SUFFERING FROM ARIDITY stop SUPREME COURT AGREES IRRIGATION HAS PRIORITY OVER POWER DEVELOPMENT stop WITHOUT WATER IS OF NO USE TO ARIZONA

DEMOCRATIC COUNTY CENTRAL COMMITTEE

Women's Division Maricopa County

Mrs. Coit I. Hughes, Vice-Chairman
Mrs. Vivian I. Mitchell
Executive Secretary

Similar telegrams as above have been sent by Governor Stanford and Dr. Gibbons, past secretary to the Governor and Chairman of the State Democratic Committee. The women's division is circulating 500 protests petitions, and if they are not heeded it would attempt to desolate Arizona or would be by the approval of the ruinious Santa Fe Compact, and by the old Diamond Creek Dam power permits, which means the same.

	ELECTRICAL H.P.	IRRIGATION	COST
TVA Tennessee	4,000,000	none	$952,000,000
Columbia River Grand Coulee, Washington	4,000,000	1,200,000 acres by 285 ft. pump lift	$400,000,000
Metropolitan Water District California	200,000	400,000 acres 1617 ft. pump lift	$750,000,000
Highline Arizona	5,000,000	4,445,000 acres by gravity 6,000,000 by re-flow use	$350,000,000

PRESS NOTICE OF FRED T. COLTER ARIZONA WATER TRUSTEE IN WINNING DIAMOND CREEK SUIT. HE LED A BODY OF MEN TO OFFICES OF COVERNOR AND ATTY. GENERAL TO SHOW THE NEED FOR SUIT. HE WAS APPOINTED CHAIRMAN OF COMMITTEE TO HELP PREPARE SUIT BY ATTY. GENERAL WHICH WAS WON AND PERMIT CANCELLED BECAUSE IF NOT WON (BEING SOLELY A POWER PER IT) WOULD HAVE DESTROYED AN ARIZONA IRRIGATION EMPIRE. THE SAME RESULT WOULD HAPPEN IF ALLOWED TO BE BUILT A SOLELY POWER DAM, AT BRIDGE CANYON SITE, THAT ARIZ., COLO. RIVER COMMISSION (WHICH TURNED COURT ON ARIZ.) HAD ARIZ. LAND COMMISSIONER TO APPLY FOR TO BUILD.

"Diamond Creek Suit Seeks to Stop Private Monopoly River Projects by Solely Power Dams"

"State Water Commissioner Frank P. Trott, James B. Girand, and the Colorado Engineering and Development Company are named joint defendants in a complaint filed with the clerk of the Superior Court yesterday by eight resident taxpayers of Maricopa County and state landholders, seeking to oust from consideration in Colorado development all private power franchises, or applications and to establish, in any future disposal of the waters of the river the prior rights of irrigation over power development.

The plaintiffs are H. B. Orr, S. F. Garnett, Herman E. Cerdes, John Dalhauser, M. W. Chase, C. F. Edwards, Edward E. McKeen and Barry Lee Hedgpeth, owners of arid lands lying under the proposed Arizona Highline Canal project. The complaint, a lengthy document comprising 34 pages, was filed by Robert A. Williams, A. Y. Moore, J. J. Cox, C. H. Rutherford John R. Hampton and D. L. Cunningham, Attorneys for the plaintiffs.

A special committee was appointed by the Attorney General to assist Attorney Williams in gathering and preparing data for the suit. This committee was composed of Senator Fred T. Colter, chairman, and Robert Williams, D. L. Cunningham, Senator J. J. Cox, A. Y. Moore, J. R. Hampton, C. H. Rutherford, J. L. Whyte, Representative E. J. Block and L. F. Kimball, members.

The suit attacks directly the Diamond Creek power permit, issued to James B. Girand by W. S. Norvail, former state water commissioner, in December 1926."

Above article from Arizona Republic Oct. 17, 1925.

CERTIFIED COPY OF CANCELLATION OF DIAMOND CREEK PERMIT

STATE OF ARIZONA, County of Maricopa.

I, FRANK P. TROTT, State Water Commissioner of the state of Arizona, hereby certify the foregoing to be a full, true, and exact copy of Minute Entry in the case of Application No. A-172, Permit No. A-288, as the same appears of the State Water Commissioner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Seal of office this 16th day of March, 1933.

(SEAL) (signed) FRANK P. TROTT.
STATE WATER COMMISSIONER

STATE WATER COMMISSIONER STATE OF ARIZ. (CERTIFIED COPY)

RESS NOTICE OF FRED T. COLTER ARIZONA WATER TRUSTEE IN WINNING DIAMOND CREEK SUIT. HE LED A BODY OF MEN TO OFFICES OF GOVERNOR AND ATTY. GENERAL TO SHOW THE NEED FOR SUIT. HE WAS APPOINTED CHAIRMAN OF COMMITTEE TO HELP PREPARE SUIT BY ATTY. GENERAL WHICH WAS WON AND PERMIT CANCELLED BECAUSE IF NOT WON (BEING SOLELY A POWER PER IT) WOULD HAVE DESTROYED AN ARIZONA IRRIGATION EMPIRE. THE SAME RESULT WOULD HAPPEN IF ALLOWED TO BE BUILT A SOLELY POWER DAM, AT BRIDGE CANYON SITE, THAT ARIZ., COLO. RIVER COMMISSION (WHICH TURNED COAT ON ARIZ.) AND ARIZ. LAND COMMISSIONER TO APPLY FOR TO BUILD.

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ALMA NIBBELINK
MRS. MARY L. JOHNSON
MEMBERS AT LARGE

THE FIRST TWO PAGES OF FIVE PAGE SINGLE SPACE LETTER OF TRANSMITTAL VOLUME V IN TWO PARTS WITH 2,000 PAGES OF DUE DILIGENCE TO MARCH 1939 TRANSMITTED TO STATE WATER COMMISSIONER & FEDERAL POWER COMMISSION BY FRED T. COLTER ARIZONA WATER TRUSTEE. THE REMAINING 4 1/2 PAGES ARE SAME AS IN LETTER OF TRANSMITTAL OF DUE DILIGENCE OF JAN. 3, 1936.

Arizona Water Commissioner,
State Capitol Building
Phoenix, Arizona.

March 1939

Federal Power Commissioner,
Washington, D. C.

Gentlemen:

Fred T. Colter as Arizona Water Trustee, herewith transmits to you a _____ page report in two parts with many maps and exhibits bound in two parts, comprising volume V of his report on "Due Diligence and Protection and Development of Arizona's Water Resources," and water filings, a summarized account of continued due and reasonable diligence exercised to the water filings in the Colorado River Water System made by him as Trustee, beginning in 1923 and thereafter for Arizona and water users under said Projects and initiated in 1916.

Also am enclosing some of the "Due Liligence" presented to the Arizona Water Commissioner and the Federal Power Commission, which is outlined in U. S. Senate document No. 113 on May 18, 1926 and 8 pages in the Congressional Record in January 15, 1926.

Alsc am transmitting to you a copy of report that trustee transmitted to Governor Stanford of Arizona on the Colter Water filings, showing how the application for a permit with Federal Power Commission to build a Power Dam at Bridge Canyon Dam site by State Land Commissioner, at instance of a majority of Arizona Colorado River Commission would destroy priority and superiority of the Trustee's Water Filings and Rights and most all others in Arizona, besides monopolizing and exhausting the power and kill most all irrigation development in Arizona which naturally and legally combined to the power with irrigation, superior and prior which if Bridge Canyon Dam is built without diverting the water therefrom for maximum irrigation would make and compel Arizona's municipal, stock and irrigation water to go to two million acres, mostly belonging to California land syndicates at the most strategic air plane, military food supply base in the world, at our Nation's Border, to menace our peace, agriculture, industry and labor.

Governor Stanford, Governor and Chairman of Arizona Colorado River Commission, his executive Secretary, Junius Gibbons, past Chairman of Arizona State Democratic Central Committee, sent telegrams protesting against this bridge Canyon Dam Power application, as well as many others.

A power permit by Gerand was canceled in 1925 for the same reason as outlined above. The Trustee protests against this Bridge Canyon Power application.

The Trustee transmitted to you January 3, 1936, a 550 page report with numerous maps and exhibits bound in two parts, compiled by the Trustee comprising Volume 4 of his report on "Due Diligence in Protection and Development of Arizona Water Resources," a summarized account of continued due and reasonable diligence exercised to water filings in the Colorado River system made by him as Trustee, beginning in 1923 and thereafter for and on behalf of Arizona and water users under said projects, and initiated in 1916.

The first three Volumes of said report were compiled by the trustee on authority of the Arizona Attorney-General in 1932 and, included the authorized Scott Engineering Report to the Trustee and said attorney-general, and covered such diligence exercised since statehood to April 14, 1933. Copies of these first three volumes, which contain 1200 pages and in addition 50 maps, and exhibits were transmitted by the trustee to the attorney-general on April 14, 1933 and to the Arizona Water Commissioner on August 9, 1933, with letters of transmittal, which letters and summary of the contents of the first three volumes will be found in the introductory to Volume 4 (see index).

Volume 4 chiefly covers such diligence as has developed subsequently or from approximately April 14, 1933, to January 1, 1936. and other diligence since statehood.

This letter and said Volume 4, briefs of filings, and other data, are additional and supplemental to previous such data that has been filed with you for the past 18 years and the trustee's general water filings beginning in 1923.

EXHAUSTIVE DILIGENCE RECORD

Volume 4 contains data on the $350,000,000 loan application to the Federal Emergency Administration of Public Works by the trustee to construct the Glen-Bridge-Verde-Highline or alternate Colorado River Verde Tunnel Project or amounts sufficient for first units, made on November 10, 1933, and supplemented February 27, 1934: perfecting of projects irrigation-power districts, assisted by sponsoring of a $21,072.00 Works Progress Adminstration Project by the Maricopa County Board of Supervisors, financial and marketing, legal opinions and law suits, engineering survey-reports; legislative and congressional history, bills and resolutions; trustee's due notices to adverse contender and protests, petitions, publicity campaigns, telegrams, mass meetings, Arizona Highline Reclamation Association, Arizona Colorado River Reclamation Club, other organizations activities and expansions, etc.

In addition there are two lar e newspapers scrap-books dating from 1923 and completely indexed, and many volumes of exhibits which are still being completed.

A N A L Y S I S
of
R U I N O U S S A N T A F E C O M P A C T
by
Fred T. Colter, Arizona Water Trustee

ANALYSIS OF RUINOUS COLORADO RIVER COMPACT AND TRI-STATE COMPACT BY WHICH SUPREME COURT HELD ARIZONA WAS NOT BOUND SINCE ARIZONA DID NOT SIGN THEM, SO IT IS INDISPENSABLE FOR LEGISLATURE TO APPROPRIATE ENOUGH MONEY TO GUARD AND DEVELOP ARIZONA'S WATER LIFE AND GROWTH

The provisions of the Colorado River Compact by which Arizona's waters would have been deeded to Mexico had Arizona signed it are set forth below. Paragraphs (a) and (b) of Article III provide for definite allocations of the waters of the Colorado River and its tributaries "in perpetuity" to the upper and lower basins, and that such allocations shall include present used waters. Paragraph (c) of the same article provides that surplus waters of the Colorado River System over and above the total amount allocated to the upper and lower basins in the United States should go to Mexico, and that if this surplus is not sufficient the deficiency should be supplied mainly by Arizona. Article VIII of the compact further strengthens the deeding of such "surplus" waters to Mexico by declaring that water rights in the upper and lower basins "shall be satisfied solely from the water apportioned to the basin in which they are situated." Paragraph (f) of Article III after referring to the three allocations of the Compact in Paragraphs (a), (b) and (c) (the upper basin, the lower basin and Mexico), provides that if there should be a surplus after October 1, 1963 it may be apportioned after that date. There would be no surplus by that time because Mexico would have already put to use the surplus waters as allocated that nation by paragraphs (c) and (f) of Article III, but in any event the Tri-State Compact would allocate California half of any surplus existing in 1963.

Now there are in the Colorado River System, inclusive of present used waters as the compact stipulates, 26,000,000 acre feet of water calculated as follows:

	ACRE FEET
Average annual flow of Colorado River at Yuma	17,500,000
Present used water in Arizona (figure as of June 25, 1929, subsequent increase not added	3,500,000
Present used Colorado River waters in California	2,500,000
Present used water, Upper Basin States	2,500,000
Total waters of Colorado River System	26,000,000

lf

ACRE FEET

Total waters of Colorado River System.....26,000,000

Apportioned to Upper Basin by Colorado River Compact.....7,500,000

Apportioned to Lower Basin by Colorado River Compact and supplemental Tri-State Compact

California	5,400,000
Arizona	2,800,000
Nevada	300,000
Total Lower Basin	8,500,000
Total Upper and Lower Basins	16,000,000
Surplus to Mexico from above allocations	10,000,000

The high-altitude mountainous upper basin with its limited irrigable area and small requirements of water per acre would never use more than 4,500,000 acre feet of its allocation under the Colorado River Compact:

Apportioned to upper basin by Colorado River Compact	7,500,000
Amount upper basin would use	4,500,000
Surplus to Mexico from upper basin	3,000,000

Total allocation to Mexico by Colorado River Compact, with any deficiency guaranteed by Arizona.....13,000,000

The mountainous upper basin with its limited irrigable area and greater rainfall due to higher altitudes will require far less water in the aggregate and only half as much water per acre as the lower basin. The above table conservatively estimates that 3,000,000 acre feet of the compact's upper basin allocation will not be used in that area but will be added to the surplus waters deeded by the compact to Mexico. Actually, the entire 7,500,000 acre foot upper basin allocation of any waters used in the upper basin will be reflow eventually come back into the river which flow will not be depleted as it crosses the Utah-Arizona line, but Arizona if it signed the compacts, is prohibited from use of these waters as they are compacted to Mexico.

WHAT ARIZONA IS ENTITLED TO FROM COLORADO RIVER, ITS ONLY WATER

A state is only entitled to the use of such waters that rise and fall on its river system area as it puts to use or initiates to put eventually to beneficial use.

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The proportion of land area any state has in the drainage basin of a stream system, together with the amount of water per acre required for irrigation determines the amount of a stream system waters to which that state is inherently entitled. Irrigation in Arizona at desert altitudes requires more than twice as much water as in the high altitudes of the upper basin. The proportionate land areas of the "lower basin" states are shown in this table:

	ENTIRE BASIN	LOWER BASIN
Arizona	42%	85.5%
California	2%	10. %
Nevada	5%	4.5%

Arizona has 92% of the power of the Colorado River

BENEFICIAL USE OF WATER MULTIPLIES BY RETURN WATERS WHICH IS PROVIDED FOR IN COLTER WATER FILINGS FOR ARIZONA

By virtue of its great area and millions of acres of irrigable land in the Colorado River drainage basin and its high water duty per acre for irrigating its lands, Arizona is entitled to 15,000,000 acre feet of Colorado River System waters, which it may use if not bound by signing any water division compact. This 15,000,000 acre feet will progressively increase as time goes on through reflow and reuse of water until it becomes 30,000,000 acre feet, and this increase will continue until all available land in Arizona is irrigated. Reflow from such irrigation development in this state will supply all Mexican Colorado River needs, and, as will be the case at the Utah-Arizona line, the Colorado River will never deplete its flow at the Mexican border.

Arizona's prior and superior legal right to the irrigation of millions of acres of land throughout the state was established when Fred T. Colter beginning in 1923 filed on all the unappropriated waters of the Colorado River for the people of Arizona, and keeping up these water filings and water rights must continue, and, on the other hand, Arizona must as in the past continue to refuse to sign any water division compacts and limitations, as they would destroy these natural and legal water rights.

TREATY-MAKING BODIES SHOULD KNOW THAT BY PROPER DEVELOPMENT THE REFLOW WATER WILL SUPPLY MEXICO, WHICH REFLOW THE COMPACT WOULD DESTROY

The representatives of Arizona in Congress and the treaty-making power of the United States should base any negotiations with Mexico concerning use by that nation of Colorado River waters on the fact that reflow waters from irrigation near the heads of this stream will eventually supply all water needs of the

lf

Mexican lands in the Colorado River delta. The waters of the Colorado River System which today measure 26,-000,000 acre feet when fully and properly developed from the heads down by reuse of water will in the future measure 60,000,000 acre feet and will increase more each year with the counting of reflow use as required by the tested water law of maximum, economical, beneficial use of water. Because of this multiple reflow and reuse of water Arizona cannot afford to adopt any water division compacts limiting its present and future use of water and growth; it would be suicidal for Arizona or any municipality thereof to adopt this Parker-Gila Project-Colorado River Compact-Tri-State Compact scheme or its equivalent by any compact with another state or states or by contract with the Secretary of the Interior, since these compact schemes would allocate Arizona forever less water than it now uses and in addition obligate this state in dry years to supply the Mexican water deficiency to two million acres in Mexico owned by California Land Syndicates, hence it is indispensable to the life of Arizona that the Legislature to keep up Arizona's water filings and rights to appropriate sufficient money to Colorado River Commission and Attorney-General's Colorado River fund to make surveys to do this.

ARIZONA'S ALLOTMENT 2,800,000 ACRE FT. BY COMPACT
TRI-STATE COMPACT AND CALIFORNIA
LIMITATION ACT, WITH NO
WATER FOR ARIZONA
(See table on page 8)

Attention should be called to the mistaken assertions or pleadings that Arizona is being protected by the California Limitation Act, or by Section 4(A) of the Boulder Canyon Project Act, which section embraces the following damaging provisions:

(1) The Colorado River Compact;
(2) The Colorado River Compact plus California-Nevada-Arizona Tri-State Compact;
(3) The California Limitation Act, which includes both of the above.

The California Limitation Act includes the water divisions of both compacts, which would give California and Mexico practically the whole river, or four and one-half million acre feet plus one-half of surplus water, a total of about fourteen million acre feet. Arizona would thereby be limited to 2,800,000 acre feet, which is already absorbed by present and used waters in Arizona, and would have to guarantee Mexico's deficiency in dry years when all present and future waters of the river system would be short.

lf

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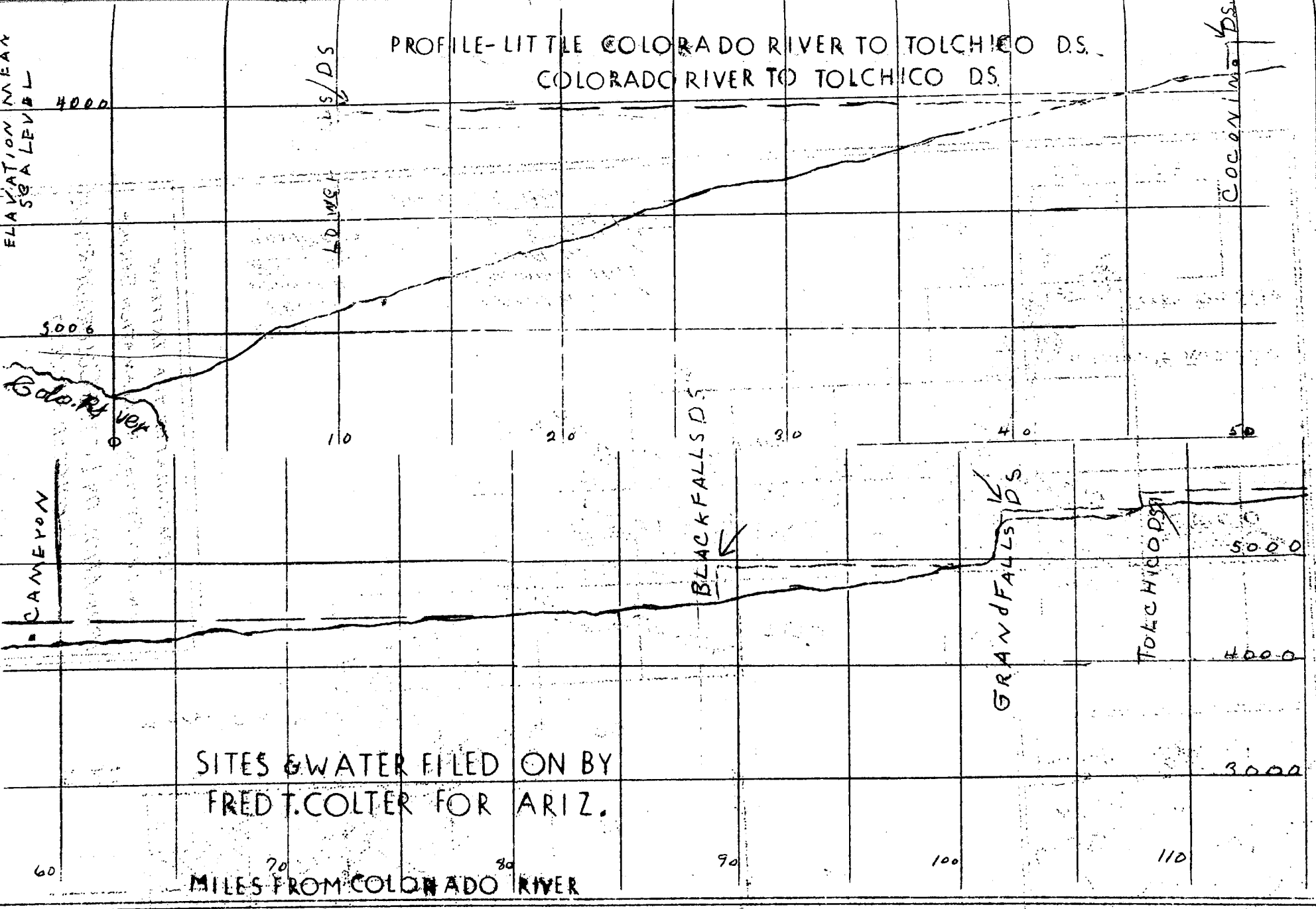
-4-


PROFILE- LITTLE COLORADO RIVER TO TOLCHICO D.S.
COLORADO RIVER TO TOLCHICO D.S.
ELEVATION IN FEET ABOVE MEAN SEA LEVEL
4000
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BLACK FALLS D.S.
GRAND FALLS D.S.
TOLCHICO DS
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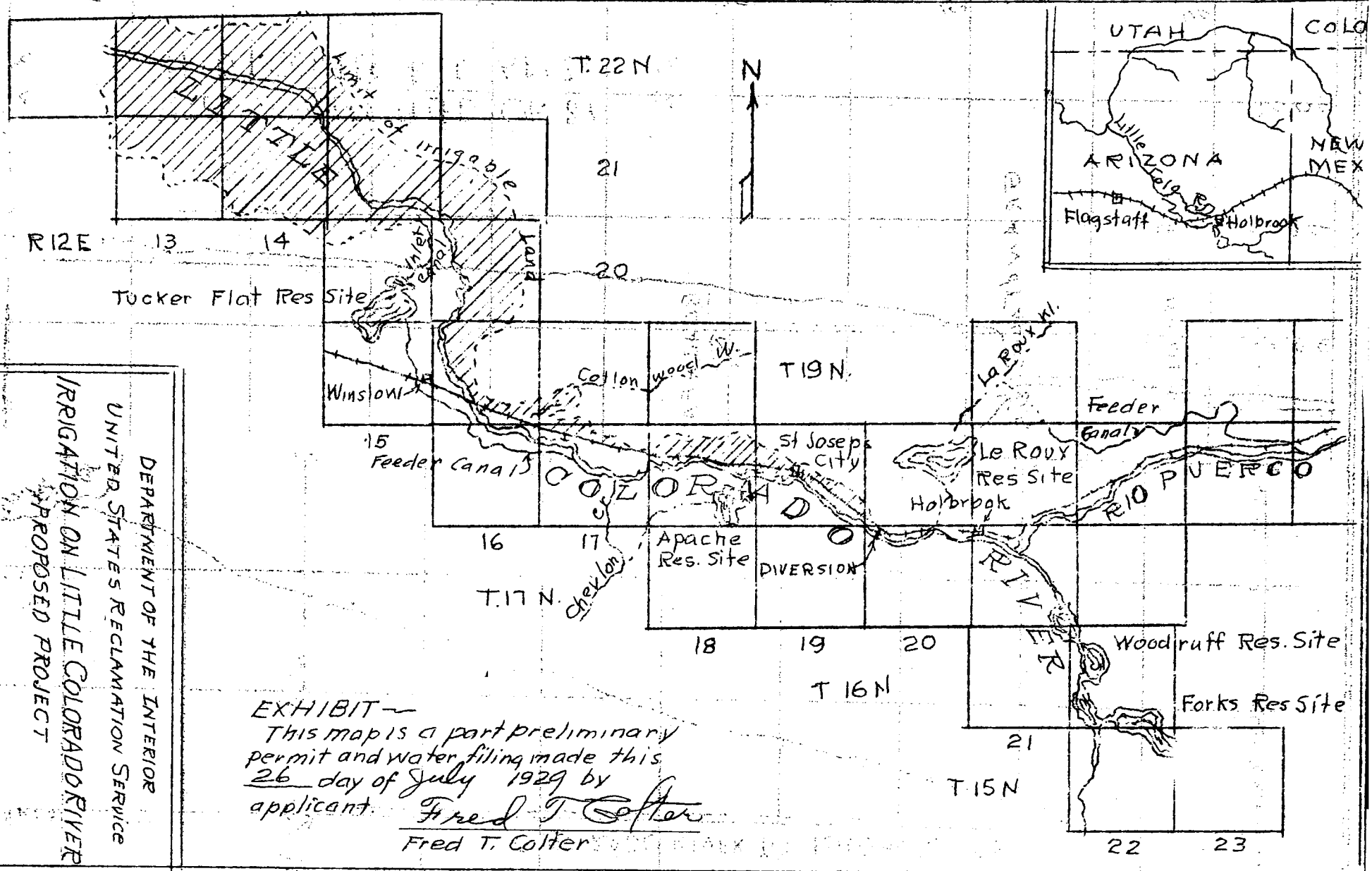
110
SITES & WATER FILED ON BY
FRED T. COLTER FOR ARIZ.
MILES FROM COLORADO RIVER



DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE
IRRIGATION ON LITTLE COLORADO RIVER
PROPOSED PROJECT

20303

45C65

EXHIBIT—
This map is a part preliminary permit and water filing made this 26 day of July 1929 by applicant. Fred T Colter

Fred T. Colter

COL.CHARLES H. RUTHERFORD, ATTORNEY, AND MEMBER OF THE SENATE IN 1923,ASSISTED SENATOR COLTER, WHO LEAD THE FIGHT TO DEFEAT THE RUINOUS SANTE FE COLORADO RIVER COMPACT; HIS LETTER OF DECEMBER 30th, commending MRS. ANGELA HAMMER, EDITOR OF THE MESSENGER, FOR PRINTING DECEMBER 26, 1936 HER EDITORIAL OF JUNE 22, 1935, ENTITLED "PEOPLE URGED TO FOLLOW COLTER LEAD, PATRIOT REDEEMED STATE FROM RUIN."

TO THE EDITOR OF THE MESSENGER: (Mrs. A. Hammer)

Your editorials, which are always timely, constructive, and for the benefit of the masses and state in general, are always read with interest and profit.

To my mind your greatest effort was your high and unselfish tribute, which appeared in your June 22, 1935 issue, and reprinted December 26, 1936, entitled "People Urged to Follow Colter, 'Patriot Redeemed State From Ruin" "paying tribute to that great leader, patriot and statesman, the Honorable Fred T. Colter, whose long and gallant fight to protect and save the waters of the Colorado River for the people of this state, has won the admiration of the great majority of them.

May eminent engineers and political leaders who called his HIGHline plan a "Scheme" are now admitting that it is the one well defined and through-out practical plan, needed to bring , save, and put the waters of this great river into practical and paying use.

May I add that I most cordially indorse your high tribute to this great man, who can be rightfully called the 'Father of the Mighty Waters," and who has done so much as to win the everlasting gratitude of a great people, in his heroic efforts to save for us our greatest asset. Long live Senator Fred T. Colter.

vh

Charles HI Rutherford

the river system will not deplete the river's flow at the Utah-Arizona line.

I, Fred T. Colter, Trustee, hereby accept and approve the statement of Governor R. C. Stanford to the Boulder Dam Contracts Hearing April 16, 1937, and exhibits filed therewith, and I am making and filing this additional statement and brief with additional exhibits.

Yours truly,

FRED T. COULTER, Trustee,
for and on behalf of the State of
Arizona and water users under said projects;
President, Glen-Bridge-Verde-Highline
Preorganization Irrigation and Power Districts;
President Arizona Highline Reclamation
Association.

FTC/wkm

MESSEN

blication Of Maricopa County Democratic Central C

Phoenix, Arizona, Saturday, June 22, 1935

re Urged To Follow Colter

Patriot Reedemed State From Ruin

Now that the Colorado river controversy is at a critical state and the need of clear thinking is imperative if Arizona is to avoid years of lawsuits and delay in obtaining recognition of her inherent rights in the water and power resources of the Colorado river, it seems that the editor of the Messenger should make a few statements of her reasons for following the leadership of Fred T. Colter in his fight for the preservation of Arizona's water rights.

By reason of our active part in the long struggle from 1913 to 1924 to preserve our rights in the Gila river and to secure the building of the San Carlos project, which is now past history, we managed to absorb enough water law and constitutional law to be able to recognize that Fred. T. Colter, whose outstanding leadership in the battle to preserve Arizona's rights in the Colorado river, will go down in history as the most heroic and unselfish act ever witnessed in this country and probably in the whole world.

Since the U. S. Supreme Court in three distinct decisions, has proven the accuracy of Senator Colter's statements and acts since 1922 and clarified in the public mind, the reasons for his acts against the outrageous and unconstitutional Colorado river compact, the Messenger is impelled to urge the people of Arizona and our representatives, in congress and out, to stand behind this able and unselfish man who has been for years, practically a martyr to the cause of this state and the preservation of her only remaining water resouces, the Colorado river.

These acts of his involve the principles of common law, water law and constitutional law and the ethics of mankind, and are justified by the attempts of adverse contenders to despoil Arizona of her natural resources for the benefit of a group of powerful schemers.

The courage, vision and practicality of the man, his great acts and understanding of these matters, are without parallel in this land of ours and he is entitled to every tithe of encouragement that Arizona can give him.

(Continued on page 2)

er Editor

may have difficself understood, tely dependable, be safe in folrting his contenh water line, or

I too, am beer what they commission at game. A nice oner's job, to le peg. I am the governor's epresentations out a retreat

not notice a ss I had the I am, by the asadorial trainwell practice using the gov-

will be nice to where his hat ner

SMITH.

Land Have ased

f.—Sales of rarily in the ral Land Bank 12% per cent period last a statement ank officials. o May 31, a al estate sales

Pres Rodeo 4th T

By GRACE

Prescott, Ari first rodeo ever boy contest was 1888, is prepari eighth big show signs fail in sp rip-snorter from

One change, noted. The F bration this y July Fourth, w of glory on the enth, when Ar of the arena wi fitting ceremony

Four days of ous days remin west, with the c times thrown in

Prescott's Fr tion not only array of weste but adds the cation days i by nature for

At he grou and afternoon held each of th big show, a m able stadium ha which will seat ous spectators one from the showers. The rebuilt, the ch speakers are thing possible the biggest a in the west ha

As usual, t of the Front will be the cowgirl parad the rodeo before and Slippery

(Messenger editorial continued)

The stakes are too great to be overlooked. Factionalism must be swept aside and every man, woman and child in Arizona must get on the firing line under the leadership of the one man in the state who knows what it is all about, who has given years to the study and experience of water laws and the Colorado river, compared with hours or minutes of such study by the best informed other people.

Born and reared in Arizona at the headwaters of the Little Colorado river, the Gila and Salt rivers, Mr. Colter has had most unusual experience in the reclamation of land, stock-raising and business in general and with his legislative and political experience before entering the Colorado river fight, he acquired the necessary background and experience to lead this gigantic water compact fight since 1922, and enable him to envision the disaster and ruination such a compact would inflict upon the state. He foresaw in such a compact, the abrogation of the most important water laws of the nation and the infringement against the constitution of the United States. He has the knowledge and the ability to lead this fight as no other individual can and at the same lay the foundation for the development of the entire state instead of just a little patch in one country.

When Senator Colter entered the fight in behalf of his state in 1922, seven-eighths of the people and politicians and the state's publications had been misled or were enticed to favor of the Santa Fe compact, by the subtle acts of California syndicated owning two millions acres of land in Mexico. These interests would have desolated Arizona by contracting to these lands seven-eighths of Arizona's water supply and leaving only the power developed on the main streams and tributaries, which was proposed to be monopolized by California power trusts. These interests had been paving the way for such a compact for twenty years previous to the framing of the compact, because it would be necessary to have the consent of the people of Arizona before this could be accomplished

There was a state of confusion in the state during and after the World war and the depression which followed when the hideous document was formulated. The only clear thinking individual who was able to grasp the precarious situation of this state was Fred T. Colter, who has been the acknowledged leader of Arizona's fight ever since. It was he, who, after seriously studying the situation, decided that if it were possible to save Arizona and serve humanity in this dilemma, he owed his life and fortune to the cause. He had already given his fortune and death itself has hovered near his door in his great battle for the people of his state

Untold comforts and honors could have been his in return for "Laying off" on this water fight, but he chose the straight and thorny path, with every conceivable obstacle thrown in his way. To use his "cowpuncher" expression, he says: "I waked up one morning in 1922 and says to myself, 'here goes the hide with the tallow, but with the aid of Divinity we shall win this fight.'"

A few of his outstanding acts, performed as trustee for Arizona, and what public officials of Arizona were paid to do and should have done but did not do were the following any one of which alone was essential to defeat the ruinous Colorado river compact, and to protect the rights and resources of Arizona:

First, he succeeded in having himself continuously elected to the Arizona state legislature where he led the fight against the compact or any equivalent thereof.

Second, his appropriation in behalf of the people of Arizona as trustee, of water and power rights on the Colorado river combining the maximum irrigation and municipal water to the power, on some thirty projects, and of surplus water for completed projects throughout Arizona, on the Colorado river and its tributaries, of which the Glen-Bridge-Verde-Highline project is the key and under which can be developed 5,000,000 electric horsepower and irrigation for 6,000,000 acres of land. and upon which all other projects in Arizona depend.

Third, his acts of "due diligence" in keeping up the water filings, such as surveys, and thousands of acts including the initiation of irrigation and power districts.

Fourth, his leading the campaign to inform a mislead people.

Fifth, his sacrificing of a fortune of over a million dollars which he had accumulated in Arizona and the giving of his entire time and credit in behalf of the people of Arizona and their inherent rights and his remaining on the firing line in active service during all these years since 1922, with the aid of many patriots.

Sixth, his leading and filing of the many suits to defend Arizona.

Seventh, the untiring aid of his wife, fighting and working at his side during this time.

From expressions of high authorities, his practical knowledge of common and constitutional and water law and practical procedure is outstanding. His books, briefs, documents, protests, etc. presented, before state and federal water and power commissions, Arizona and national legislative bodies and courts to protect and develop Arizona since 1922, the preparation and compilation of data now and in the future will be indispensable to quieting water titles in court, for financing etc., in fact on any matter related to the Colorado river planning and development.

Mr. Colter made a PWA loan application, as trustee, for $350,000,000 for the Glen-Bridge-Verde-Highline project, which financing can also be done by municipal bonds in normal times. Engineers estimate the power developed will several times overpay the entire cost of construction and put hundreds of thousands of men to work, bring immediate prosperity with lower taxes and will prevent Arizona's most needed water from going to the Republic of Mexico with cheap labor and products to compete with Arizona and the nation's agriculture, industry, labor and peace.

Remember that from an engineering and financing standpoint by government or municipal bonds or private capital this great economical project is easier in performance in this advanced age than the Roosevelt project was in its period. With such outstanding example of courage, durability and ability for your leader to put the finishing clinches to maintain Arizona's rights and developments, the Messenger is solemnly appealing to the gratitude and self-protection of the people of Arizona to give and get others to give their moral and financial support to assist and relieve him of his long torturous burden in order to place him in the most useful condition and position to safeguard your homes, business and build the greatest and most potential and attractive spot on earth and keep it from disintegration. Many have helped Senator Colter, but it is a shame for Arizona people, there haven't been more . The Messenger has given much publicity, job printing, stock and cash and will continue to the limit. Many others have assisted, but it is urgent that there be more to help Senator Colter perfect, develop and keep up Arizona's water rights and irrigation districts which are indespensable until they rally for their cause and elect enough men with courage to fight for them.

He has to complete irrigation districts, educate the public and keep up the filings and bring protests and suits to protect and quiet titles, as trustee, because if public officials should be O. K. today they may be misled, may die, or be defeated in coming elections. When the districts are completed they are municipalities and assessments can be made of a few cents per acre to pay off obligations and keep up rights and finance and build, and through such districts they will automatically carry the burden Senator Colter and assistants are now carrying.

PHOENIX EVENING GAZETTE
ARIZONA'S CAPITAL NEWSPAPER + AGGRESSIVE AND INDEPENDENT
VOL. LII. PHOENIX, ARIZONA, Monday Evening, January 25, 1932 NO. 73.

Huge Washington Dam Project Urged To Give 100,000 Jobs

BY HAROLD TURNBLAD

WENATCHEE, Wash., Jan. 25—(AP)—Construction of the gigantic Grand Coulee dam and development of the vast Columbia river basin again are being urged upon congress.

Senators Jones and Dil of Washington have introduced a bill in the senate, while a similar measure also has been introduced in the house, calling for construction of this project, comparable only to the huge Hoover dam and Boulder canyon development, which it exceeds in size and cost.

The bill does not specify the amount to be required, but Jones says the board of engineers for rivers and harbors estimates the cost at about $400,000,000.

Advocates of the project point out that the starting of construction would directly or indirectly give employment to thousands of now idle workers.

POWER TO PAY COST

Power from the mighty torrents of the Columbia would be relied upon to pay for the dam within 50 years, although congress is asked to underwrite the expense because of the magnitude of the project. Worked in with the power and reclamation aeles of the development plans is flood control along the river.

Four times more electricity would be developed at the Grand Coulee dam than at the huge Hoover dam project under construction on the Colorado river. Approximately 1,500,000 acres of bleak desert would be transformed into some of the nation's finest agricultural land.

Only a small portion of the land would be opened to settlement at one time in order to avoid overproduction of agricultural products. Diversification of crops would be insisted upon.

INDORSED BY MANY

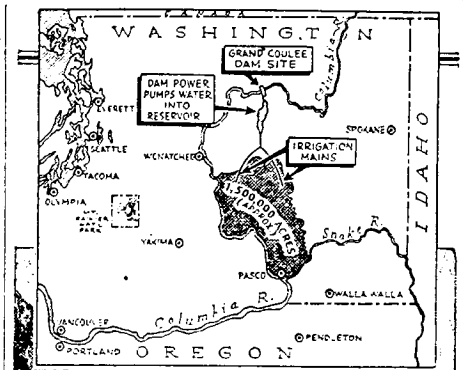
The Washington State Grange, which formerly opposed the development of the Columbia basin, as the area to be benefited by the Grand Coulee project is known, recently added its endorsement to those of many civic and state organizations.

The first farmers to benefit by the reclamation development which is part of the project would be a hardy group of "dry farmers" who have fought a losing battle with the elements.

Formerly enough rain fell to enable them to wrest a crop from the soil every two years, but a cycle of dry years has left hundreds of abandoned farm houses and thousands of dead fruit trees in its wake.

In citing how the project would be a boon to unemployed Willis T. Batchellor, Seattle consulting engineer, estimates that erection of the dam alone would provide work for 5,000 men.

A similar number could be employed in building the reclamation canals and several thousands in building railroads spurs and handling freight.



Approval of congress for construction of the giant Grand Coulee dam project on the Columbia river in Washington is being sought by senators, representatives and organizations of the state. Map above shows location of the $400,000,000 project, and the 1,500,000 acres of desert land it would irrigate. Below is the Grand Coulee reservoir which was the ice channel of the Columbia river.

Ratchellor believes 100,000 men would be given jobs directly or indirectly if congress orders work to proceed. This includes men in industries which would provide materials and machinery.

LARGEST IN WORLD

Preliminary plans call for it to be 500 feet high where it would bite deepest into bedrock. It would tower 350 feet above the present level of the Columbia river.

The dam would be about 4,300 feet long and require 10,000,000 yards of concrete.

Seven times as much water would be handled as at Hoover dam, and a 150-mile lake would be formed above the dam.

The lake would form an important link in the inland waterways along the Columbia river, planned by the war department and would store 5,000,0000 acre feet of water for irrigation.

Engineers estimate electricity totaling 4,000,000 horsepower could be developed at the Grand Coulee site. Of this amount 2,000,000 horsepower will be sold to western slope power companies.

The remaining secondary power would be used for raising water impounded by the dam 253 feet into a natural reservoir formed by the Grand Coulee—the ice age channel of the Columbia river—for irrigating the Columbia basin and for pumping water to other irrigation projects.

Low earthen dams at either end of Grand Coulee would form a narrow lage 28 miles long. A short tunnel would carry the water through a ridge into Bacon lake, from which the main irrigation canals would carry the water by gravity over the project.

The above is the Columbia River Basin GRAND COULEE PROJECT, costing over $400,000,000, authorized and financed by the Federal Government. It has a 300-foot pump lift.

THE ARIZONA GLEN BRIDGE VERDE HIGHLINE ALL GRAVITY PROJECT will cost less and will develop three times more acreage and two times the power with a water fall of 1600 feet to irrigable land to develop power instead of consuming power for pumping.

Below is the California Metropolitan Municipal Water and Irrigation Plan. It will have over 100 miles of tunnels and over 1600 foot pump lifts with a first cost of $225,000,000, with an annual pumping cost and other costs which would be capitalized at $400,000,000, a total of $625,000,000.

THE GLEN BRIDGE VERDE HIGHLINE PROJECT will cost around half as much, and will irrigate ten times more acreage while having 1600 feet water fall to the irrigable land that would develop the power to pay off costs.

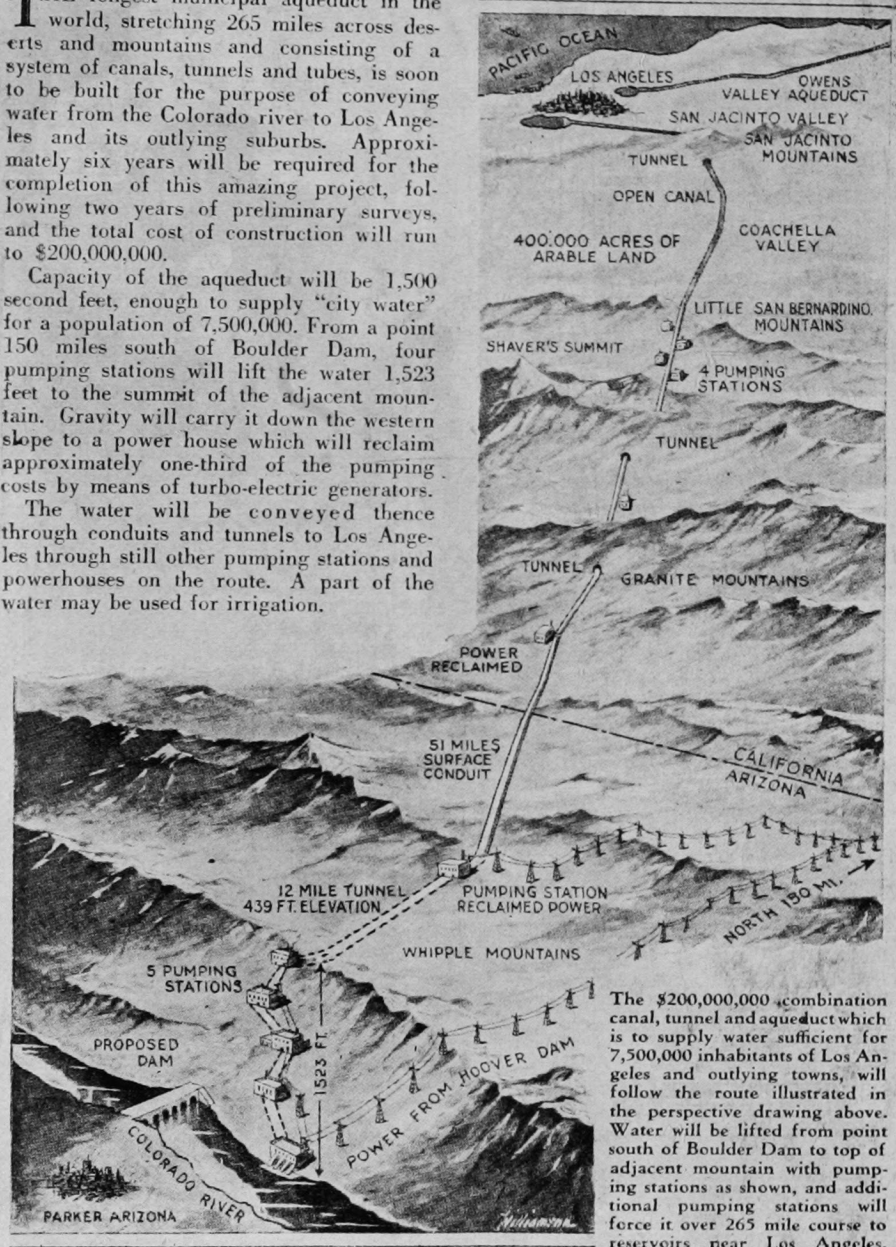
Modern Mechanics and Inventions, August, 1930

Water Pumped 265 Miles Across Desert

THE longest municipal aqueduct in the world, stretching 265 miles across deserts and mountains and consisting of a system of canals, tunnels and tubes, is soon to be built for the purpose of conveying water from the Colorado river to Los Angeles and its outlying suburbs. Approximately six years will be required for the completion of this amazing project, following two years of preliminary surveys, and the total cost of construction will run to $200,000,000.

Capacity of the aqueduct will be 1,500 second feet, enough to supply "city water" for a population of 7,500,000. From a point 150 miles south of Boulder Dam, four pumping stations will lift the water 1,523 feet to the summit of the adjacent mountain. Gravity will carry it down the western slope to a power house which will reclaim approximately one-third of the pumping costs by means of turbo-electric generators.

The water will be conveyed thence through conduits and tunnels to Los Angeles through still other pumping stations and powerhouses on the route. A part of the water may be used for irrigation.



The $200,000,000 combination canal, tunnel and aqueduct which is to supply water sufficient for 7,500,000 inhabitants of Los Angeles and outlying towns, will follow the route illustrated in the perspective drawing above. Water will be lifted from point south of Boulder Dam to top of adjacent mountain with pumping stations as shown, and additional pumping stations will force it over 265 mile course to reservoirs near Los Angeles.

COVERNOR HUNT APPOINTS FRED T. COLTER OFFICIAL COMMISSIONER TO OPPOSE SWING-JOHNSON BILL AND ILLICIT CROSS PERMIT, AND SAVE SANTA FE COLORADO RIVER COMPACT. May 1926

The Arizona Water Trustee, Fred T. Colter, at his own expense, representing the Governor of Arizona, together with Cleve Van Dike and Henry F. McClusky, in May 1926, went to Washington, D. C. to oppose the Swing-Johnson Bill, which was then before Congress. With United State Senator Ralph Cameron, we called on President Calvin Coolidge and filed with him a brief and protested against said bill, and also urged Congress to defeat the bill. In addition to this, during the month in Washington, D. C., the trustee prepared and compiled Colorado River maps, data and arguments in favor of the Glen-Bridge Highline Bill, No. 3414, introduced in the United States Senate on March 3, 1926 by Senator Cameron as a substitute for the Swing-Johnson-Boulder-Diamond Dam Bill. This data for said substitution bill was made into United States Senate Document No. 113 and ordered printed on May 18, 1926, and 50,000 copies were mailed and circulated throughout Arizona. A copy of this document will be found in Part II of this report.

Before returning to Arizona the trustee received word that those opposing Arizona were trying to break up our patriotic Arizona Highline Reclamation Association through misleading and bribing our members and officials, which they had tried many times. This time they were doing it by starting a camouflage new organization and by quoting prominent men, including Governor Hunt, so, enroute from Washington, D. C. to Phoenix, May 30, 1926, the trustee sent the following telegram to Governor Hunt and Arizona Gazette. He proceeded to break up this scheme, in which he succeeded.

My dear Senator Colter January 12, 1927

Pursuant to the provisions of Senate Bill #6, copy of which is inclosed. I have sent your name to the Secretary of State today, and to the President of the Arizona State Senate and the Speaker of the House of Representatives, as a Member of the Commission.

It is needless for me to direct your attention to the fact that the Swing-Johnson bill is a distinct menace to the State of Arizona, to her future development and welfare,

I trust that you will find the opportunity of rendering a very distinct service to our State in this crisis. Anything that I may be able to do to facilitate your work will be gladly done.

Respectfully yours,

Hon. Fred T. Colter
Arizona State Senate
Phoenix, Arizona.

Geo. W. P. Hunt,
Governor

TITLE OF LETTER OF GOVERNOR HUNT CALLING COMMITTEE OF 50 IN SPECIAL 3 DAY CONFERENCE AT STATE CAPITOL ON COLORADO RIVER MATTERS OF WHICH FRED T. COLTER, TRUSTEE WAS A MEMBER, APPOINTED BY HIM, AND OUT OF WHICH THE GOVERNOR APPOINTED A COMMITTEE OF 9. April 18, 1923

PRESENT PLAN FOR IRRIGATION AND POWER FOR ARIZONA.
(Published in Arizona Gazette and Silver Belt)
WATER AND POWER FILINGS SAVES THE STATE, WHICH ARE MADE FOR THE PEOPLE OF ARIZONA BY SENATOR FRED T. COLTER, PRESIDENT OF ARIZONA HIGHLINE RECLAMATION ASSOCIATION, AUTHORIZED BY GOVERNOR HUNT. September 21, 1923

Arizona Highline Canal, Spencer Bridge Canyon, Diversion Dam, Glen Canyon Dam filed on for the State of Arizona. Engineering party finishes survey and report is submitted to the Governor by Fred T. Colter.

With the approval of the Governor, Senator Fred T. Colter, President of the Arizona Highline Reclamation Association, for and on behalf of the State of Arizona, completed filings for water and power made with the State Water Commissioner on the Colorado River for twenty thousand second feet of water for the Arizona Highline Canal; the Spencer Canyon Diversion Dam, capacity fifteen million acre feet; the Glen Canyon Dam, situated at the upper end of the Grand Canyon, 52 million acre feet of storage water all for three and one-half million acres of land coming under the Arizona Highline Canal to be irrigated throughout Arizona.

-0-

Dear Senator October 20, 1925

I have been requested by R. W. Pridham, President of the Los Angeles Chamber of Commerce, to have a repsentative present at a conference to be held by U. S. Senate Irrigation and Reclamation Committee on October 26, in Los Angeles, the purpose being to bring about a harmonious solution of the Colorado River situation, and he states that the Los Angeles Chamber of Commerce pledges itself to take the lead in the hearings and will endeavor in every way possible to bring about a solution satisfactory to all.

I am certain that you will act with discretion and tact, and I am very glad of this opportunity of showing you my appreciation of your loyalty, and the splendid fight you have made for the protection of Arizona's interests in the Colorado River, and I hereby appoint you to represent Arizona at the Conference referred to.

Yours very sincerely,

George W. P. Hunt,
Governor

Hon. Fred T. Colter.

R. C. STANFORD
GOVERNOR

JUNIUS GIBBONS
SECRETARY

Executive Office
State House
Phoenix, Arizona

President of the Senate: February 24, 1937
Speaker of House of Representatives:

Gentlemen:

I have the honor to inform you that I have appointed Fred T. Colter to represent me in matters relative to the Colorado River.

(Signed) Yours respectfully,

R. C. Stanford,
Governor of Arizona.

Hon. Fred T. Colter, March 30, 1937.
Capitol Building,
Phoenix, Arizona.

Dear Mr. Colter:

The National Mississippi Flood Control Association of Memphis, Tennessee, has suggested that I appoint you as one who would be interested in the National meeting to be held at the Raleigh Hotel, Washington, D. C., on April 6th. This association has stated that you have been notified of this meeting and been invited to attend. If you are going to attend, I at this time appoint you to represent our state on that occasion.

The association has also asked me to extend a like courtesy to Senator T. W. Connelly and the State Water Commissioner.

If you can attend, I indeed shall be grateful to have you be one to represent our great state.

Yours sincerely,

(Signed)

R. C. Stanford,
Governor of Arizona.

President of the U. S. Senate April 12, 1937
Speaker of House of Representatives.
Washington, D. C.

Gentlemen:

This is to inform you that Fred T. Colter will represent me on matters relative to the Colorado River before your body or committee.

(Signed) R. C. Stanford,
Governor of Arizona.

The Federal Power Commission, April 12, 1937
Washington, D. C.

Gentlemen:

This is to inform you that I have appoint- Fred T. Colter to represent me at any water or [illegible] power matter that is pending or that will come before your body to protect and develop the State of Arizona.

(Signed) R. C. Stanford,
Governor of Arizona.

The National Rivers and Harbors Congress. April 12, 1937
Washington, D. C.

Gentlemen:

This is to inform you that I have appointed Fred T. Colter to represent me at your meeting to be held in Washington, D. C. this month.

(Signed) R. C. Stanford,
Governor of Arizona.

GOVERNOR R. C. STANFORD
CHAIRMAN
DONALD C. SCOTT
SECRETARY
J. A. MULCAHY
MEMBER
ALMA M. DAVIS
MEMBER

FRED T. COLTER
ARIZONA WATER TRUSTEE
EXPERT AND ADVISOR
TO COMMISSION
SIDNEY KARTUS
ASST. TO EXPERT AND
ADVISOR, AND
ASST. SECRETARY
OF COMMISSION

Colorado River Commission
OF ARIZONA
504 SECURITY BUILDING
PHONE 3-7759
PHOENIX, ARIZONA

EX-XXVII p-145

GOVERNOR STANFORD REITERATES HIS COLORADO RIVER PLAN/ON THE COLORADO RIVER TO THE COLORADO RIVER COMMISSION, AND INSISTS THAT SENATOR COLTER BE CONTINUED AS EXPERT AND ADVISOR. SEPT.29th 1937.

Members, Colorado River Commission: In as much as Fred T. Colter has made the water filings for Arizona and those claiming thereunder and has protected and preserved the rights of the State so long, and has valuable information that we need in carrying out my plan, the commission would make a great mistake by not utilizing his services and the vast amount of information which he has accumulated over a period of a great many years. It is my wish that we utilize his information and services. Therefore, I request the commission continue Fred T. Colter as expert and advisor to the commission and Sidney Kartus as assistant to him and assistant secretary of the commission, and they state they are willing to serve without pay.

ATTACHED HERETO IS MY COLORADO RIVER PLAN. Yours sincerely
Signed: R. C. Stanford, Governor of Ariz.

EXCERPTS OF STANFORD'S PLAN IN THE MATTER OF THE COLORADO RIVER, WHICH HE REITERATES TO COMMISSION. In my campaign for the Primary Election I set forth in my platform that: "I believe in protecting by all possible means, Arizona's water filings and rights, by due and reasonable diligence, on the Colorado River and tributaries. The only possible way for Arizona to secure its legitimate proportion of that river, is for storage and diversion above Boulder Dam at an elevation sufficient to bring the water into Central Arizona, to supplement present irrigation projects, and to irrigate lands as far west as Yuma and by gravity, and at the same time developing power instead of using it. Sufficient engineering data has been accumulated to convince me that this is feasible." and I adhered to my platform, and in keeping with my belief, I presented a special message to the Regular Session of the Legislature and the following excerpts from that message will serve to completely set forth my plans:

"Our state has repudiated the Sante Fe Compact and the courts have held that we are not bound by that compact, or any contracts, growing out of the same. We are thoroughly convinced that by developing the Colorado River and its higher reaches that we will not only protect the interests of the people of our State in securing water for irrigation of millions of acres, and the power to enable our people to carry on their enterprises, but that such development will not in any wise interfere with or deprive any of the other states of any right which they may have in the Colorado River, nor will it in any manner decrease the advantages which they may have in the same, but that owing to the development being made

in accordance with economic principles advised by irrigation engineers of prominence the conservation of the water and the power will be sufficient so that the additional amount secured by proper development and proper maintenance will be enough to supply these other states with all to which they are now entitled, and to obtain highest beneficial use of the Colorado River for all peoples.

So far in the development of the Colorado River we have maintained our position and rights and they cannot be altered. You are familiar with the law of prior appropriations and beneficial use. So that you may at this time fully realize the reason for immediate action, I wish to call your attention to the construction of the Boulder Dam and Parker Dam and other projects that have been carried on subject to the Sante Fe Compact and Boulder Canyon Project Act by which Arizona is not bound, and that in order to continue to protect these filings that have been made and to keep up our priority with due diligence as against adverse claimants, it will be necessary for you to take immediate action. With the filings already made all that we have to do is to secure additional engineering data to enable us to determine the most practical of several feasible routes todivert water above Boulder Dam into Central Arizona and to begin construction of such works as may be necessary to develop the water in the higher reaches of the Colorado River in Arizona. When the filings have been made and the notice given the State Water Commissioner, and notices segregate and protect for the use of such project the waters filed on so long as maintained with due diligence until it is completed. The filings are made and notices given, and it remains for us to continue this diligence by surveys and to initiate some developments assoon as possible to put into actual use enough of the water in accordance with filings.

The law of prior appropriation and beneficial use requires that water should be used in such manner as to give the most benefit and this rule requires that diversion and development must begin in the upper reaches so as to permit a maximum return flow, increase and inflow of the river and will nto deplete the flow. This principle of reflow has been studied and has definitely established that from projects built in the higher reaches in Arizona and resulting reflow there will be sufficient water to supply both Arizona and lower reaches of the river.

We need more data to permit us to determine which way would be the best to convey the water to the most of Arizona, but we know such project is feasible and within the rights of the people of Arizona to construct. We should allot money in order to obtain the immediate data necessary to determine our most desirable route of construction.

The data to be gathered by the engineers and others which we propose the Colorado River Commission shall employ will serve many purposes, among which are the following:

1. To be used in cooperation with the National ons State Water Resource and Planning Board, Secretary of the Interior,

GOVERNOR OF ARIZONA,R. C. STANFORD,MANY YEARS DISTRICT JUDGE OF ARIZONA, EXCERPTS OF ADDRESS OF WELCOME AT THE MEETING OF COLORADO RIVER BASIN STATES,AND OTHER STATES AND GOVERNMENT OFFICIALS, HELD AT PHOENIX,ARIZONA JUNE 22-23, 1938. THE GOVERNOR STATED THAT THE SANTE FE COMPACT WAS UNFAIR AND UNCONSTITUTIONAL: AND THAT IT IF IMPERATIVE TO ARIZONA FOR WATER TO BE DIVERTED ABOVE BOULDER DAM TO IRRIGATE CENTRAL AND SOUTHERN ARIZONA; AND HE NOTIFIED U. S. SECRETARY OF STATE CORDELL HULL TO WARN MEXICO NOT TO IMPAIR ARIZ* ONA'S WATER RIGHTS.

Governor Stanford -"Mr. Chairman and Gentlemen:

I want your indulgence in the matter of reading a few remarks, and I have written them out because I want to be quoted correctly. The only reason for it, I always thought I should speak what I want to speak, but I find it necessary sometimes to be able to have it quoted accurately to have it written and for a moment I want to read to you some observations I have in order that it might be of some help to you and that I might lead on to a thing that will develop our country. I feel that the government is just asking us at all times how to get ready to do something and that the funds are at hand, the man-power is at hand. It seems with the men we have before us to-day something could be accomplished whereby we could make use of the federal government's aid that is offered us to do something with the waters and power of our river and with your indulgence I will read these other remarks I have to make to you.

On June 9th, I wrote to Secretary of State Hull that release of Colorado River waters stored by Boulder Dam to fulfill power contracts would result in the water going down the stream to be used in Mexico, unless steps are taken to prevent it. I requested him to warn and notify the proper officials of Mexico against any attempted impairment of Arizona's rights to such water. Having 42.6 per cent of the drainage basin of the Colorado River, and no other water on which to depend, Arizona of course has been deeply concerned in this water problem, especially since we are a young state with our growth ahead. It is generally conceded that to obtain the proper and fullest development of a stream system its water must be developed and used first in the upper reaches of the river system, which results in innumeral reuses of reflow water. The upper basin states have 50 per cent of the river's drainage area and there need never be any limitation on the amount of water the upper basin states use within the Colorado River system, as the reflow would return below. Nor need there be any objection to the upper basin states taking a limited amount of water outside of the river system. Nevada, with five per cent of the drainage area, can use only a limited amount of water, to which no state has ever voiced objection. California has approximately two and one-half per cent of the drainage area, and whatever amount of water she takes she would remove entirely from the river basin. It therefore has always been the view of the basin states, and the view of California, as I understand, that a definite limitation should be placed on the amount of water California takes , Arizona, with 42.6 per

cent of the river's drainage area should have the remaining water in the United States . Mexico will eventually have more than enough water from the reflow.

It may be thought that the Santa Fe Compact would be a matter that we would not have to enter into today. Because of the fact that you are here from different states, it might be good manners not to bring up the compact unless it is really necessary, but it is necessary to ask your indulgence a minute on the subject.

The Santa Fe Compact attempts to place a perpetual limitation on Arizona of less water than she already uses, and would thereby also prohibit the right to reuses of the reflow water and power contracts made by the Secretary of the Interior subject to the Compact and the Boulder Canyon Project Act, the Colorado River waters, including the upper basin states allocation, would be compelled to go to Mexico as Arizona could not touch a drop of it under the compact. Unless the water is diverted into Arizona above Boulder Dam there is no place for it to go except to Mexico and except an area of land in Arizona below the Boulder Dam.

Certainly by Arizona's stubbornness, as some may seem to think it is, we now come to realize that the Santa Fe Compact is not a sacred document for the compact allotment to the upper basin is 7,500,000 acre feet, and I think it is accurate to say that the ultimate use of the upper basin states is far less than this amount. However, as stated, Arizona has no desire or need to limit the upper basin states in their use of waters of the Colorado River within its basin. While the United States Supreme Court has ruled that Arizona is not bound by the Sante Fe Compact since she did not ratify it, it is still more significant that recent court decisions have established that interstate water division compacts are inconstitutional even if ratified by the state legislature, since such compacts violate both state and Federal constitutions and water laws and subvert property rights. It is impossible to divide water in perpetuity as the Sante Fe Compact attempts. The courts are the sole and best avenue for the determination of water rights, and are always open to make adjustments necessary to conform with changing conditions and to obtain highest beneficial use of water as the law requires. On the basis of these facts, reclamation principles and court decisions, our states can cooperate and a constructive program can be adopted by us to benefit all parts of the river basin. I know that Arizona is inclined to make all possible concessions in order to progress in this. My statements have been made from the deepest desire for the benefit of all states concerned and for conservation of our land and water resources and the nations welfare which depends thereon.

Gentlemen, I have a lot of faith in the results of your deliberations. I am proud that you have come, repeating of course that it is the most important conference that our city and our state has ever had, and we are expecting that you will bring about good results. Once more, gentlemen, I welcome you to this state and to our city and I am sure that as aside from the work you render you will feel you have been benefited by coming to this wonderful state, but you will not recognize it if you will give to it as other states should have, if proper adjustment of water and power rights in the Colorado River system. Thank you .

Secretary of the Interior, Federal Power Commission, and such Federal agencies as are investigating projects through the West, in order to place Arizona in the foreground for Federal aid now and in the future.

2. To use the basis for organizing irrigation-power districts or such other organization or methods as may be used for financing the building of such projects.

3, For the purpose of conciliating the differences which now or may hereafter exist among the Colorado River Basin States.

4. We must appropriate money sufficient to bring such actions as may be necessary to quiet Arizona's water rights in the Colorado River. These and other necessary steps can be preformed only if the necessary data has been secured. We are in a position to maintain suits to adjudicate our rights to water and power developments of the Colorado River and its tributaries.

In as much as Senator Fred T. Colter has protected and preserved the rights of the State of Arizona so long, and has valuable information that we need, it is my wish that we utilize his information in carrying out my plan. By this I am not suggesting that you pay him a fee, but I think we should make a great mistake by not capitalizing on the vast amount of information which he has accumulated over a period of a great many years.

Exhibit XXVII- p.149

BOULDER CANYON PROJECT ACT AND BOULDER POWER SCHEME ARE SUBJECT TO THE SANTE FE COMPACT.

The Boulder Canyon Project Act, Section 13 (c) provides that:

> Also all patents, grants, contracts, concessions, leases, permits, licenses, rights of way, or other privileges from the United States or under its authority, necessary or convenient for the use of waters of the Colorado River or its tributaries or for the generation or transmission of electrical energy generated by means of the waters of said river or its tributaries whether under the act, the Federal Water Power Act, or otherwise, shall be upon the express conditions and with the express covenant that the rights of the recipients or holders thereof to waters of the river or its tributaries, for the use of which the same are necessary, convenient or incidental, and the use of same shall likewise be subject to and controlled by the Colorado River Compact.

Power regulations to the above effect were issued by Secretary of the Interior on April 25, 1930. Arizona is not bound by the Compact, Boulder Act or any Federal Reclamation law or these power regulations under decisions of U. S. Supreme Court.

a base and the water law which has come down through the centuries and requires dams and canals to be placed so as to afford the greatest benefit, rapid progress in water development in all the basin states can be assured, especially in view of the president's concern and support for proper water usage and reclamation projects to save the nation's agriculture now menaced by soil erosion and dust condition.

I hereby file and make of record with my statement several exhibits on legal and engineering facts with respect to Colorado River protection and development in Arizona.

R. C. Stanford
Governor of Arizona

Washington, April 16, 1937.

BRIEF BIOGRAPHY
OF
FRED T. COLTER
IN
WHO'S WHO IN AMERICA
AND
WHO'S WHO IN COMMERCE AND INDUSTRY

"COLTER, Fred (erick) Tuttle, cattleman, irrigation, reclamation. Born in Nutrioso, Arizona, February 2, 1879. Graduate of high school and business college. Married Dorothy Burton, August 20, 1927. Began cattle business at age of 12, had charge of outfit at 19. Was President Cross Bar Land and Cattle Company; Colter Construction Company; President Colter Livestock and Agricultural Company; President Northern Arizona Land Company; Director Lyman Reservoir Company; Vice-President Stockman's State Bank; Member of Board of Supervisors, Apache County, five years; Highway Commissioner, Apache County, two years; Member of State Constitutional Convention; Member of Arizona State Senate eight terms; Member House of Representatives one term; State Fair Commission five years; Member of Arizona Sheep Sanitary Board, two years; Chairman Democratic Central Committee, Apache County; Democratic National Committeeman from Arizona, 1912-1920. Delegate Democratic National Convention 1924 (Platform Committee); Democratic Nominee for Governor of Arizona, 1918 (defeated in general election by 300 votes); Candidate for Governor 1930; Vice-President National good roads Association; First President of State White Mountain Sportsman Association, 1925; President Arizona Cattlemen's Association; Representative of Governor of Arizona to appear with Los Angeles Chamber of Commerce before the United States Senate Irrigation Committee, October, 1925. Governor's and Legislature's representative before Congress and President of the United States 1926-1930 to protect Arizona water rights. Now, and since 1923, President Arizona Reclamation Association. President Arizona Colter Water Filings and Reclamation Association. Arizona Water Trustee on major future water resources filing on them in behalf of State since 1923. Author "Diligence in Protection and Development of Arizona Water Resources." Author of Highline Book. Filed PWA Loan Application November 1933 and renewed application in 1935 as water trustee for Arizona, for $350,000,000 to construct the Glen-Bridge-Verde-Highline Reclamation Project to develop five million electrical horsepower and irrigate six million acres. President of Glen-Bridge-Verde-Highline Pre-organization Irrigation and Power District, Maricopa Board of Supervisors sponsored to complete this district through a WPA Project. Member of Correspondence Committee of the Guards of Washington."

Now he is a member of Advisory Board of American Historical Society; Member of Advisory Board of National Rivers and Harbors Congress. Governor of Arizona's representative on Colorado River matters appearing before Arizona's legislature, Congressional Committees and Federal Departments, Washington, D. C. He is also Expert and Advisor to the Colorado River Commission of Arizona.

F. T. COLTER, TRUSTEE'S LETTER COMPLIMENTING GOVERNOR STANFORD'S ADDRESS OF WELCOME AT THE MEETING HELD IN PHOENIX JUNE 22-23, 1938, OF REPRESENTATIVES OF COLORADO RIVER BASIN STATES AND FEDERAL OFFICIALS, WHEREIN THE GOVERNOR CONDEMNED THE SANTA FE COMPACT AS UNFAIR AND UNCONSTITUTIONAL AND THAT WATER SHOULD BE DIVERTED ABOVE BOULDER DAM INTO CENTRAL ARIZONA, ETC.; ALSO COLTER GIVES A HISTORY OF THE COMPACT BETWEEN COLORADO AND NEW MEXICO, SUITS AND COURT OPINIONS THEREON. COLORADO VS HINDERLIDER STATE ENGINEER, COLORADO 73 PAC (2) 997.

HON. R. C. Stanford July 21, 1938
Governor of Arizona
State Capitol Bldg.
Phoenix, Arizona

Dear Governor:

I commend your address of welcome at the Phoenix meeting June 22-23, 1938, of representatives of Colorado River Basin States and other states and federal officials; especially the correctness in your statements of the unfairness and unconstitionality of the Colorado River Santa Fe Compact, and the water must be diverted above Boulder Dam into central Arizona to be fair to her and to keep it from going to Old Mexico, and etc. Following are a few facts and citations to back up your statements.

Because those within and outside of Arizona who still favor the Santa Fe Compact with the selfish interests benefited thereby, have made a mountain out of a mole hill on the misleading ground that the United States Supreme Court recently decided on merits of the case of Hinderlider et al, State Engineer of Colorado, appelant, vs. La Plata River and Cherry Creek Ditch Company upheld the Compact between Colorado and New Mexico, (decision to be found in law edition United States Supreme Court decision May 8, 1938).

Arizona has not signed the Santa Fe Compact and in two United States Supreme Court decisions stating Arizona was not bound by it or Boulder act, and that compact, Boulder Dam and Act, would not impair Arizona's present or future rights, and that Arizona could divert water above Boulder Dam, and elsewhere in Arizona.

This compact between Colorado and New Mexico on the waters of the La Plata River, although ratified by the legislature of both states, was found unconstitutional by the Supreme Court of the State of Colorado in La Plata River and Cherry Creek Ditch company vs. Hinderlider (25 Pac. 2nd Series, 187), decided July 3, 1933. Rehearing was denied September 18, 1933, and appeal was denied by the United States Supreme Court on March 12, 1934.

Those who are selfishly benefited by compacts, and especially those benefited by compacts, and especially those benefited by the unfair, unconstitutional Santa Fe Compact tried to make it appear, because this fair and legitimate compact between Colorado and New Mexico was upheld, that unfair, destructive, and illegitimate compacts like Santa Fe Compact could be upheld.

Common sense would prove that this is not the case, it is self-evident that in states, and those claiming thereunder, especially where privilege monopolies are concerned, strive to divert to themselves what they can from other states, and naturally the states that have the greatest potential

wealth, like Arizona and the common interests claiming thereunder, are new and have not the quick money; and political representation, and strength to compete or to protect itself by compact or congressional acts, therefore, the courts are the only avenue for just protection for minorities, and the young, etc., and for weaker and undeveloped states from explotation, especially water.

Imagine the awkardness and almost impossibility of Arizona getting justice in Congress, or by compact with 92% H.P. within her boundary, and having 43% of the drainage area of the Colorado River (her only water system) over 2/3 of water and power assets of Colorado River system her only water with 2/5 H.P. and water potential assets remaining for the other six states, Arizona having by compact one representative with over 2/3 of the property, with the other six states, six representatives with only 1/3 of the property; while in Congress Arizona has only one representative, with the other states having 30; Arizona two Senators, as against six in the other Colorado River Basin States, therefore, the courts would be the only eventual avenue. This would not hinder many conference between the states and tentative agreements, previous to, and subject to the courts review, and action to determine its fairness, and beneficial maxium use of this water, and constitutionality, (which would really mean quieting title) wherein those acting on compacts between the states would be faced with the impossibility of obtaining justice without these facts; meaning endless litigation. As a rule, such compacts (as power and monopoly gets by easily when the facts are not available), are entered into before the facts are ascertained, and before all the required water users brought into court without which it would be impossible to fairly divide, or pass on water without those facts and water users or vested rights are in the future continually growing, expanding, and changing and new developments which the courts are elastic enough and impowered to allow and incourage this growth and expansion, wherein compacts are binding and restricts this expansion, etc.

However, in the compact between Colorado and New Mexico, every effort was made to make it a fair and constitutional compact, and with the evidence presented it would have been difficult for the court to do otherwise.

SUBSTANCE OF PART OF STATEMENT OF COLORADO AND NEW MEXICO COMPACT FROM THE UNITED STATES SUPREME COURT

"There was no evidence in the suits involved, or complaints made between the 4-year-period from the inception of compact's ratification to show that authority given the (State Engineer of Colorado) to handle the water was abused, or any other provision, or that most beneficial use of the water of the stream, or as rotated between the states of Colorado and New Mexico were impaired, but evidence did show that provision of compact that the most beneficial use of water of the states and all concerned was being accomplished, even including the Colorado Cherry Creek Ditch Company. Mainly New Mexico, water users also had prior rights to the Colorado Ditch Company. This Ditch Company made no allegations that the compact was invalid, or that any water claiments objected to the terms of the compact."

PARTIAL STATEMENT FROM UNITED STATES SUPREME COURT

"As Colorado possessed the right only to an equitable share of the water in the stream, the decree of January 12, 1898, in the Colorado water proceeding did not award to the Ditch Company any right greater than the equitable share. Hence the apportionment made by the compact cannot have taken from the Ditch Company any vested right, unless there was in the proceedings leading up to the compact or in its application some vitiating infirmity, no such infirmity or illegality has been shown. There is no allegation in the pleadings, no evidence in the record, no suggestion in brief or argument, that the apportionment agreed upon by the commissioners was entered into without due inquiry; or that it was not an honest exercise of judgment; or even that it was or is, inequitable. The fact that the appointment of the joint commissioners was authorized in 1921 and their agreement was not adopted by the states until 1923, and that it was not approved by congress until 1925, shows that there was ample time for consideration by all concerned. There is no suggestion that the Ditch Company or indeed anyone else, was denied by the commissioners opportunity to be heard; or even that any water claimant objected to the terms of the compact. It appears that although the State of Colorado was not permitted to intervene in this litigation, Colorado V. Hinderlider (73 Pac. (2nd) 997), its attorney general represented the State's water officials. Moreover, the compact provided in article VI that it may be modified or terminated at any time by mutual consent," and there is not even a suggestion that either State or the Ditch Company has expressed a desire to modify or terminate it.

It is self-evidence that a contract to convey property and etc. could be made an unconstitutional contract, but few are as over a long period of history, most everyone knows the set and easy rules for a legitimate contract. It would be almost impossible, due to complications, to have a set rule for water compacts between states; so to determine such compacts legality would have to be determined on the kind of compact drawn and facts relative thereto of each compact entered into; especially so since compacts relative to water in the entire history of United States have only recently been entered into, all other compacts in United States history being on the boundary lines between states.

United States Supreme Court in May passed on the merits of a compact uphold the compact between Colorado and New Mexico was legitimate, when you read said compact and the allegations of complainants, which I submit in part in this letter, it is easy to understand how the United States Supreme Court held this compact valid; holding this compact valid would not mean others would be so, especially the Colorado River Seven Basin States Santa Fe Compact, which compact and facts relative thereto and beneficial use of water were unfair, and unconstitutional and are just the opposite to the Colorado and New Mexico Compact.

The Santa Fe Compact attempted to subvert the common law, Federal constitution, annihilate the tested water laws, and force the minimum

development of the Colorado River system by contracting the water to Mexico to the lowest reaches or from the ankles down, meaning death from ankles up, which, if Arizona had signed, would have eventually desolated Arizona, the body and backbone of Colorado River System.

Many representatives of Arizona and myself as trustee, brought several suits and made many protests in courts and to other officials and adverse water contendors. Old Mexico and California land syndicates owning land there and California have been notified of the infirmities of Santa Fe Compact and priority of Arizona's water filings, rights, and any water they appropriated, was at their own hazard.

Even though a compact is fair and legal, I still firmly believe that the courts, which have the right, are far better to pass on water and their projects; as water cases pending before the courts, and the parties and states relative thereto can, and do get together previous to court adjucations in many conferences and understandings and tentative agreements which facilitate the work and time of the courts, and such agreements are subject to courts review and action; and such courts adjudications that would sometime in the future in the said courts jurisdiction so as to be reopened to make such changes that nature, and new development and growth brings about.

Governor, if you remember, you and I discussing Colorado River Compact, you asked me if a compact could be written that would be fair and legitimate, and I told you that if a compact would be upheld only such a type of unbinding compact could be, and that I have had for many years the base of such a compact in mind, and wrote articles about it in the past, and that it could be all written on the back of an envelope, which I immediately wrote for you. You asked me to present same to a meeting of the Colorado River Commission, which you called, and I presented same to them and yourself as chairman, which I enclose with this letter; and it is the foundation and frame work to be guided by and fair to all concerned. Any modification of Santa Fe Compact would also be unconstitutional.

So I desire again to commend your statement. To avoid a serious injustice to Arizona, water must be diverted into central Arizona above Boulder Dam, to keep it from going to Mexico; and that the Santa Fe Compact is unfair and unconstitutional; and I seek cooperation with you to that end, and desire to give you every assistance.

Yours faithfully,

Fred T. Colter
Arizona Water Trustee

FTC/vh
Enclosure

COLTER PROTESTS PASSAGE OF
SENATE BILL 56, which EMBODIES
THE WATER DIVISIONS OF THE SANTE
FE AND TRI-STATE COMPACTS andwould
RUIN THE PROPER DEVELOPMENT OF THE
COLORADO RIVER SYSTEM.

STATE HOUSE
Feb. 22nd, 1939

TO THE 14TH LEGISLATURE & Arizona Congressional Representatives.
Governor R.T. Jones
State Water Commissioner(Hon. J. C. Wamslee)
Federal Power Commission, Washington D. C. (Hon. Clyde L. Seavey)
Federal Power Commission, San Francisco, Cal.(E. W. Kramer, Director)
Secretary of the Interior(Hon. Harold L. Ickes)
Mexico & U. S. Treaty Commission (International Boundery Commission)
El Paso, Texas.
Hon. Franklin D. Roosevelt, President of the United States
U. S. Secretary of State, Washington D. C. Hon. Cordell Hull
National Resource Board, National Rivers & Harbors Congress Etc.

I am enclosing herewith my protest as Arizona Water Trustee, as President of the Arizona Highline Reclamation Association, and as President of the GLEN-BRIDGE-VERDE-HIGHLINE, Pre-organization Irrigation and Power Districts, authorized in meetings assembled, against the passage of Senate Bill No. 56, which embodies the Sante Fe Compact and Tri-State Colorado River Compact(between California, Arizona and Nevada) which compacts Arizona has refused to sign for the past 18 years, together with a 156 page report dated Dec. 25th, 1938, proving the priority and superiority of the Colter filings on the Colorado River and tributaries, made for Arizona and water users under said projects commencing in 1923, and thereafter, which filings established Arizona's water rights and due and reasonable diligence has been excercised thereon since then.

I am asking that this protest be spread on the minutes of the journal of the House of Representatives and read before your honorable body. In the event Senate Bill No. 56 should pass and be signed there is no doubt it will be defeated in the courts. In fact another adjudication suit should have been filed in the U. S. Supreme Court some time ago and one is now in preparation, because some of the Federal and state officials as well as adverse contenders to Arizona's rights in the Colorado River have not heeded the several United States Supreme Court decisions, favorable to Arizona, which decisions held Arizona was not bound by the compact, that her future and present water rights could not be impaired thereby and that Arizona can divert water from above Boulder Dam .

respectfully submitted

Fred T. Colter, ARIZONA WATER TRUSTEE

FTC/ dc
encled and attached herewith
Copy of Protest against Senate Bill No. 56, 14th Legislature (1939) State of Arizona .

CONSTITUTIONAL PROTEST AGAINST SENATE BILL 56 WHICH PROVIDES FOR THE RATIFICATION OF THE SANTE FE COLORADO RIVER COMPACT AND THE TRI-STATE (California, Nevada and Arizona) COMPACT, WHICH ARIZONA HAS REFUSED TO SIGN FOR 18 YEARS, BECAUSE THEY ARE UNFAIR, UNCONSTITUTIONAL AND WOULD RUIN ARIZONA

by

Hon. W. R. Palmer -Representative
Maricopa County.

Under CONSTITUTIONAL PRIVILEGE, I solemnly protest against Senate
1 Bill No. 56, to ratify the Sante Fe and Tri-State Colorado River Compacts which are the most subversive schemes ever attempted to desolate a State and Nation's natural resources, humanity and laws, particularly when every legislature and most governors for wighteen years have refused to ratify these compacts, and the United States Supreme Court has backed them up, holding Arizona was not bound by the BOULDER DAM OR ACT or compacts and said Court limited Congress's rights to control of navigation only, while all other water rights and uses belong to the states.

Quoting Hon. Clifton Matthews, U. S. District Attorney who was special assistant Attorney General of Arizona, verified by many authorities Arizona in 1927, by Constitutional amendment repealed the Enabling Act Power sites withdrawels and repealed Article 20 of Arizona Constitution providing for National Reclamation law reservations as Arizona did with Judiciary Recall, when President Taft vetoed the Judiciary Recall in Arizona's Constitution. Matthews who is now Judge of the U. S. Circuit Court of Appeals called the Sante Fe Compact unconstitutional and the most inequitable document any sovereign state was ever asked to put its pen to and that Arizona is still free to appropriate any un-appropriated water, just as if the Boulder Canyon Project Act did not exhist. The Compact would deed Arizona's present and future waters, including the Gila river, to California land syndicates in Mexico, desolate Arizona and leave TWENTY BILLIONS of DOLLARS of POWER RESOURCES to be monopolized by the power syndicates.

All Courts and Federal Power Commission laws recognize the predominance of state jurisdiction and irrigation. Annual reports of said Commission and those of the Arizona State Water Commission and dozen's of Attorney's opinions here on my desk show the official number and validity of the Fred T. Colter water filings made for Arizona and water users as well as hundreds of other filings on the Colorado River and tributaries in Arizona. By not signing these compacts Arizona accomplished unprecedented reclamation construction during the past 18 years. Congress passed the Boulder Act and the U. S. Supreme court turned the Act down, as the courts will do if Arizona legislature passes Senate Bill 56. We are prepared to easily win in the courts.

Printed in Journal of the House of Representatives, 14th Legislature, 1939

March 1, 1939

over

Feb. 22nd, 1939

To
The Arizona Legislature
The Governor of Arizona and

To Whom It May Concern

Fred T. Colter as Arizona Water Trustee, as President of the Arizona Highline Reclamation Association and as President of The Glen-Bridge-Verde-Highline Pre-Organization Irrigation and Power District, authorized in meetings assembled, hereby protests against Senate Bill 56, which provides for the ratification of the Santa Fe Compact and the Tri-State Compact and in connection therewith hereby submits a 156 page report regarding some of the important factors connected with Colorado River matters showing especially the perfect standing of the water filings he made, authorized by Governor George W. P. Hunt, commencing in 1922, for the state of Arizona on some forty sites to develop six million acres and a like amount of power, of which the GLEN-BRIDGE-VERDE-HIGHLINE PROJECT is the KEY, with due diligence exercised thereon, together with several attonrey General's opinions and recognition of same and with statements of some ten attorneys affirming their priority, superiority etc. The Colter water filings are listed in the annual reports of the State Water Commissioner and in the reports of the Federal Power Commission commencing in 1923, which reports are all on file in the State Library.

SENATE BILL NO. 56 provides for the ratification of the Santa Fe Compact, which Arizona has refused to sign for 18 years, and in addition provides for the crumbs that are left in the lower basin (Arizona, Nevada and California) in a Tri-State Compact, to be deeded to Mexico and California, leaving all surplus water to go to Mexico, being around 10,000,000 acre feet. In addition leaving Arizona with the obligation toguarantee Mexico's deficiency in dry years thereby impairing the old and already completed projects throughout the state as well as all future projects and would eventually desolate Arizona.

It is unbelievable Senate Bill 56 could pass with the comprehensive government surveys showing the practicability of diverting water from above Boulder dam into central Arizona and other favorable projects and

Yours very truly,
(Signed) Robert H. Williams.

who should be interested in seeing the water turned on. The remotest corner of the state could not fail to benefit greatly from the vigorous and active Colorado River policy advocated by Senator Colter.

As one of the original opponents of the Colorado River Compact, which I regret I have not room here to discuss, I have had the privilege of working with Senator Colter, on both the legal and engineering phases of the Colorado River problem for the past fifteen years to the extent that I could afford to give my time to it, and in my judgment the value of Senator Colter's voluntary contributions to the preservation of the rights of the people of this state in and to the use of Colorado River water is beyond estimate or calculation. You have done a service in publishing his article.

CONSTITUTIONAL PROTEST AGAINST SENATE BILL 56 WHICH PROVIDES FOR THE RATIFICATION OF THE SANTE FE COLORADO RIVER COMPACT AND THE TRI-STATE (California, Nevada and Arizona) COMPACT, WHICH ARIZONA HAS REFUSED TO SIGN FOR 18 YEARS, BECAUSE THEY ARE UNFAIR, UNCONSTITUTIONAL AND WOULD RUIN ARIZONA

by

Hon. W. R. Palmer -Representative
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Under CONSTITUTIONAL PRIVILEGE, I solemnly protest against Senate
1 Bill No. 56, to ratify the Sante Fe and Tri-State Colorado River Compacts which are the most subversive schemes ever attempted to desolate a State and Nation's natural resources, humanity and laws, particularly when every legislature and most governors for wighteen years have refused to ratify these compacts, and the United States Supreme Court has backed them up, holding Arizona was not bound by the BOULDER DAM OR ACT or compacts and said Court limited Congress's rights to control of navigation only, while all other water rights and uses belong to the states.

Quoting Hon. Clifton Matthews, U. S. District Attorney who was special assistant Attorney General of Arizona, verified by many authorities Arizona in 1927, by Constitutional amendment repealed the Enabling Act Power sites withdrawels and repealed Article 20 of Arizona Constitution providing for National Reclamation law reservations as Arizona did with Judiciary Recall, when President Taft vetoed the Judiciary Recall in Arizona's Constitution. Matthews who is now Judge of the U. S. Circuit Court of Appeals called the Sante Fe Compact unconstitutional and the most inequitable document any sovereign state was ever asked to put its pen to and that Arizona is still free to appropriate any un-appropriated water, just as if the Boulder Canyon Project Act did not exhist. The Compact would deed Arizona's present and future waters, including the Gila river, to California land syndicates in Mexico, desolate Arizona and leave TWENTY BILLIONS of DOLLARS of POWER RESOURCES to be monopolized by the power syndicates.

All Courts and Federal Power Commission laws recognize the predominance of state jurisdiction and irrigation. Annual reports of said Commission and those of the Arizona State Water Commission and dozen's of Attorney's opinions here on my desk show the official number and validity of the Fred T. Colter water filings made for Arizona and water users as well as hundreds of other filings on the Colorado River and tributaries in Arizona. By not signing these compacts Arizona accomplished unprecedented reclamation construction during the past 18 years. Congress passed the Boulder Act and the U. S. Supreme court turned the Act down, as the courts will do if Arizona legislature passes Senate Bill 56. We are prepared to easily win in the courts.

Printed in Journal of the House of Representatives, 14th Legislature, 1939

March 1, 1939

over

Feb. 22nd, 1939

To
The Arizona Legislature
The Governor of Arizona and

To Whom It May Concern

Fred T. Colter as Arizona Water Trustee, as President of the Arizona Highline Reclamation Association and as President of The Glen-Bridge-Verde-Highline Pre-Organization Irrigation and Power District, authorized in meetings assembled, hereby protests against Senate Bill 56, which provides for the ratification of the Santa Fe Compact and the Tri-State Compact and in connection therewith hereby submits a 186 page report regarding some of the important factors connected with Colorado River matters showing especially the perfect standing of the water filings he made, authorized by Governor George W. P. Hunt, commencing in 1922, for the state of Arizona on some forty sites to develop six million acres and a like amount of power, of which the GLEN-BRIDGE-VERDE-HIGHLINE PROJECT is the KEY, with due diligence exercised thereon, together with several attonrey General's opinions and recognition of same and with statements of some ten attorneys affirming their priority, superiority etc. The Colter water filings are listed in the annual reports of the State Water Commissioner and in the reports of the Federal Power Commission commencing in 1923, which reports are all on file in the State Library.

SENATE BILL NO. 56 provides for the ratification of the Santa Fe Compact, which Arizona has refused to sign for 18 years, and in addition provides for the crumbs that are left in the lower basin (Arizona, Nevada and California) in a Tri-State Compact, to be deeded to Mexico and California, leaving all surplus water to go to Mexico, being around 10,000,000 acre feet. In addition leaving Arizona with the obligation toguarantee Mexico's deficiency in dry years thereby impairing the old and already completed projects throughout the state as well as all future projects and would eventually desolate Arizona.

It is unbelievable Senate Bill 56 could pass with the comprehensive government surveys showing the practicability of diverting water from above Boulder dam into central Arizona and other favorable projects and with four United States Supreme Court decisions in suits which Arizona brought stating that Arizona was not bound by these compacts nor could her present or future water rights be impaired by said compacts, Boulder Dam or Act and that Arizona can divert water above Boulder Dam or elsewhere in the state, which practically confirms the Colter filings as well as hundreds of others throughout the state.

With these favorable conditions and U. S. Supreme Court decisions it is incomprehensible, that after Arizona has refused to sign the Santa Fe Compact for 18 years, that these compacts should now be introduced in the legislature of Arizona.

Our opponents try to mislead the legislature and the public by stating that the Boulder Dam Act which passed Congress is the law of the river, when it is a known fact that the United States Supreme Court is the law of the river and the highest law of the Nation and superior to any congressional or legislative Act.

These favorable U. S. Supreme Court decisions, the Colter and hundreds of other filings on water, and the vested, inchoate and perfected water rights throughout the state of Arizona are the absolute law of the river.

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Special attention to
Land and Water Matters

ROBERT H. WILLIAMS
REGISTERED ENGINEER; ATTORNEY AT LAW

TO THE EDITOR OF ARIZONA REPUBLIC: March 4, 1937

It is with a great deal of satisfaction that I note your giving space to the full page statement by Senator Fred T. Colter of his views on the Colorado River Problem which appears in your issue of Sunday, February 28, 1937.

There have been wide difference of opinion, chiefly because the facts upon which an intelligent opinion could be based were not readily available at the time when men in public life, particularly, deemed it necessary to take sides in the Colorado River Controversy.

Of course, all the while the river itself was there, for any who would study it at first hand, and there was a vast amount of reliable information regarding it, that had been gleaned largely at state and government expense; though often such information was so intricately mixed with arguments and opinions as to lead only to confusion on the part of the casual student.

It remained for Fred T. Colter almost alone, sometimes, to apply first principles of law and of engineering to the problem, and by years of untiring study, effort, and financial sacrifice, to evolve a concrete program for Arizona out of the chaos of conflicting arguments and opinions.

It is almost trite to say that in the economy of nature there is no substitute for water. Whatever roseate picture one may paint of the civilization of the future, if the rains should cease the people would perish unless, of course, they could distill their own water from the salt waters of the seas.

Any portion of the earth's surface to be humanly habitable must have water. And it will always be so. Arizona has much arable land as Spain with its 23,000,000 people, or as Italy with its 41,000,000 and it has more mineral resources than both of them. The limiting factor of Arizona's development is water; and always it will be.

The power situation of the world today is in a state of great uncertainity. There is almost no limit to the possibilities of low cost powers for the future, as everyone knows. To SACRIFICE A WATER SUPPLY, (irrigation, municipal or domestic).

FOR POWER WHEN THEY ARE NATURALLY AND LEGALLY COMBINED, IS LIKE WASHING OUT GOLD WITH ONES LAST CANTEEN OF WATER, WHEN THE LIMITLESS DESERT STRETCHES AWAY ON EVERY HAND.

In the face of the possibilities for development in Arizona by use of Colorado River Water, here in the desert regions surrounding the Salt River Valley, and from here to Yuma and Parker, the apathy and indifference, and even hostility, of some citizens, and business men in particular in that regard, seems almost incredible.

The benefits to be derived from the institution of an active development plan by this state, of Colorado River Water, advocated by Senator Colter and urged by the governor in his special message, is not altogether prospective. The direct and immediate impatus of such a program to imigration and development throughout all Arizona would certainly be for the greater than if ten times the same sum were to be spent in direct advertising with no assurance of any effort to increase our water supply.

People with land below a canal are not the only ones who should be interested in seeing the water turned on. The remotest corner of the state could not fail to benefit greatly from the vigorous and active Colorado River policy advocated by Senator Colter.

As one of the original opponents of the Colorado River Compact, which I regret I have not room here to discuss; I have had the privilege of working with Senator Colter, on both the legal and engineering phases of the Colorado River problem for the past fifteen years to the extent that I could afford to give my time to it, and in my judgment the value of Senator Colter's voluntary contributions to the preservation of the rights of the people of this state in and to the use of Colorado River water is beyond estimate or calculation. You have done a service in publishing his article.

Yours very truly,
(Signed) Robert H. Williams.

Our opponents also state that in view of the fact that we would have to have the consent of the government to get right-of-ways over public domain, prohibits us from action. However having to comply with the regulations of the government over right-of-ways is a decided protection to any legitimate water filing or permit. Arizona's filings and permits being legal and just are and have in the past and will in the future keep out special privileges and unfair conflicting filings and applications.

In addition it would make no difference how many bad features or requirements there are in the Swing-Johnson Bill, as long as Arizona is not bound thereby. Therefore there is nothing to stop Arizona from going ahead to develop and complete her water projects, notwithstanding if the legislature should pass Senate Bill 56, or even if it should be passed by an initiated or referred measure to the people, because in addition to other favorable constitutional provisions in Arizona's favor there are provisions in the federal constitution that neither the legislature or the congressional branch of government can take any property or rights without due process and paying therefor and reclamation right-of-ways and those of railroads mainly, have that privilege.

Civilization could not exist nor could young individuals, communities or states grow if one or more bodies could deed away another's rights. Arizona is the most resourceful two year old on earth potentially and has that constitutional guarantee for growth.

These attempted compacts would subvert the common laws which have held civilization together for thousands of years, subvert the base and object of our federal constitution, annihilate our water laws that have been held in common since early Egyptian times, namely that <u>you cannot own water</u>, only the maximum, economical beneficial use of same. We used to own slaves in America, but never water. The compact places water in perpetual ownership.

The Santo Fe Compact endangers our national defense by deeding the waters of the Colorado river to the lower reaches in Mexico thereby destroying the proper development of the entire Colorado river system of which Arizona is the body and backbone having within her boundaries 92 per cent of the power (as much power as is now generated by water over the entire United States of America.)

Arizona has within her boundaries 42 per cent of the drainage area of the Colorado river system, approximately 10,000,000 acres, which can be economically developed.

If California can pump water 2,000 feet high and tunnel it over one hundred miles into a three hundred mile aqueduct to irrigate one-half million acres and for municipal use, surely Arizona with a 2,000 foot drop to irrigate 6,000,000 acres by gravity flow and for municipal water, can develop her projects, when she has billions of dollars worth of power, to more than five times pay the cost of construction.

The Colorado River is Arizona's only source of water supply and all streams in this state are tributary thereto. Other states have other streams on which to depend for their water supply.

The courts alone adjudicate water rights and quiet title thereto, and are and or ever could be the only avenue to pass on water rights. This would be especially true in the case of Arizona, a young and potentially rich state, having four-fifths of the property of the Colorado river system within her boundaries while the other six states have divided among them the remaining one-fifth.

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What chance would Arizona have in conference or congress with one representative as against fifty and two senators as against twelve in the seven basin states, except in the courts which are the only avenue where the young, weak and minorities can get justice.

California has only two per cent of the drainage area and furnishes no permanent water supply to the Colorado River system and any water she takes would have to be a gift.

Our opponents who favor the Santa Fe Compact make statements that those opposing same and favoring development and diversion of water from above Boulder in the higher reaches of the Colorado River are holding up progress and that we had better sign the Colorado River Compact and make progress. Is it not better to have what we have and the prospects of developing same than deed the property away and have nothing.

To prove our attitude of not being a dog in the manger in this fight, I as Arizona water trustee and those working with me for the protection and development of Arizona's rights, have constantly gone to the extreme in being fair to all states concerned and have proposed an agreement which would be fair and constitutional and would not limit, bind or put water in perpetual ownership, which is as follows:

1. Give the Upper Basin states (Utah, Wyoming, Colorado and New Mexico) all the water they could use forever within the river system.

2. Give California a certain amount, and due to the fact that all water she takes is out of the Colorado River system, or taken from one river system into another, would have to be bound and limited.

3. There has never been any question as to the request of the state of Nevada for 300,000 acre feet of water from the Colorado River system.

4. Arizona to have the remainder.

5. In the event of an International Treaty with the Republic of Mexico, the Colorado River Basin states to be obligated to give Mexico that proportion of the water that each state is using or has the right to use as it is related to the whole river system.

By giving the upper main reaches preference in this manner a river system would never deplete its flow and would conform to perfect, natural, legal conservation, reclamation and navigation regulation development of the river system, wherein the Santa Fe and Tri-state compacts embodied in Senate Bill 56 contracts the water to the lowest reaches, mainly to the Republic of Mexico and thereby prohibits the multiple reuse of the same flow, reflow and reprecipitation, leaving a desert forever the millions of acres of higher altitude lands by these 2,000,000 acres being first developed in Mexico and would desolate Arizona. Without water there is no future to any state. This is especially true of a desert country as is Arizona.

The development of lands in Mexico could compete with our national labor, agriculture and industry and would also build up a foreign competition and the most strategical airplane and military base in the world right at the heart of our nation and Arizona's border and endanger our national defense and the world's peace.

If Senate Bill 56 should pass and be signed there is no doubt if would be beaten in the U. S. Supreme Court.

GOVERNOR R. C. STANFORD
CHAIRMAN
DONALD C. SCOTT
SECRETARY
J. A. MULCAHY
MEMBER
ALMA M. DAVIS
MEMBER

FRED T. COLTER
ARIZONA WATER TRUSTEE
EXPERT AND ADVISOR
TO COMMISSION
SIDNEY KARTUS
ASST. TO EXPERT AND
ADVISOR, AND
ASST. SECRETARY
OF COMMISSION

Colorado River Commission

OF ARIZONA
504 SECURITY BUILDING
PHONE 3-7759
PHOENIX, ARIZONA

Hon. Franklin D. Roosevelt
President of the United States
Washington, D. C.

Capitol Bldg.
July, 21, 1937.

Dear Mr. President:-

Re: Fred T. Colter -Advisor
Colorado River Commission

In accordance with Arizona statutes creating the Colorado River Commission of Arizona and duties thereof, it is required that when it is organized the Governor shall notify the President of the United States and the Governors of the Colorado River Basin states, of the creation of the commission. I am therefore notifying you that the Colorado River Commission of Arizona is duly organized, and that the officials of the Commission are Governor R. C. Stanford, Chairman, Donald C. Scott, secretary, J. A. Mulcahy member, and Fred T. Colter, Arizona Water Trustee, is expert and advisor to the Commission and Sidney Kartus is assistant secretary of the Commission and assistant to the expert and advisor. I assure you it will be the desire of the commission and myself to cooperate with you to the end that we may obtain the just and maximum beneficial development of the Colorado river system, of the states therein and the United States of America. When this is accomplished Arizona will likewise benefit.

Yours respectfully
(signed) R. C. Stanford, Governor

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Dr. B. M. Woods, Chairman
National Resource Committee
University of California

Dec. 12, 1938

Dear Mr. Woods:- Upon further investigation I find definitely that Mr. Cole, of Tombstone, who was on your committee, has moved permanently from the State of Arizona, and I am appointing Mr. Sidney Kartus of this city, to be a member of the Committee. I am believing that constructive work will be done at this session of your committee, and I am sending you my best wishes.

Yours sincerely
(signed) R. C. Stanford, Governor

(over)

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Hon. Harold L. Ickes,
Secretary of the Interior
Washington, D. C.

August 22, 1938
Phoenix, Arizona.

Dear Mr. Secretary:

I have received your letter of July 6th, with enclosed copies of contracts, relating to Boulder Dam energy, with the Los Angeles Department of Water and power, and the Metropolitan Water District of Southern California, respectively. Arizona's position with respect to these contracts remains the same as set forth in my brief delivered at the Boulder Dam contracts hearing in Washington on April 16, 1937. Since such contracts are subject to the Colorado River Compact which Arizona has rejected for 16 years and by which it is not bound under United States Supreme Court Decisions, Arizona is compelled to protest against these contracts or similar ones, since under the compact and Boulder Canyon Project Act over 11,000,000 acre feet or most of the Colorado River waters of Arizona and the United States would be more regularly available for use in Mexico at the low end of the river. This would denude Arizona and cause minimum development of the entire river system.

Copies to
president Roosevelt
Secretary of State Hull
Governors of California, Colorado, New Mexico, Nevada, Utah, Wyoming and Sidney Kartus.

Sincerely yours
R. C. Stanford, Governor

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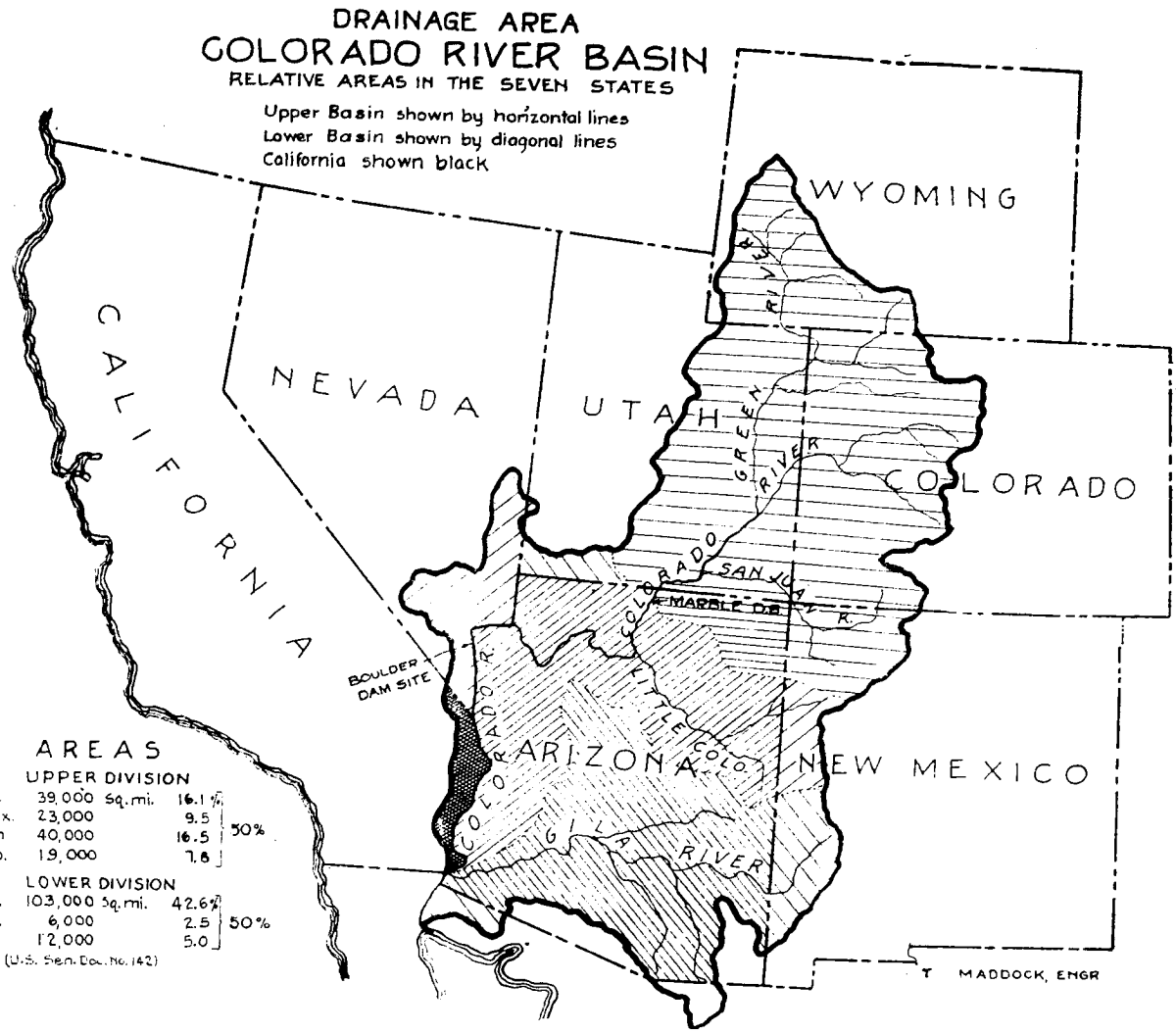
PROCEEDINGS JOINT-MEETING of Colorado Drainage Basin Committee, Capitol Annex, Phoenix, Ariz. Dec. 12-13, 1938. Region 8, National Resource Committee. Page - 16

Sidney Kartus talked of the Glen-Bridge-Verde-Highline water filings and projects to irrigate 6,000,000 acres and develop 5,000,000 electric horsepower in Arizona, by storage and diversion of water throughout Arizona from the Colorado River above Boulder Dam. He stated that these projects conform with maximum proper development, reclamation and conservation of the entire Colorado River system and that the Colorado River Compact, by which Arizona is not bound, would cause minimum development of the entire river and destroy Arizona. He protested against the failure of the drainage basin committe's past reports to include these projects, and against statements in these reports that the compact is the law of the Colorado River, which he denied to be the case in view of the several United States Supreme Court decisions that Arizona is not bound by the compact.



Statement of

GOVERNOR R. C. STANFORD OF ARIZONA

to

BOULDER DAM POWER CONFERENCE

Called By

HON. HAROLD L. ICKES, SECRETARY OF INTERIOR

at

WASHINGTON, D. C.

APRIL 16, 1937

STATEMENT OF
GOVERNOR R. C. STANFORD OF ARIZONA
TO BOULDER DAM POWER CONFERENCE

CALLED BY HON. HAROLD L. ICKES, SECRETARY OF THE INTERIOR
AT WASHINGTON, D. C.
April 16, 1937

Mr. Secretary and honorable representatives of the Colorado River Basin States:

I appear before you as governor of the State of Arizona in response to an invitation from the Honorable Harold L. Ickes, Secretary of the Interior, to attend this meeting on the subject of Boulder Dam power contracts, and therefore respectfully submit the following statement on behalf of the rights and interests of Arizona and those claiming under it in the Colorado River and its tributaries.

I
LEGAL STATUS

The power contracts which are the subject of this assembly are pursuant to the terms of the Boulder Canyon Project Act (45 Stat. 1057) approved in 1928 and power regulations issued in accordance therewith by the Secretary of the Interior on April 25, 1930. By Section 13 (c) of said act such power contracts and water contracts or any other privileges thereunder, as well as the act itself, are expressly subject to the Colorado River Compact, and same is provided in Paragraph XIV of the power regulations.

These restrictions are without effect and not binding on the State of Arizona, which has rejected the compact for fifteen years, by virtue of decisions of the United States Supreme Court. In the first and basic Arizona vs. California decision, 283 U. S. 522, handed down May 18, 1931, the Supreme Court held that Arizona is not bound nor its rights impaired by the Boulder Canyon Project Act or the Colorado River Compact, and that "the Act interposes no legal inhibitions" on execution of Arizona's projects or "with the exercise by Arizona of its right to make further appropriations by means of diversions above the dam or with the enjoyment of water so appropriated."

The Supreme Court significantly extended this protection of Arizona by its decision in United States vs. Arizona, 295 U. S. 182, decided May 25, 1935, in which the Court refused to enjoin Arizona from interfering with construction of Parker Dam by the United States and ruled that Arizona's "jurisdiction in respect of the appropriation, use and jurisdiction of an equitable share of the waters flowing therein is unaffected by the Colorado River Compact or federal reclamation law," of which law the Boulder Canyon Project Act is a part by Section 14 thereof. In this decision the court reiterated the Boulder Dam had been allowed for navigation only, stating that "the Boulder Canyon Project Act is an example of the exertion of that power."

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II
ARIZONA'S POSITION

Arizona contains 92% of the electrical horsepower and 43% of the entire drainage basin of the Colorado River (United States Geological Survey Water Supply Paper No. 556 by E. C. LaRue), and half of the irrigable land in the river system. Practically all of Arizona lies within the watershed of the river, and the state has no other source of water. Nature has centered the wealth and wonders of this unique river in Arizona, together with the blessings and burden of obtaining and defending its proper development in accordance with accepted engineering principles, the constitution, and the time-tested water laws and decisions of state and federal courts, which have safeguarded Arizona and its water resources.

The Grand Canyon of the Colorado is entirely within Arizona, and the river is the most rapidly falling in the world with steep and narrow canyons for economical storage and diversion dam sites. In close proximity to these sites and from 500 to 2000 feet below them are millions of fertile desert acres in Arizona with all-year growing season to which the water can be economically conveyed to irrigate the lands by gravity and the power generated by the fall of the water to the land levels and combined with such projects, including power in the tributary canyons, will many times overpay the cost of development. As much power can be generated in the Grand Canyon in Arizona as is now generated by water over the entire United States.

The superior practicality and feasibility of such Arizona development is proven by comparison with other large water projects built or under construction, including the Colorado River Aqueduct being built by the Metropolitan Water District of Southern California which is complaining here today as to costs. This aqueduct calls for a pump-lift of 1523 feet and approximately 100 miles of tunnel to carry only one-sixteenth the water of Arizona's projects which will cost less and irrigate twenty times more land by gravity, and the power generated by fall of the water to the land will overpay all costs as qualified engineers have stated in the official engineering reports which I shall file and make of record as exhibits to accompany my statement.

III
THE COLORADO RIVER COMPACT

The Colorado River Compact, to which Arizona is not signatory and by which it is not bound, includes in its purported allocations present perfected water rights and both the main stream and tributaries of the Colorado River System. As alleged by the Attorney-General of Arizona in the bill of complaint, pages 8 and 22, Arizona vs. California supra, present used waters and rights thereto in Arizona in 1929 amounted to 3,500,000 acre feet, while the compact, and the supplemental tri-state compact, (Sec. 4, Boulder Canyon Project Act, supra), would limit Arizona in perpetuity to 2,800,000 acre feet which is already over-consumed and "less than

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the quantity of water already appropriated in Arizona and would provide for water for future appropriation in said state." Thus the compact would allocate Arizona 700,000 acre feet less than it now uses, and in dry years by Articles III and VIII thereof would have required Arizona to supply any Mexican water deficiency from its developed reservoirs, projects and cities, bring ruin to the state and its people.

The California Limitation Act, Ch. 16, Stats. of Calif., 1929, p. 38, includes the water divisions of both compacts, which would give California and Mexico practically the entire river, or 4,400,000 acre feet plus one-half of the surplus water, amounting to approximately 14,330,000 acre feet annually (Bill of Complaint, Arizona vs. California, decided May 25, 1936, 80 S. Ct. Reports, Law Editors' Advance Opinions, page 877). By articles III and VIII of the compact, Mexico would receive all surplus water.

It be disastrous for Arizona, being situated in the higher elevations and having one-half of the irrigable land and 92% of the power to be limited to any permanently bound, stipulated amount, as all surplus waters would then be contracted or forced to Mexico. Such would prevent the maximum use obtained through re-use, reflow and re-precipitation of water, which is the major portion of the entire river and increases the amount in succeeding years, for when higher elevations are given preference, the same water will be counted as water appropriations a multiplicity of times and will serve dams and lands below. On this principle the application of water by the upper basin states within the river system will not deplete the flow of the river at the Utah-Arizona line.

IV

ARIZONA'S WATER RIGHTS, FILINGS AND PROJECTS

As set forth more fully in my special Colorado River message to the Arizona Legislature February 18, 1937 on diversion of water into Central Arizona above Boulder Dam, copy of which is included among the exhibits filed herewith, initiations began in 1916 and water filings were made beginning in 1923 and thereafter before the Arizona Water Commissioner and Federal Power Commission for and on behalf of the State of Arizona and those claiming under it, on some forty (40) projects throughout Arizona on the Colorado River and its tributaries. Of these the principal and key projects are the Glen Canyon Storage Dam, the Bridge Canyon Diversion Dam, Arizona Highline Canal, and Marble Gorge Storage Dam or alternate Verde Tunnel to irrigate 6,000,000 acres and develop 5,000,000 electrical horsepower. As the main canal crosses all rivers in Southern and Central Arizona, which are arms of the Colorado, it can furnish supplemental main stream water to already built projects below the canal, which are short of water even in years of normal rainfall, allowing upper users and lands to take all the water needed, which after use will return to the lower lands. These water filings and rights have continued to be maintained with due and reasonable diligence and are now vested as property rights in land holders and water-users resident on lands under the projects and dependent on these rights for water. In these

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filings it is stipulated that the irrigation and power are combined, with the irrigation superior, as required by nature and state and federal statutes, with water storage and diversion at highest practicable elevations to reclaim maximum lands in Arizona.

V
CONFORMITY WITH PROPER DEVELOPMENT

Arizona's position conforms with proper development of the entire river system and President Roosevelt's main program, with which all conservationists are agreed, of conserving American land and water by beginning development in the upper reaches and sources of stream systems, which is required for all watershed conservational purposes, including maximum reclamation, flood control, navigation, and soil erosion and silt control. Arizona's position favoring upstream development injures no legitimate interest in the river system and is especially advantageous to the upper basin states.

On the other hand, the Colorado River Compact would have contracted Arizona's and the nation's Colorado River waters in perpetual ownership to irrigate 2,000,000 acres in Mexico at the foot and wrong end of the river to build up a foreign stronghold against our border, compete with our present industry, agriculture and labor and threaten national security. It would drain out and denude the entire watershed, leaving 14,000,000 acres desert in Arizona by preventing reflow usage from first application in the upper reaches, subvert the constitution and the common laws of property, private rights and contracts and especially water law, which never in history has permitted ownership of water but only rights to the beneficial use thereof as determined by the courts, and by the Boulder Dam power contract would separate irrigation and power which by law and nature are combined. In the words of President Roosevelt to the Third World Power Conference on Sept. 11, 1936, power should "be used primarily for the conserving of the water supply" which the compact and the Boulder power and water contracts based on it would defeat and destroy.

The President's National Resources Committee, the chairman of which is Hon. Harold L. Ickes, Secretary of the Interior, in its December, 1935 report to the president on Regional Factors in National Planning, page 70, described the Colorado River Compact as impractical and impossible.

I call your attention to the only case of record in which a ratified interstate water division compact has been brought into question before the highest state and federal courts. The Compact between the states of Colorado and New Mexico on the waters of the La Plata River, although ratified by the legislatures of both states, was found unconstitutional by the supreme court of the state of Colorado in La Plata River and Cherry Creek Ditch Co. vs. Hinderlider (25 Pac. 2nd Series, 187), decided July 3, 1933, and appeal was denied by the United States Supreme Court March 12, 1934. The La Plata River Compact, which provided merely for the rotation of water, was not so unconstitutional, illegal and damaging as the Colorado River Compact which attempted to put water into perpetual ownership.

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VI
DUE NOTICE AND PROTEST

As Governor of the State of Arizona here to represent its interests, I hereby protest, notify and warn claimants adverse to Arizona and all others concerned that any invasion of the vested and inchoate water rights, filings and projects of the State of Arizona and those claiming under it, will be at their own risk and hazard, and any loss resulting to them will be due to their own neglect and failure to heed the several decisions of the United States Supreme Court that Arizona is not bound nor her rights impaired by the Colorado River Compact and Boulder Canyon Project Act, or any water or power contracts subject thereto, including the Boulder Dam power contracts which are before this meeting and against which I specifically protest and warn against any attempts to carry out the same, since the carrying out of said contracts would prevent the diversion of water above Boulder Dam into Central Arizona and the development of irrigation projects on the tributaries in Arizona, and which contracts if allowed to be completed would result in Arizona's and the nation's Colorado River water going to Mexico. This notice and protest is an act of continued due and reasonable diligence in keeping up such water rights and filings of Arizona and those claiming under it, and is in addition to previous such protests and the public record of such filings in the offices of the Arizona Water Commissioner and Federal Power Commission.

VII
CONCLUSION

In conclusion, I have come before you with the most serious and earnest purpose of enunciating truths and fundamentals which are indispensable to defend and develop properly Arizona and all the basin states, and in order to lay the base on which the basin states can aid and successfully cooperate among themselves and with the federal government, in policies of construction and conservation for maximum development of land and water resources in the Colorado River system, leaving determination and adjustment of water rights to the courts which alone have the power and are equipped to do so and reopen water cases to allow growth and new projects in accordance with expanding population. Neither congress nor any compact, authority or board can divide water or put it in perpetual ownership, as attempted by the Colorado River Compact which would have destroyed Arizona and proper development of the whole river system. On such a base and the water law which has come down through the centuries and requires dams and canals to be placed so as to afford the greatest benefit, rapid progress in water development in all the basin states can be assured, especially in view of the president's concern and support for proper water usage and reclamation projects to save the nation's agriculture now menaced by soil erosion and dust conditions.

I hereby file and make of record with my statement several exhibits on legal and engineering facts with respect to Colorado River protection and development in Arizona.

R. C. Stanford
Governor of Arizona

Washington, April 16, 1937

STATEMENT OF
GOVERNOR R. C. STANFORD OF ARIZONA
TO BOULDER DAM POWER CONFERENCE

CALLED BY HON. HAROLD L. ICKES, SECRETARY OF THE INTERIOR
AT WASHINGTON, D. C.
APRIL 16, 1937

EXHIBIT: Special Message of Governor R. C. Stanford to the Thirteenth Legislature on the Colorado River delivered on February 18, 1937.

EXHIBIT: Report of Colorado River Commission of Arizona 1931-1932.

EXHIBIT: Summary of Scott Engineering Report to Arizona Attorney-General on Glen-Bridge-Verde-Highline Project and Parker-Gila Project, submitted March 28, 1933.

Letter of transmittal of Fred T. Colter, Arizona Water Trustee, accompanying his authorized report to the Arizona Attorney-General entitled "DILIGENCE IN PROTECTION AND DEVELOPMENT OF ARIZONA WATER RESOURCES," comprising approximately 1200 pages and 50 maps and illustrations, bound in three separate books: Volume I, Part I, Introductory Report; and Volume I, Part II (in two books), Acts of Due and Reasonable Diligence to the Water Filings in the Colorado River System Made by the Trustee for and on behalf of Arizona and Water Users, submitted April 14, 1933.

EXHIBIT: Highline Book published by Fred T. Colter, Arizona Water Trustee. Summary with maps and illustrations of Arizona's Rights on Colorado River, Arizona's only water.

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EXHIBIT: Letter of Secretary of State and acting Governor James H. Kerby, November 18, 1933, approving Public Works Administration loan application of $350,000,000 to construct Glen-Bridge-Verde-Highline Projects by trustee and pre-organization irrigation-power districts.

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BRIEF OF FRED T. COLTER

ARIZONA WATER TRUSTEE

FOR AND ON BEHALF OF THE STATE OF ARIZONA

AND WATER USERS UNDER IRRIGATION-POWER PROJECTS

PRESIDENT

GLEN - BRIDGE - VERDE - HIGHLINE PRE-ORGANIZATION

PRESIDENT

ARIZONA HIGHLINE RECLAMATION ASSOCIATION

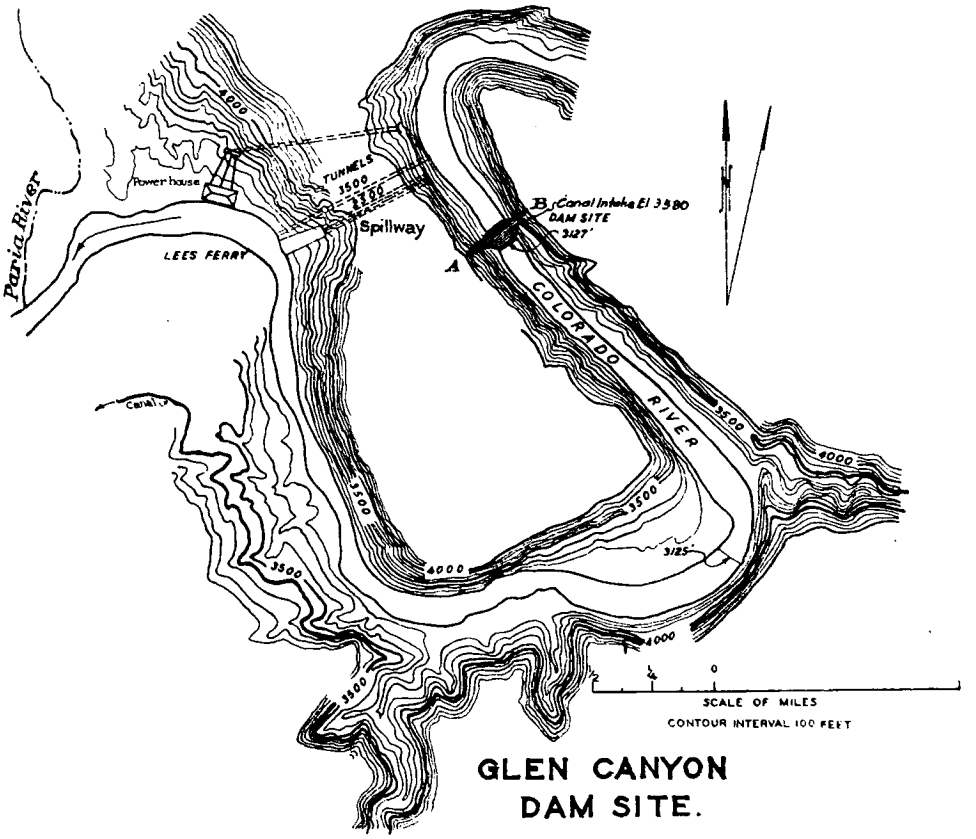
To The

BOULDER DAM CONTRACTS HEARING

at

WASHINGTON, D. C.

APRIL 16, 1937



GLEN CANYON
DAM SITE.

This site, four miles above Lees Ferry, at head of Grand Canyon is chief storage reservoir for the Glen-Bridge-Verde-Highline Canal filings and Projects, which will develop five million horsepower and six million acres.

B R I E F
of
Fred T. Colter, Arizona Water Trustee

FOR AND ON BEHALF OF THE STATE OF ARIZONA
AND WATER USERS UNDER IRRIGATION-POWER PROJECTS
PRESIDENT
GLEN-BRIDGE-VERDE-HIGHLINE PRE-ORGANIZATION
IRRIGATION AND POWER DISTRICTS
PRESIDENT
ARIZONA HIGHLINE RECLAMATION ASSOCIATION
TO THE
B O U L D E R D A M C O N T R A C T S H E A R I N G
AT
WASHINGTON, D. C.
APRIL 16, 1937

Honorable Harold L. Ickes
Secretary of the Interior
Interior Building
Washington, D. C.

This is due and formal notice, which is additional to previous such notices, by which I notify, protest and warn you and all other parties to whom copies of this notice are addressed and all others concerned, and each of them, that initiations were made in 1916 and that I, Fred T. Colter, beginning in 1923 made prior and superior combined water and power reservoir storage filings as trustee for and on behalf of the State of Arizona and those claiming under it, before the Arizona Water Commissioner and Federal Power Commission, on some forty (40) dam and canal sites throughout Arizona on the Colorado River and its tributaries of which the Glen-Bridge-Verde-Highline Projects are the key and major features to irrigate 6,000,000 acres and generate 5,000,000 electrical horsepower combined with and subsidiary to the irrigation which is made superior and to have preference.

DUE DILIGENCE MAINTAINED

Millions of acres have been homesteaded, patented and settled under said projects and landholders are resident thereon, who are entirely dependent on said water filings and rights and can obtain water from no other source except the Colorado River, and Arizona homes, ranches and municipalities rely on this water for existence. These rights pursuant to law have been kept up with due and reasonable diligence and are now vested in landholders and water users under said projects. On November 10, 1933, a $350,000,000 Public Works Administration loan application to construct said projects was made by me as such trustee and president of the Glen-Bridge-Verde-Highline Pre-organization Irrigation-Power Districts, founded in

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1925, and amended loan application therefor was similarly made in 1935.

ARIZONA'S RIGHTS PROTECTED BY SUPREME COURT

Water filings and rights of Arizona and those claiming under it have been confirmed and protected by the United States Supreme Court which in several decisions has ruled that Arizona is not bound nor its present or future rights impaired by the Colorado River Compact or Boulder Canyon Project Act or Boulder Dam which the court allowed to be built solely for navigation and subject to Arizona's rights, and that Arizona can divert water above Boulder Dam or elsewhere in the state. By these decisions the Supreme Court has limited your authority under the Boulder Canyon Project Act to improvement of navigation, and I protest, notify and warn you, and others as described hereinabove, that the water and power regulations issued April 23, 1930 and April 25, 1930 by your predecessor, Ray Lyman Wilbur, and any amendments thereto and contracts thereunder for sale, delivery and disposal of water and power from Boulder Dam, Parker Dam, Imperial Dam or other structures on the Colorado River in accordance with the terms of the Colorado River Compact and the Boulder Canyon Project Act or otherwise are null, void and of no effect, illegal and outside of your jurisdiction and authority to execute, and that the flood waters of the Colorado River have been appropriated and will be stored and diverted by the Glen-Bridge-Verde-Highline projects into Arizona above Boulder Dam, and there will be no water available by which you as Secretary of the Interior can carry out such illegal, unconstitutional contracts.

Suits have been brought previously and warnings and notifications similar to this have been addressed from time to time during the past fifteen years by me as trustee to all who are or may be adverse to said water filings and rights of Arizona and those claiming under it, and are hereby repeated, that any invasion of these rights would be at their own risk and hazard, and that any loss from construction of works or other losses resulting to such adverse claimants from quieting of titles in the courts to said water filings and rights will be due to their own neglect and disregard of this and earlier such warning protests and their failure to heed the several decisions of the United States Supreme Court that Arizona is not bound nor its rights impaired by said compact and act. Such waters as under the compact are given to California and Mexico will have to come from those states signatory to the compact and not from Arizona which fortunately did not sign.

DANGER IN MEXICO

Under the Colorado River Compact seven-eighths of

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Arizona's underground and overground waters would have been deeded to Mexico to irrigate 2,000,000 acres owned in that country by California land syndicates, leaving 14,000,000 acres desert in Arizona and her power in the Grand Canyon and side canyons worth over twenty billion dollars to be monopolized through erection of solely power dams by the power syndicates, thus separating irrigation and power which by law and nature are combined with irrigation superior and having preference, and such separation and power development alone would destroy irrigation while irrigation development does not destroy power. This foreign acreage cheaply cultivated on our border would immediately compete with American industry, agriculture and labor, and build up against Arizona's and the nation's heart a thickly populated foreign food supply, military, airplane and naval-base with a port on the Gulf of California open to any oriental enemy.

MAXIMUM CONSERVATION

Said filings and Glen-Bridge-Verde-Highline projects provide for highest elevation canal diversion irrigation of maximum acreage in Arizona, and maximum conservation and human utilization of the entire river on proper and accepted reclamation and engineering principles which requires upstream development. Such irrigation of millions of acres in the upper reaches of the Colorado River system in Arizona will result in a multiplicity of reflow uses until every available acre in Arizona is reclaimed and from which the reflow will eventually supply California and Mexico in full, while use of water in the upper basin states within the river system will not deplete the river's flow at the Utah-Arizona line.

I, Fred T. Colter, Trustee, hereby accept and approve the statement of Governor R. C. Stanford to the Boulder Dam Contracts Hearing April 16, 1937, and exhibits filed therewith, and I am making and filing this additional statement and brief with additional exhibits.

Yours truly,

Fred T. Colter, Trustee for and on behalf of the State of Arizona and water users under said projects; President, Glen-Bridge-Verde-Highline Pre-organization Irrigation and Power Districts; President, Arizona Highline Reclamation Association

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E X H I B I T S

EXHIBIT I: Special Message of Governor R. C. Stanford to the thirteenth Legislature on the Colorado River, delivered on February 18, 1937.

EXHIBIT II: Report of Colorado River Commission of Arizona 1931-1932.

EXHIBIT III: Summary of Scott Engineering Report to Arizona Attorney General on Glen-Bridge-Verde-Highline Project and Parker-Gila Project, submitted March 28, 1933.

Letter of transmittal of Fred T. Colter, Arizona Water Trustee, accompanying his authorized report to the Arizona Attorney General entitled "DILIGENCE IN PROTECTION AND DEVELOPMENT OF ARIZONA WATER RESOURCES," comprising approximately 1200 pages and 50 maps and illustrations, bound in three separate books: Volume I, Part I, Introductory Report; and Volume I, Part II (in two books), Acts of Due and Reasonable Diligence to the Water Filings in the Colorado River System Made by the Trustee for and on behalf of Arizona and Water Users" submitted April 14, 1933.

EXHIBIT IV: Highline Book published by Fred T. Colter, Arizona Water Trustee. Summary with maps and illustrations of Arizona's Rights on Colorado River, Arizona's only water.

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EXHIBIT VI: Letter of Secretary of State and acting Governor James H. Kerby, November 18, 1933, approving Public Works Administration loan application of $350,000,-000 to construct Glen-Bridge-Verde-Highline Projects by trustee and pre-organization irrigation-power districts.

EXHIBIT VII: Statement of Governor R. C. Stanford of Arizona to Boulder Dam Power Conference, called by Hon. Harold L. Ickes, Secretary of the Interior, at Washington, D. C. April 16, 1937.

EXHIBIT VIII: As Washington Post views river rights. Editorial reprinted from Washington Post in the Messenger June 6, 1931.

EXHIBIT IX: Hydraulic Engineering, Sept. 1929, page 16, "ARIZONA WATER USERS PLAN IMMENSE IRRIGATION AND POWER PROGRAM."

EXHIBIT X: Senate Joint Memorial No. 10, introduced by Senator Fred T. Colter of Apache County, 8th Legislature, Regular Session, State of Arizona.

EXHIBIT XI: House Memorial No. 2, introduced by Mr. Colter of Apache County, House of Representatives, eleventh Legislature, Third Special Session (passed).

EXHIBIT XII: House Resolution No. 1, introduced by Mr. Colter of Apache County, House of Representatives,

eleventh Legislature, Third Special Session.

EXHIBIT XIII: Chronological Contents of "Diligence in Protection and Development of Arizona Water Resources." Report of Fred T. Colter, Arizona Water Trustee.

EXHIBIT XIV: In the Supreme Court of the United States October Term 1935, State of Arizona vs. State of California et al. Motion for Leave to File Petition to Intervene and Petition to Intervene. Fred T. Colter, Fred T. Colter as trustee for and on behalf of State of Arizona and water users under reclamation projects, Fred T. Colter as president of Glen-Bridge-Verde-Highline Pre-organization Irrigation and Power Districts, Fred T. Colter as president of Arizona Highline Reclamation Association and Fred T. Colter as a landholder under said projects and districts, and Sidney Kartus, as a land and water right holder under said projects and districts, both appearing in person.

EXHIBIT XV: Talk of Fred T. Colter, Arizona Water Trustee, and Representative of the Governor of Arizona before the Legislature.

EXHIBIT XVI: Glen Canyon-Bridge Canyon Dam Projects and Arizona Highline Canal. Summary of the Arguments made by Senator Fred T. Colter, President of the Arizona Highline Association on S. 3414. A Bill providing for the building of the Glen-Bridge Dams and Arizona Highline Canal; introduced in the United States Senate March 3, 1926. As a substitute for the Swing-Johnson Boulder-Black Dam and Compact Bill. Presented by Mr. Cameron, May 17 (Calendar day, May 18), 1926--Ordered to be printed with illustrations.

EXHIBIT XVII: Senate United States. Colorado River Development. Remarks of Hon. Ralph H. Cameron of Arizona in the Senate of the United States, Friday January 15, 1926. Introducing Data, Letters and Remarks of Hon. Fred T. Colter, Arizona State Senator.

EXHIBIT XVIII: Letter of transmittal of Fred T. Colter, Arizona Water Trustee, to Arizona Water Commissioner and Federal Power Commission accompanying Volume IV of Trustee report on "Diligence in Protection and Development of Arizona Water Resources," and summarizing contents of first three volumes of trustee's report, authorized by Arizona Attorney-General.

EXHIBIT XIX: Statement of Fred T. Colter to National Rivers and Harbors Congress.

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HOUSE OF REPRESENTATIVES
ELEVENTH LEGISLATURE
THIRD SPECIAL SESSION

HOUSE RESOLUTION NO. 3

Introduced by Mr. Colter of Apache County

INFORMING THE ATTORNEY GENERAL OF ARIZONA THAT A GRAVE CRISIS EXISTS ON THE COLORADO RIVER; THAT THE NEARLY COMPLETE BOULDER DAM WOULD IMPOUND AND EQUATE THE SPRING FLOODS OF SAID RIVER IN 1395 AND UNDER THE SANTA FE COMPACT WOULD RELEASE ARIZONA'S ONLY WATER TO MEXICO, AND HER POWER TO CALIFORNIA POWER SYNDICATES; THAT THIS DISASTER MUST BE PREVENTED BY A SUIT BY THE ATTORNEY GENERAL IN THE UNITED STATES SUPREME COURT, WHICH HAS ALREADY RULED THAT ARIZONA IS NOT ~~BOUND BY THE SANTA FE COMPACT, BOULDER~~ ACT OR BOULDER DAM, AND CAN DIVERT WATER ABOVE BOULDER DAM; THAT SAID SUIT MUST ALLEGE ALL WATER FILINGS, WATER RIGHTS AND PROJECTS OF AND FOR THE STATE OF ARIZONA AND THOSE CLAIMING UNDER IT THROUGHOUT THE STATE' INCLUDING THE COLTER FILINGS FOR ARIZONA WHICH APPROPRIATED AND SAFEGUARDED THE WATERS AND POWER OF THE COLORADO RIVER AND ITS TRIBUTARIES FOR IRRIGATING 6,000,000 ACRES UNDER THE GLEN-BRIDGE-VERDE-HIGHLINE PROJECTS; THAT SAID SUIT MUST ALLEGE ALL EVIDENCE, ACCOUNTS OF DUE AND REASONABLE DILIGENCE, ENGINEERING SURVEYS AND REPORTS, AND OTHER COMPILATIONS OF DATA WHICH ARE UTILIZED ~~BY THE COURTS IN THE ISSUANCE OF~~ WATER DECREES; AND THAT THE COURTS ALONE CAN ESTABLISH TITLES TO THE USE OF WATER.

1. WHEREAS, a grave national crisis exists on the Colorado River since the nearly completed Boulder Dam would impound and equate the spring floods of said river in 1935, and from this dam Arizona's only water would be regularly released under the Santa Fe Compact to make power for California power syndicates and to irrigate 2,000,000 acres in Mexico owned by California land syndicates, and four acres in Arizona and the United States would be left desert forever for every acre thus irrigated in Mexico; and

2. WHEREAS, this calamity must be prevented by a suit by the Attorney General of Arizona in the supreme court of the United States, which has already ruled that Arizona is not bound by the ruinous Santa Fe Compact, Boulder Act or Boulder Dam, and can divert water above Boulder Dam, which the court allowed to be built for navigation alone and subject to Arizona's present and future water rights; and

3. WHEREAS, such suit must allege all water filings, water rights, and projects of and for the State of Arizona and those claiming under it throughout the state on the Colorado River and its tributaries, Arizona's only water, including the Colter filings for Arizona which appropriated and safeguarded the waters and power of the Colorado River and its tributaries for irrigating 6,000,000 acres under the Glen-Bridge-Verde-Highline Projects, which projects represent maximum beneficial development of the State of Arizona and of the Colorado River for all concerned, including California and Mexico; and

4. WHEREAS, water decrees are issued by the courts solely on the basis of such water filings and water rights and data thereon, such as accounts of due and reasonable diligence, evidence, engineering surveys and reports, etc.; and

5. WHEREAS, the courts alone are always the final avenue for establishing titles to the use of water;

NOW, THEREFORE, BE IT RESOLVED, (1) That the Attorney general should now prepare and file in the Supreme Court of the United States an original suit for the final adjudication of, and alleging, all vested and inchoate water filings, water rights and projects of and for the State of Arizona and those claiming under it throughout Arizona on the Colorado River and its tributaries which drain 93% of this state and are our only

water, including the prior and superior combined irrigation and power filings made by Fred T. Colter as trustee for and on behalf of the State of Arizona and water users under the Glen Bridge-Verde-Highline Projects by which the waters and power of the Colorado River and its tributaries have been appropriated since September 20, 1923, for irrigating 6,000,000 acres in Arizona and manufacturing 5,000,000 electric horsepower combined with this irrigation development for financing it; and (2) that the Attorney General obtain and allege in proper printed form in said suit, as is necessary thereto, all data, surveys, reports, depositions, history of water filings and water rights and reports of due and reasonable diligence exerted in maintenance thereof, and such other reports and compilations as are commonly utilized by courts in the formulation and issuance of water decrees, especially the authorized three-volume report of Fred T. Colter, as such trustee, to the Attorney General of Arizona on April 14, 1933, of due diligence exerted by the State of Arizona and its people and himself as such trustee since statehood and more particularly during the past twelve years toward said water filings, water rights and projects of Arizona; and that (3) the Attorney General request and obtain from said court in this suit a permanent injunction against the carrying out at the Boulder Dam, or any proposed dam or any other structure or works, of the terms of the Colorado River (Santa Fe) Compact, supplemental Tri-State Compact and Boulder Canyon Project Act, or any equivalent thereof by contract or otherwise, which said courts has already ruled are not binding upon Arizona as this legislature has refused to ratify said compacts; and (4) that copies of this resolution be sent to the Attorney General of Arizona, the Governor of Arizona, and the Colorado River Commission, to the Governors of California, Colorado, Nevada, New Mexico, Utah and Wyoming, to Secretary of the Interior, Harold L. Ickes, and President Franklin D. Roosevelt.

RESOLUTION

REQUESTING THE ATTORNEY GENERAL OF ARIZONA to bring suit against the unfair, unconstitutional Colorado River Compacts and BOULDER DAM ACT and those not heeding the UNITED STATES SUPREME COURT DECISIONS favorable to Arizona and alleging all perfected, vested & inchoate WATER FILINGS & RIGHTS & PROJECTS of hundreds of bodies including the COLTER FILINGS with due diligence excercised thereon by a joint meeting of landholders, Legislators, Representatives & Officials of County and State Reclamation Organizations, including the Arizona Highline Reclamation Association & the GLEN-BRIDGE-VERDE-HIGHLINE RECLAMATION ASSOCIATION and Pre-organization Irrigation & Power Districts & Fred T. Colter Arizona Water Trustee have authorised [illegible] resolution.

WHEREAS, the Attorney Generals of Arizona brought suits in the U.S. Supreme Court alleging the unconstitutionality and unfairness of the Colorado River SANTE FE COMPACT & TRI-STATE COMPACTS & BOULDER CANYON PROJECT ACT, controlled thereby, which court rendered decisions favorable to Arizona, stating she was not bound by said compact or act and could her present or future water rights be impaired thereby and she could divert water above Boulder Dam & elsewhere, and Arizona since 1922 in refusing approval of these compacts and act, whereby unequaled reclamation development has been initiated and completed, such as the COOLIDGE, BARTLETT, MORMON FLATS, HORSE MESA, [illegible] MARTIN, CARL PLEASANT and THE YUMA GILA projects with [illegible] acres, and 20 other smaller projects, including the earth's largest and most economical, potential Project(the KEY to Arizona's Development) under which there are 30,000 landholders being organized into municipal land & water districts namely THE GLEN-BRIDGE-VERDE-HIGHLINE ALL GRAVITY PROJECT on which a preliminary PWA Loan application has been made, and

WHEREAS Clifton Matthews now on the U. S. Court of Appeals, stated the compact was unconstitutional & the most inequitable document a state was ever asked to put a pen to & hundreds of high authorities have stated likewise. If said compacts were allowed to take effect, would bring eventual desolution to Arizona.

WHEREAS the FOURTEENTH LEGISLATURE having acted in favor of these compacts, disregarding the patriotic acts thereon of all previous legislatures, court rulings and bodies, since 1922, makes it imperative to immediately file a suit in the U. S. Supreme court against adverse water users and contenders, federal & state officials and bodies, that have failed to heed the U.S. Supreme Courts and other bodies, favorable decision to Arizona, and

BE IT RESOLVED that in said suit must be alleged, the unfairness and unconstitutionality of said Sante Fe Colorado River Compact and Boulder Canyon Project Act, including the alleging of all the PERFECTED, INCHOATE, VESTED WATER RIGHTS, FILINGS & PROJECTS and the land and power rights of hundreds of bodies thruout Arizona, including the filings made by Fred T. Colter, as Arizona Water Trustee on some 40 sites of which the GLEN-BRIDGE-VERDE-HIGHLINE project is THE KEY and previous legislatures have adopted resolutions condemning compacts and urging protection of Arizona's water rights, as H.R. 3 11th Session, copy attached

NOW THEREFORE BE IT FURTHER RESOLVED by this joint meeting that the Attorney General of Arizona bring suit, as outlined above, and above individuals & organizarions cooperate with him & Fred T. Colter Arizona Water Trustee and water users & landholders by intervening with him or by separate suits, or both.

RESOLUTION

REQUESTING THE ATTORNEY GENERAL OF ARIZONA to bring suit against the unfair, unconstitutional Colorado River Compacts and BOULDER DAM ACT and those not heeding the UNITED STATES SUPREME COURT DECISIONS favorable to Arizona and alleging all perfected, vested & inchoate WATER FILINGS & RIGHTS & PROJECTS of hundreds of bodies including the COLTER FILINGS with due diligence excercised thereon, by a joint meeting of landholders, Legislators, Representatives & Officials of County and State Reclamation Organizations, including the Arizona Highline Reclamation Association & the GLEN-BRIDGE-VERDE-HIGHLINE RECLAMATION ASSOCIATION and Pre-organization Irrigation & Power Districts & Fred T. Colter Arizona Water Trustee have authorised [illegible] resolution.

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WHEREAS Clifton Matthews now on the U. S. Court of Appeals, stated the compact was unconstitutional & the most inequitable document a state was ever asked to put a pen to & hundreds of high authorities have stated likewise. If said compacts were allowed to take effect, would bring eventual desolution to Arizona.

WHEREAS the FOURTEENTH LEGISLATURE having acted in favor of these compacts, disregarding the patriotic acts thereon of all previous legislatures, court rulings and bodies, since 1922, makes it imperative to immediately file a suit in the U. S. Supreme court against adverse water users and contenders, federal & state officials and bodies, that have failed to heed the U.S. Supreme Courts and other bodies, favorable decision to Arizona, and

BE IT RESOLVED that in said suit must be alleged, the unfairness and unconstitutionality of said Sante Fe Colorado River Compact and Boulder Canyon Project Act, including the alleging of all the PERFECTED, INCHOATE, VESTED WATER RIGHTS, FILINGS & PROJECTS and the land and power rights of hundreds of bodies thruout Arizona, including the filings made by Fred T. Colter, as Arizona Water Trustee on some 40 sites of which the GLEN-BRIDGE-VERDE-HIGHLINE project is THE KEY and previous legislatures have adopted resolutions condemning compacts and urging protection of Arizona's water rights, as H.R. 3 11th Session, copy attached

NOW THEREFORE BE IT FURTHER RESOLVED by this joint meeting that the Attorney General of Arizona bring suit, as outlined above, and above individuals & organizations cooperate with him & Fred T. Colter Arizona Water Trustee and water users & landholders by intervening with him or by separate suits, or both.

A chain, mechanical or governmental structure, is eventually just as strong as its weakest link or part. Selfish, greedy individuals will eventually destroy self-happiness and accomplishment, but in the meantime they cause untold injury to men and associations and governments. In so-called welfare organizations and practicing selfishness, however in good faith they may be organized may seem to be working, be it for labor, the farmer, old age pensionists, veterans or independent business, as in one, or even two can reach their proper goal there, but only by the proper cooperation and combination of all those associations which have a common interest in their efforts for remaining their defense against their enemy greed and monopoly. This cooperative combination of these of these various groups interests for human welfare is the most IMPORTANT RELIGION.

Unfortunately most of the existing welfare and political organizations are controlled under cover and masks by monopoly and greed, controlling politics by taking advantage of people's indifference to politics and their failure to cooperate for the common good, hence their organizations will have to be reclaimed.

The all important question for independent industry, labor, the farmer, etc., in regard to officials running for public office and officers of so-called welfare associations is, "Do these candidates represent the people or greed and monopoly?"

Also, for the people to reclaim and continue their control, the Federal Constitution must be amended so that the President of the United States and Congressional members can be nominated by the direct primary instead of through conventions.

Having officially attended national and political conventions for many years, it is evident that under present national convention machinery it is almost impossible for the people to select their president, thus leaving monopoly and greed to control all party candidates and leaving the people with no choice. This has become more so as our political structure grows and becomes more complicated, but the more it grows and advances the more necessary it becomes to exercise the principles in this declaration and have this measure to select, and elect presidents and congressmen. In addition it is also essential to have fewer laws and as much as possible self-acting laws and strict laws, so as to get back to the intention of our government to be run as much as possible by the people and the law, instead of by boards and officials, which as far as possible should be nominated and elected by the people.

PROTEST AND NOTIFICATION

TO CONTENDERS ADVERSE TO

ARIZONA'S WATER AND POWER RIGHTS IN THE COLORADO RIVER

MAY 31, 1937

BY

FRED T. COLTER

AS ARIZONA WATER TRUSTEE, PRESIDENT OF ARIZONA RECLAMATION ASSOCIATIONS AND REPRESENTATIVE OF THE GOVERNOR OF ARIZONA ON COLORADO RIVER MATTERS

This registered protest, night letter and exhibits notify you that, as Arizona Water Trustee, President of Arizona Reclamation Associations and Representative of the Governor of Arizona on Colorado River matters, I, Fred T. Colter, for and on behalf of Arizona and water users under said projects have filed on all the unappropriated waters of the Colorado River and tributaries, beginning in 1923 and thereafter on some forty dam and canal sites with the Arizona Water Commissioner and the Federal Power Commission, of which the Glen-Bridge-Verde-Highline, all gravity, flood control, irrigation and power project, is the key to protect and supply practically all completed and future projects on Arizona's tributaries to the Colorado River, to store and divert the water above Boulder Dam at the highest practical elevation to give multiple re-use and return-flow use of the same water for the maximum lands thereunder, with irrigation prior and superior and combined with the power, which key and major project will develop 5,000,000 H. P. and 6,000,000 acres, of which 3,000,000 acres are now homesteaded and patented and irrigation districts are being organized thereunder. These water rights were initiated in 1916, and continued legal due diligence has been exercised since then on all initiations and water filings to keep up and develop these water rights and projects now vested in Arizona water users and landholders, and it is expecially indispensable that these irrigation and power rights and water filings on this key project be continued and kept up and said project constructed in order to obtain the maximum benefits from the Colorado River system of which Arizona is the body and backbone, having 92 per cent of the power and 42 per cent of the drainage area within her boundaries, Arizona's only water and power, otherwise all Arizona would become denuded because her main flood and normal water are now regulated by Boulder Dam for inexpensive use for lands in Mexico, to develop the most stragetic and effective airplane, military, food-supply base in the world, at our border to destroy our peace and compete with our national labor, agriculture and industry, which in effect would result to the same extent and end as if we or Arizona should allow to be carried out any water or power contracts in Arizona or California by these unfair and unconstitutional compacts and Boulder-Parker Dam Acts controlled thereby.

These compacts would subvert our federal constitution and common laws and annihilate our perfect water laws.

SUPREME COURT DECISION CONFIRM ARIZONA'S RIGHTS

The Boulder Canyon Project Act and contracts thereunder are controlled by the Santa Fe Colorado River Compact and Tri-State compact, which Arizona has rejected since 1923, and when Congress passed said Acts despite Arizona's refusal to ratify them, Arizona was compelled to file suits in the United States Supreme Court, which held Arizona is not bound by said compact, Boulder or Parker Acts or dams and that Arizona's present and future water rights would not be impaired thereby and that Arizona was free to divert water above Boulder Dam and throughout Arizona.

I request that you renounce the Compact and the Tri-State Compact and such water and power contracts and acts controlled thereby in Boulder Dam Act from being carried out as their performance are in contempt of and contrary to the United States Supreme Court decisions. Otherwise I, as Arizona Water Trustee, am compelled to protest against said compacts and acts and all contenders adverse to Arizona operating thereunder, including present Boulder-Parker Dam Acts and contracts subject to the compact, which if Arizona had been bound thereby, or should or would allow the performance of said contracts, would have brought about or would bring eventual dissolution of this State.

COMPACT WOULD HAVE DENUDED ARIZONA

All of Arizona's present used and future waters would be impaired by these compacts since any and all surplus waters that the upper basin states do not or cannot use, and which surplus includes all the waters given to them by the compact, would eventually return by reflow to Mexico, as Arizona by the compact is prohibited from its use, leaving only the power to be monopolized by the power syndicates. The surplus water over and above the aggregate given the upper and lower basin states is also given by the compact to the 2,000,000 acres owned by California land syndicates in Mexico. California by Section 4 (A) of the Boulder Act, which embraces the compact and Tri-State compact between California, Nevada and Arizona, and the California Limitation act pursuant thereto passed by its legislature in 1929, limited itself (in reality expanded itself) to 5,400,000 acre feet plus one-half of the surplus or practically the whole river, thereby leaving from the compact allotment to the lower basin, only 2,800,000 acre feet to Arizona, which for future use would leave Arizona 700,000 acre feet less than nothing, as Arizona already uses 3,500,000 acre feet. In addition to this, Arizona by the compact in dry years practically would have to guarantee Mexico's deficiency, thereby impairing our present stored and used waters throughout Arizona on the Colorado River and its tributaries. California and Nevada have practically no water to give.

ADVERSE CONTENDERS WARNED

It is incomprehensible that in face of the outlined facts, and our liberal attitude, when we are willing for the upper basin states to use what water they can forever within the river system, that they still insist on Arizona denuding herself by signing the compact and water and power contracts controlled thereby. However, since Arizona has had representatives, who against our protests, have been misrepresenting Arizona's true position, we continue this cooperative attitude, but offically make said protests hereby, and claim the right to use the waters of the Colorado River belonging to Arizona, and protest against the compact and contracts controlled thereby and warn and notify you and others concerned that any action taken to impair these rights by those concerned and by adverse contenders will be at your or their risk and hazard, which protests, water filings, projects and diligence thereto, are more fully set out in my statement and exhibits before Secretary of the Interior Ickes at the Boulder Dam Power Contracts Hearing held in Washington, D. C. April 16, 1937.

Fred T. Colter,
ARIZONA WATER TRUSTEE, AND
PRESIDENT OF THE ARIZONA
HIGHLINE RECLAMATION
ASSOCIATION

PROTEST AND NOTIFICATION

TO CONTENDERS ADVERSE TO

ARIZONA'S WATER AND POWER RIGHTS IN THE COLORADO RIVER

MAY 31, 1937

BY

FRED T. COTTER

AS ARIZONA WATER TRUSTEE, PRESIDENT OF ARIZONA RECLAMATION ASSOCIATION AND REPRESENTATIVE OF THE GOVERNOR OF ARIZONA ON COLORADO RIVER MATTERS

copies to

Colorado River Land Co. Los Angeles, California	Southern California Edison Company
City of Los Angeles	Imperial Irrigation District
Metropolitan Water District of Southern Calif.	Coachella Valley County Water District, California
Palo Verde Irrigation District, California	City of San Diego
Southern Sierras Power Co. Los Angeles, California	San Diego Consolidated Gas and Electric Co.
Los Angeles Gas and Electric Corporation	Nevada-California Electric Corporation
Harold L. Ickes Secretary of Interior	Cordell Hull Secretary of State
United States-Mexico International Boundary Commission	President of the United States
President of the Republic of Mexico	United States Congressional Committees on Irrigation, Reclamation and Flood Control

Governors, Attorney-Generals and congressional representatives of Colorado River basin states California, Nevada, Colorado, Utah, Wyoming and New Mexico

HOUSE OF REPRESENTATIVES
ELEVENTH LEGISLATURE
THIRD SPECIAL SESSION

HOUSE RESOLUTION NO. 1

Introduced by Mr. Colter of Apache County

INFORMING THE UNITED STATES TREATY-MAKING POWERS THAT WATERS OF THE COLORADO RIVER SYSTEM HAVE ALREADY BEEN APPROPRIATED IN ARIZONA AND IN THE UNITED STATES OF AMERICA, AND IN SUCH APPROPRIATIONS THE REFLOW WATERS THEREFROM WILL MORE THAN TAKE CARE OF ALL THE LANDS OF THE COLORADO RIVER IN MEXICO.

Whereas, practically all the water and all the drainage basin of the Colorado River system is within and contributed by the United States of America; and,

Whereas, the entire state of Arizona is within the drainage basin of the Colorado River system and depends thereon for its only water supply; and

Whereas, *all unappropiated water of the Colorado River system has been appropriated by Fred T. Colter as trustee* for and in behalf of the state of Arizona under water fillings that were made in 1923 and water rights that were initiated therefor commencing in 1919, on the Glen Canyon Storage Dam and Bridge canyon Diversion Dam and the Arizona Highline Verde Canal to irrigate 6,000,000 acres of land in Arizona and to develop 5,000,000 electrict horse power, and such other dams and canal sites on the Colorado River and tributaries which were made thereafter as amendatory filings thereto, to irrigate and additional 1,500,000 acres of land in Arizona; and

Whereas, the state of Arizona and those claiming

water under said state and Fred T. Colter, as trustee, has made the above water filings before the Federal Power Commission and the state water commissioner, and has kept up due and reasonable diligence therefor; and

Whereas, most of the lands under said projects have been patented and homesteaded and irrigation districts and proposed irrigations districts have been formed thereunder for the purpose of getting water on said lands; and

Whereas, this method of starting development in the highest reaches of the Colorado River and its tributaries will obtain the maximum development of the river to get the greatest return of reflow, and that reflow and re-use of water will eventually return to the river and lower lands and provide sufficient water for the 2,000,000 acres of land in Mexico; and

Whereas, the United States supreme court in its recent decision sustained the rights of Arizona and those claiming to appropriate present and future water; and

Whereas, if Arizona would consent to the Santa Fe Compact, Tri-State Compact, or the Boulder Canyon Project Act, or the contract offered by former Secretary of the Interior Wilbur, or the present contract proposed to Secretary of the Interior Harold L. Ickes by the Arizona Colorado River Commission, which contracts are equivalent of the Santa Fe Compact, the waters of Arizona, and the United States, would first and forever go to Mexico and for one acre which would be irrigated in Mexico there would be four acres left dry in the United States of America, leaving Arizona a desert forever; and

Whereas, the state of Arizona by decision of the United States supreme court is not bound by the ruinous Santa Fe Compact as she did not ratify it; and

Whereas, these water filings and water rights have been filed with the Federal Power Commission and the state water commissioner and other officials; and

Whereas, Mexico and its water users and land-holders in the delta of the Colorado River in Mexico have been notified by Fred T. Colter, as trustee for Arizona, that he had made these water filings above mentioned and has kept up due and reasonable diligence thereon and that vested and inchoate rights have been obtained thereon and that any water they had put to use, or water

for which they attempted to get rights, were protested against and belong to Arizona and the United States of America, and that any such efforts in Mexico, and would be at their own risk and hazard; and

Whereas, it is essential that the United States and Arizona, in order to protect their water rights, take note of these facts; therefore, be it

Resolved by the House of Representatives of the Third Special Session of the Eleventh Legislature of the State of Arizona that this information be conveyed to our representatives in Congress and that they be urged to do all they can in the event of a treaty being made with Mexico to protect Arizona and the nation in their said water rights, and that copies of this resolution be sent to our United States Senators Hayden and Ashurst and our United States Representative Isabella Greenway, and the members of the United States Treaty-making Commission with Mexico, all members of the United States Senate, President Roosevelt of the United States, United States Secretary Hull, United States Attorney General Cummings, Governor Moeur of Arizona, the Arizona Colorado River Commission, and Attorney General LaPrade of Arizona.

69TH CONGRESS, 1st Session | SENATE | DOCUMENT No. 113

GLEN CANYON-BRIDGE CANYON DAM PROJECT AND ARIZONA HIGH-LINE CANAL

SUMMARY OF THE ARGUMENTS

MADE BY

SENATOR FRED T. COLTER
PRESIDENT OF THE ARIZONA HIGH-LINE ASSOCIATION

ON S. 3414

A BILL PROVIDING FOR THE BUILDING OF THE GLEN-BRIDGE DAMS AND ARIZONA HIGH-LINE CANAL; INTRODUCED IN THE UNITED STATES SENATE MARCH 3, 1926, AS A SUBSTITUTE FOR THE SWING-JOHNSON BOULDER-BLACK DAM AND COMPACT BILL

PRESENTED BY MR. CAMERON

MAY 17 (calendar day, MAY 18), 1926.—Ordered to be printed with illustrations

WASHINGTON
GOVERNMENT PRINTING OFFICE
1926

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SUMMARY OF THE ARGUMENTS MADE BY SENATOR FRED T. COLTER, PRESIDENT OF THE ARIZONA HIGH-LINE ASSOCIATION, PROVIDING FOR THE BUILDING OF THE GLEN-BRIDGE CANYON DAMS AND ARIZONA HIGH-LINE CANAL

Bill No. 3414, Introduced in the United States Senate March 3, 1926, as a Substitute for the Swing-Johnson Boulder-Black Dam and Compact Bill

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The Glen-Bridge dams and high-line canal bill, as substitute for the Boulder Dam compact bill, provides for the irrigation of 3,500,000 acres by gravity in Arizona and supplies California and Nevada by gravity and develops much more power than is required to pay for same.

There isn't a service claimed by the Boulder Dam bill that is not far surpassed by the Glen-B idge high-line bill, which provides for service of larger quantity of water, more power in le s time and at less price for all concerned, and gives the maximum economical development of the Colorado River, and saves Arizona from destruction.

Arizona is entirely covered by the Colorado River, being entirely within the Colorado River drainage basin, and more vitally dependent upon the water and power of the Colorado River than any of the other States, while the other basin States of the Colorado River drainage area have each only a portion of their areas within the said drainage basin, and they all have other rivers to depend upon.

Arizona has 96 per cent of the power and 42 per cent of the drainage area.

The Swing-Johnson compact bill, Colorado River compact, tri-State supplemental compact, by Arizona's committee proposal to California and Nevada, and the Diamond Creek Dam permit, upset our sacred, tested reclamation laws. They are all unconstitutional; would permit the irrigation water to go to Mexico, concede the power to the electric power trust, would breed an Asiatic war with the United States of America, and leave millions of acres of land in Arizona a desert forever.

Secretary Work's amendments for the Swing-Johnson compact bill take all water and power from Arizona and are unconstitutional, impossible, and are, figuratively speaking, a straw man, to draw the fire from any one or all the above destructive schemes and those supporting them.

Power trusts and Mexican land interests want power dams only or a compact between the States to divide water so that only power dams, not combined with irrigation, could be built. Then Mexico would get the irrigation water and the power trusts would get the power. Compacts of this nature are cave-man and ancient-day form of government.

Not since the Revolutionary War has the Nation been confronted with such an injury to her form of government. There are 24,000,000 acre-feet of water in the Colorado River system, inclusive of reflow water, out of which the compact leaves Arizona about a million acre-feet and surrenders 8,000,000 acre-feet to Mexico and guarantees her deficiency.

The power trust propaganda circulates that we raise an over-supply of food products. This is false, since we in Arizona and the people of the United States import all kinds of agricultural products. This said erroneous propaganda circulation is done to discourage and to divorce irrigation from power development. Then only power dams would be built and the power trust would control them.

Boulder Dam is mainly a power dam and is at the wrong end of the Grand Canyon and will lose greatest amount from evaporation, with least benefits. Glen-Bridge Canyon Dams are at the high and upper end of the said canyon, where they give the least loss of water from evaporation and the maximum benefits.

The upper States are protected by the Glen-Bridge high-line bill.

Imperial Valley's need for an all-American canal is somewhat similar to Arizona's need for the Arizona high-line canal, except Imperial Valley can be served better by the Bridge dam and high-line canal, and Los Angeles can be saved $100,000,000 by Bridge-Arizona-high-line gravity canal over Boulder pump lift scheme. Then Arizona need not be destroyed on the "altar of greed."

It would be suicide for Arizona or the Nation to build either or both the Glen or Bridge Dams if the irrigation and its priority to the highest line canal were not maintained and combined with the power development.

Proper water filings have been made by Senator Fred T. Colter, by approval of the Governor of Arizona, in 1923, 1925, and 1926 and supplemental filings made by the commission of State institutions. Suits have been filed for protection of the people's interests in this State of Arizona, and many years of continual energetic diligence have been spent by Arizona's people and the State. (A more comprehensive brief which I compiled, relating to the above, is in the Congressional Record on pages 1790 to 1800, inclusive.)

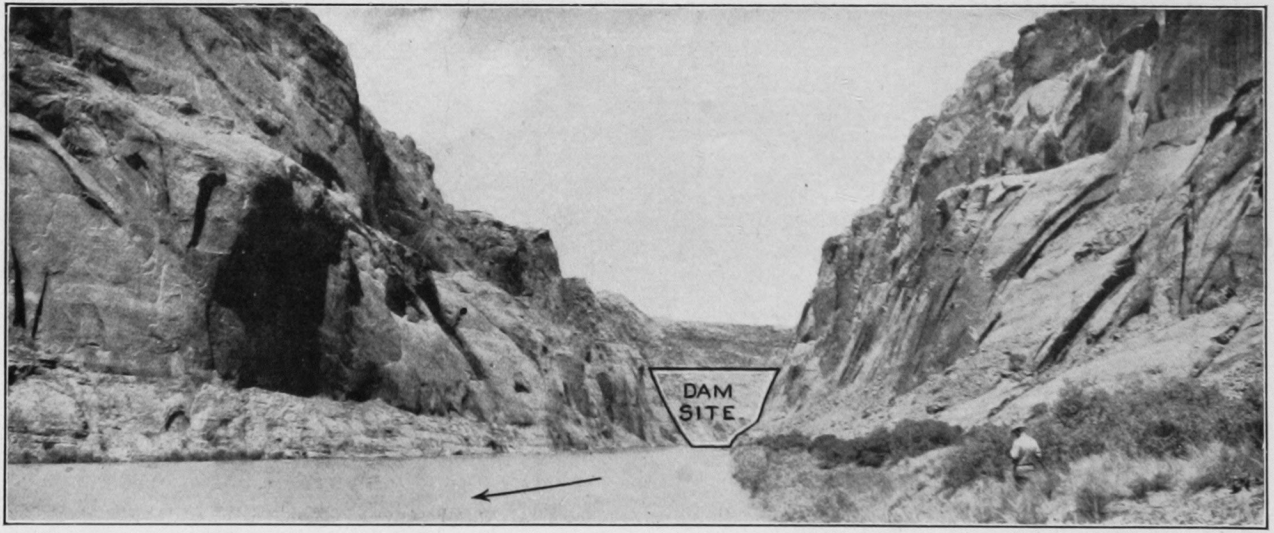
Any agreement Arizona would make with California and Nevada, regardless of how small the amount they would accept, would simply mean that with this small amount of water they would build the Boulder Dam and Arizona would be forced thereby into the compact, then the Colorado River water would go to Mexico, power to the power trusts, and Arizona would be ruined.

California and Nevada can't in compact speak for Mexico and the power trusts and protect Arizona. The courts are the only sources authorized and equipped to divide water.

Arizona can contract for the construction of reclamation works only on the Glen-Bridge Dams and high-line canal. Then all can be served without Arizona's destruction.

We are educating with facts and the truth enough citizens in Arizona and the Nation to save the Colorado River from destruction as a benefit for the many, and to save us from a war with Asia.

Arizona will not accept water-division compacts, and upset perfect, tested laws, making endless litigation when water titles or rights now can be quickly quieted or adjudicated by equipped,



Glen Canyon Reservoir site situated at upper end of Grand Canyon of Colorado River, which will most economically irrigate the maximum amount of lands in Arizona and California to be diverted through high-line canal filed on for State by Senator Colter

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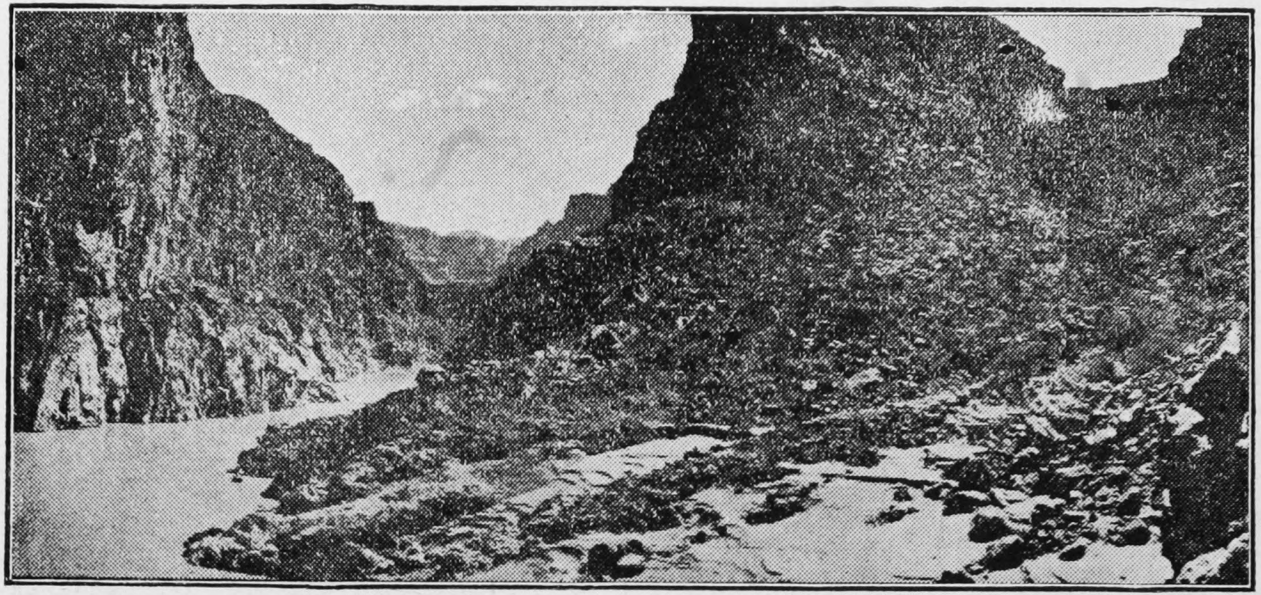


Site of Bridge Canyon dam, approved by E. C. La Rue, of the U. S. Geological Survey. A natural spillway is at the side of the canyon. Senator Colter files for State on same. This site is 6 miles above Spencer Canyon site

98616—S. Doc. 113, 69–1. (To face page 3.)

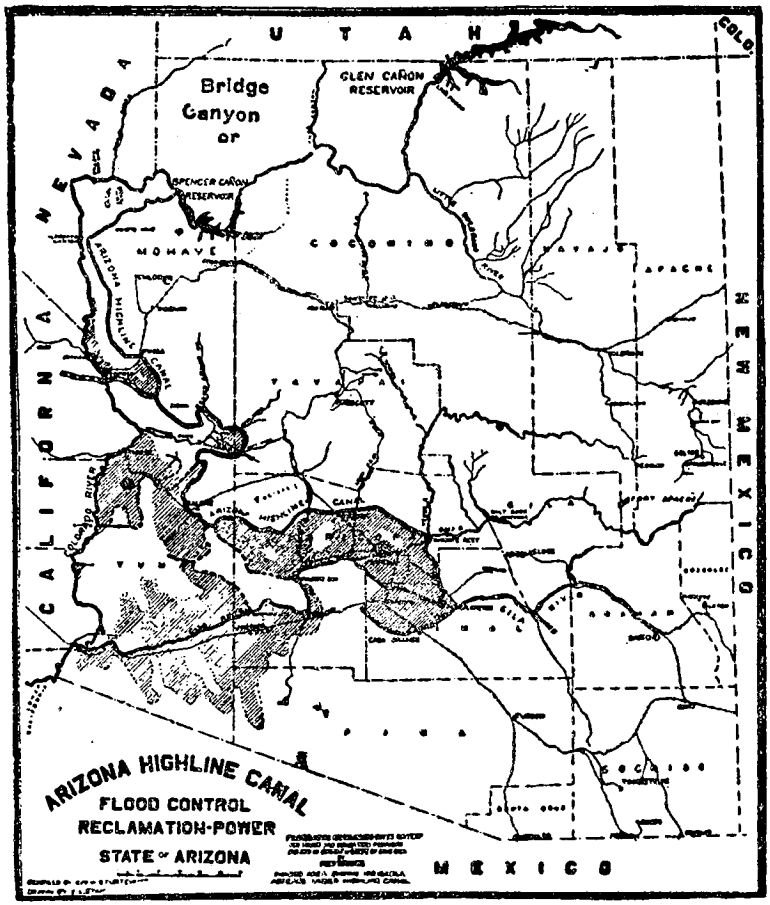
authorized courts. We will do this, or defend our rights with our lives if need be.

I can imagine a degree of self-loyalty to the Mexican land water steal and the power trust steal. I can appreciate the loyalty of citizens of all the other river States that stretch the truth admittingly to claim water for projects, not practical for development for 200 years. But there are representatives, citizens, and papers in Arizona that are trying to find excuses and lie to condemn Glen-Bridge high-line projects that belong to Arizona when the Colorado River runs 300 miles entirely in Arizona, 500 feet to 3,000 feet above 6,000,000 acres of land, with this fall for power to more than pay for same. If this isn't treasonable ignorance, or high treason, for heaven's sake, what is it?

I hope, pray, and have faith that you will assist in preventing such a disaster to Arizona and the Nation by passing the substitute bill to build the Glen-Bridge dams and high-line canal.

I feel deeply this situation, through my life's experience, in the school of hard knocks, in extensive reclamation development for myself, and during the last four years' constant time on the firing line, trying to save Arizona, and I expect to continue such efforts until Arizona and her rights are safe.

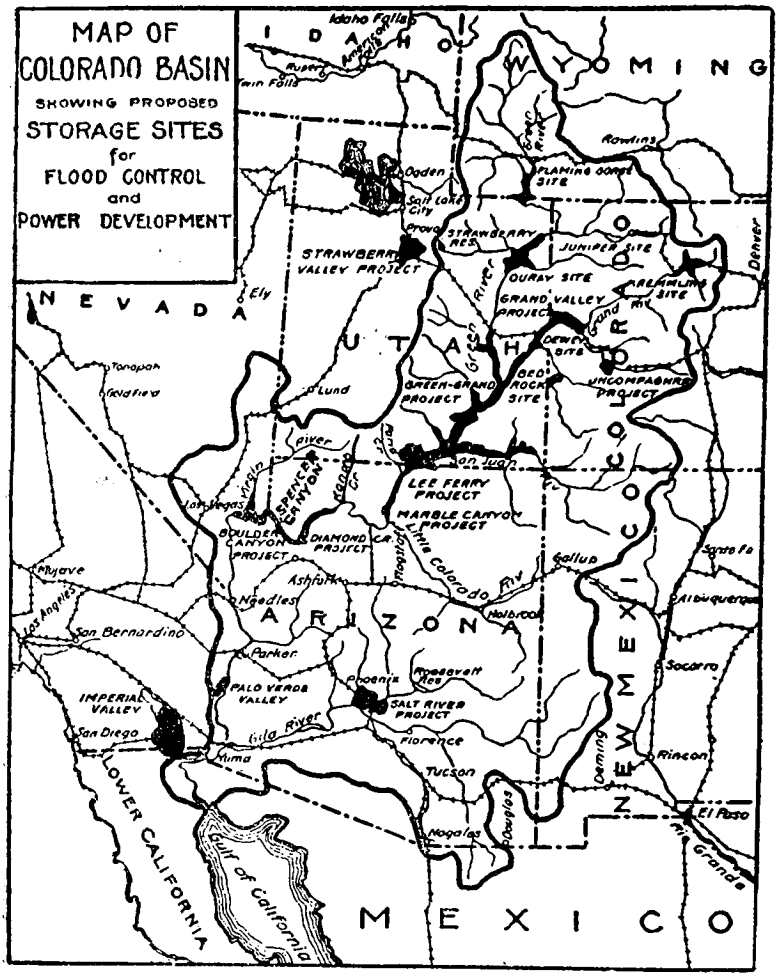
FRED T. COLTER,
President Arizona High-line Reclamation Association.



Map of Glen Canyon dam and Storage Reservoir, Bridge or Spencer Canyon Diversion dam, and Arizona high-line canal.

The waters of the Colorado River required for the reclamation of over 3,500,000 acres of land in Arizona under the Arizona high-line canal system have been appropriated and the necessary filings made for the State of Arizona, and as trustee therefor by Fred T. Colter, president of the Arizona Highline Reclamation Association.

The lands to be reclaimed under this State appropriation are indicated by the shaded areas on the above map.



Arizona contains 42 per cent of the entire area of the Colorado River Basin and 90 per cent of the Lower Colorado River Basin, while California contains only 6 per cent of the entire basin and only 10 per cent of the lower basin. The black wavering line marks the boundary of the basin.

Lees Ferry project is Glen Canyon Reservoir. Spencer Canyon dam is miles below Bridge dam site, the diversion to high-line canal.

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ARGUMENTS SUBMITTED BY SENATOR FRED T. COLTER PRESIDENT OF THE ARIZONA HIGHLINE RECLAMATION ASSOCIATION, FAVORING THE GLEN-BRIDGE ARIZONA HIGH-LINE CANAL

Bill No. 3414, Introduced in the United States Senate March 3, 1926, as the Substitute for the Boulder Canyon Dam or Swing-Johnson Bill

---

The reason for the necessity for the introduction and passage of the Glen-Bridge Canyon dams and Arizona high-line canal substitute bill for the Swing-Johnson or Boulder Dam bill are many and of vital importance.

In the first place the Boulder or Black Canyon dams or the Colorado River compact as formulated at Sante Fe, N. Mex., all seriously destroy proper economic and maximum development of the entire Colorado River system and absolutely ruin practically all of Arizona's reclamation development, leaving millions of acres of land in Arizona and California a desert forever.

Arizona is a young State and is entirely covered by the Colorado River Basin, which is her only river. Other basin States have other rivers besides the Colorado River on which to depend for irrigation and power.

If the Boulder or Black Canyon dams were built, the irrigation and drinking water which could be used for irrigating lands in Arizona and California would be the natural flow of gravity flow down the river bed to Mexico to water millions of acres of land owned by American land speculators in Mexico to build a Japanese Empire and seaport at our border in preparation for a great war; and the electric power would be in the control of the power trusts, all of which would inevitably drift us into the treasonable seven States Colorado River compact, as formulated at Sante Fe, N. Mex.

The Colorado River compact or supplemental tri-State compact both accomplish the above-named disasters to Arizona and the United States of America and the seven Colorado River Basin States. Besides upsetting the most sacred, equitable, basic, and tested laws and principles of the Constitution of the United States of America, for which our forefathers laid down their lives, and would delay construction and development by causing endless litigation and would cut the development of the Colorado River to the minimum.

There is not a requirement or service claimed to be rendered by the Boulder Dam bill or Colorado River compact, whether flood control, irrigation, power, or domestic water to Los Angeles, or the all-American canal, which can not be accomplished cheaper, quicker, and with greater supply of water and power through a substitute bill for the Swing-Johnson bill which would provide for the construction of the Glen-Bridge Canyon Dams and the Arizona high-line canal. Besides the building of these projects there would be obtained the quickest, maximum economical development of the Colorado River as a whole for all concerned.

Arizona and her citizens, through great sacrifices during the past six years, by diligent continuous work, have been developing this plan (myself by filing on the water of the Colorado River for and in behalf of the State of Arizona) making surveys which lay the foundation for the construction of the greatest irrigation plan ever developed.

Not since the beginning of the history of our Nation has a State been confronted with such complete obliteration as Arizona faces in regard to the Colorado River steal, and only for greed. Not since the Revolutionary War has the Nation been confronted with such danger to its Constitution, democracy, independence, and peace as is proposed in this Boulder Dam, Diamond Creek, Colorado River compact, or tri-State Colorado River compact conspiracy.

To see and understand these unquestionable facts does not require legal, engineering, or political ability. Mere common sense demands that a dam be built at the upper end of the canyon, not at the lower end, and at an elevation high enough to get the water on the land, not at a level so low that it would never be used. The Boulder Dam site is at the extreme lower end of the canyon at a very low elevation. The Glen Canyon storage dam site is at the upper end of the Colorado River Canyon and serves as a perfect storage dam, while the Bridge Canyon Dam site is at an elevation to be a perfect diversion dam site. The building of the Boulder Dam would mean the minimum development of the Colorado River for both irrigation and power. The building of the Glen Canyon and Bridge Canyon Dams would be for the maximum development of the entire river for all concerned. The Boulder Dam would be for the minimum development of irrigation and power at a maximum cost. It would be starting at the wrong end of the canyon and the evaporation, because of the low elevation, would be great and it would not give the benefit of reflow water and return seepage. The Colorado River would eventually require two large storage dams, which would nearly double the loss in evaporation if the Boulder Dam were built, where one dam at the upper end of the canyon, the Glen Canyon Dam, would be sufficient at that high elevation and proper location to give the maximum economic development for irrigation and power with the maximum reflow and return seepage for the entire system with the minimum cost and minimum water evaporation.

Simple common sense proves that with the above-stated facts and with the knowledge that the Colorado River flows 16,000,000 acre-feet of water, with the Glen Canyon storage and Bridge Canyon diversion dams storing and diverting the water from the 2,000-foot level, which is from 500 to 3,000 feet above 6,000,000 acres of land which it is practical to develop—that the power which can be developed by the great fall will more than pay for the cost of construction of all development.

Arizona will oppose the construction of any power dam which does not combine irrigation with power, even though the dam were proposed to be built by her own people, because a power dam for power alone, as the Boulder Dam, would destroy irrigation as well as the maximum development of the river, and would stabilize the flow of the water and send it by the natural flow of gravity to Mexico. We are consistent and will fight a power dam in our own State which does not combine irrigation with power. We would even oppose the

Glen-Bridge Canyon Dams if highest line irrigation were not combined with power. A dam and canal must be built at the highest possible elevation in order to combine the maximum irrigation with the power development and make secure the priority of irrigation which is always given the preference over power. Irrigation, if given preference, will not hinder power development; however, power development given preference will kill irrigation. Irrigation should be given preference to save the United States of America from Mexico's appropriating her irrigation waters in the Colorado River, and to keep the control of the power out of the hands of the power trusts.

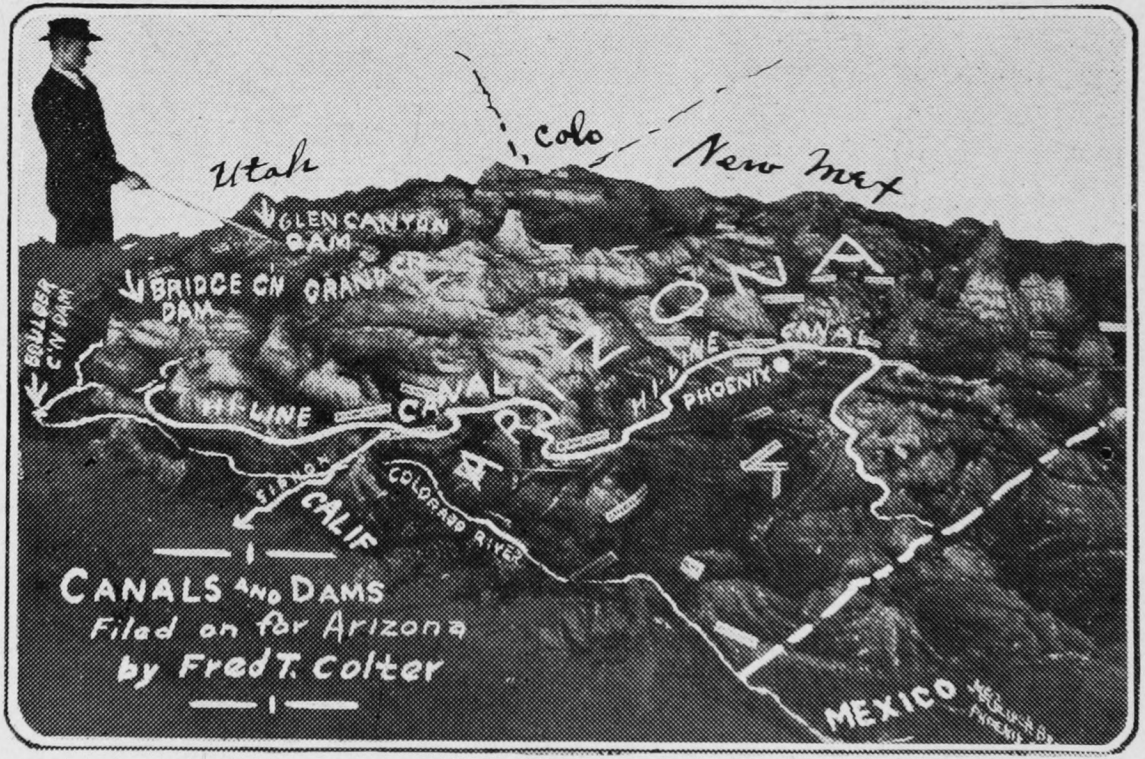
The need of the Imperial Valley of California for an all-American canal is similar to Arizona's need of the high-line canal. Our interests are in common and we can and should legally and naturally work out our problems together. The power trusts and Mexican land interests are trying to use the Imperial and Yuma Valleys and the Los Angeles water users to pull their chestnuts out of the fire.

So far as the basin States of the Colorado River above Lees Ferry are concerned, they are all well protected in the Glen-Bridge substitute bill for the Swing-Johnson bill, Boulder Canyon-Colorado River compact bill. The Glen-Bridge bill protects the future economical use of water. The upper basin States have only a small irrigable area and small water duty, and their gradual use will eventually not deplete the river much, if any, below Lees Ferry.

There are 24,000,000 acre-feet of water in the Colorado River system, counting reflow and return seepage water. Sixteen million acre-feet were apportioned by the Colorado River compact to the upper basin and lower basin in the United States of America, consisting of seven States through which the Colorado River flows. Seven and one-half million acre-feet were apportioned to the upper basin States and 8,500,000 acre-feet to the lower basin States, leaving 8,000,000 acre-feet of water for the use of the 2,000,000 acres of land in old Mexico, as guaranteed by the Colorado River compact.

The Fall-Davis Colorado River compact binds Arizona to a limited small amount of water. Arizona can not take the surplus waters which the upper basin can not use, nor can Arizona or any other lower basin State take any of the 8,000,000 acre-feet of surplus waters which are unapportioned to the United States of America, for these 8,000,000 acre-feet are conditionally contracted to Mexico, and in addition to this, Arizona is required to guarantee Mexico's deficiency of water in dry years.

The Boulder Canyon Dam or the Black Canyon Dam development combined with the six-State compact, which leaves Arizona out entirely, could not be accomplished by the National Government because of the disaster to Arizona and the Nation, and because such a development scheme is illegal and unconstitutional. The courts would hold and decide against such a scheme. There is 96 per cent of the power of the entire Colorado River Canyon, which can be developed in Arizona, which is as much power as is now being developed by water all over the United States of America. Arizona has 42 per cent of the entire drainage area of the Colorado River within her boundaries. The largest and most valuable irrigation and power project ever developed. Is it any wonder the power trusts are eager to affix unto themselves the development of this great river? All concerned could be better served through the building of the Glen



Relief Map of State of Arizona

98616—S. Doc. 113, 69–1. (To face page 8.)

Canyon storage dam, the Bridge Canyon diversion dam, and the Arizona high-line canal, which provides for the maximum development of the entire Colorado River.

The Colorado River compact is an unheard-of instrument. Compacts are the opposite of our democratic form of government, especially in matters of such great importance as water for irrigation and power. All of our irrigation and water laws are perfect and have been tested. A compact form of government was the first step to organize society and government after man left the caves and is much worse than a bureaucratic form of government or an imperial form of government. We have compacts between nations as we have no enforceable national laws, and hence wars. The period of advanced civilization seems to have not yet arrived when we can have a democracy of nations as now exists between our States in the United States of America. Compacts bind and hinder and destroy growth. Our democratic form of government encourages unlimited growth.

Our third branch of government, the courts, are the only source equipped and authorized and able to divide the waters of the rivers. Arizona can agree with the other basin States of the Colorado River on the construction and building of the Glen Canyon storage, Bridge Canyon diversion dam, and Arizona high-line canal, irrigating three and one-half million of acres of land in Arizona, and she is protected under this development, and does not take away the rights of the other States but only that which rightfully and justly belongs to her as a sovereign State.

Arizona and her citizens have exercised constant and due diligence for the past six years in order to protect her interests in the Colorado River and to protect her filings made for and on her behalf for the waters of the river to irrigate three and one-half million acres of land and for the Glen Canyon storage dam and Bridge Canyon diversion dam, and the Arizona high-line canal.

For argument's sake, granting that a Boulder dam could be built by the Government, combined with a six-State compact, leaving Arizona out in the cold; it could be built then only subject to Arizona and her citizens' legal, inherent, and vested rights in the Colorado River waters as a sovereign State.

Secretary of the Interior Work's recommendations of the Swing-Johnson Boulder Canyon dam bill, which leaves Arizona out entirely, is ridiculous. It is used as a masked coercion, bluff, and straw man by our opponents to get Arizona people and candidates for office to strike at this straw man while designing politicians in and outside of Arizona are hiding behind and striking at this straw man for the purpose of misleading Arizona people and keeping them from seeing these politicians assist our opponents trying to get over the low or high dam at Boulder (either a low or high dam at Boulder would be equally injurious) or the Colorado River compact, tri-State compact; Arizona's committee proposals to California or Nevada and the Diamond Creek Dam schemes, any of which would accomplish the same destructive results to Arizona and the development of the Colorado River.

Just because politicians are opposing Work's amended Swing-Johnson Boulder dam bill does not necessarily mean they oppose the original Swing-Johnson Boulder dam bill, or the Colorado River compact, or any one or more of the above-mentioned destructive schemes.

Remember, the power trusts and Mexican land interests want power dams solely, not dams combined with irrigation, or at least only with minimum amount of irrigation, for with this accomplished Mexico gets the water for irrigation because it flows down the channel of the river by gravity to Mexico, and the power goes to the power trust.

Arizona and the Nation would be committing suicide if they were to build the Glen-Bridge dams without combining the irrigation and its priority to the highest canal level with maximum acreage under irrigation, together with power, because if she did not do this the priority would go to Mexico and the power to the power trusts.

Filing and priority and proper diligence has been made for high-line irrigation, and as irrigation has preference, priority and beneficial use over power it is a sure and certain protection to Arizona and the Colorado River, and is the only legal protection Arizona and the Colorado River have against monopoly by the power trusts for power, and Mexican land interests monopoly on the water. Therefore it is necessary for Arizona, as well as for California and Nevada, to guard their irrigation filings, rights, and priority, and positively and unquestionably tie them to power dam developments.

Any agreement by Arizona, California, and Nevada to divide the waters of the Colorado River, regardless of how little would be given to California and Nevada, would destroy Arizona. Then California and Nevada would take that small apportionment and build the Boulder dam, which would be principally a power dam and would force the irrigation water to Mexico and give the power to the power trusts, which would result in the Colorado River compact.

California and Nevada can not by dividing the water of the Colorado River by compact or by building the Boulder dam speak for or protect Arizona against the monopoly of her irrigation water by Mexico and her power by the power trusts. However, Arizona, California, and Nevada will be protected by building the Glen-Bridge dams and Arizona high-line canal. By this plan alone can the waters be saved from going to Mexico and be used on soil in the United States of America.

The moment Arizona steps into the water division by compact trap with any State, especially with the original Colorado River compact trap set, she has given up her all and only safeguard, namely, the law of prior appropriation and beneficial use of water.

Arizona can only agree with California and Nevada or any other States on the building of the Glen storage Bridge diversion dams and the Arizona high-line canal. By this project all basin States, as well as the United States of America, would be protected in their just and legal rights in the river from this just and maximum development of the river.

The Nation's best engineers estimate that by diverting water from Bridge dam through the Arizona high-line canal an all-gravity canal to Los Angeles with Colorado River siphon would save Los Angeles over $100,000,000 over the Mulholland plan, which pumps the water 1,400 feet from the Fall-Davis Boulder dam into a canal 270 miles long, with 70 miles of tunnels, to Los Angeles.

I was very deeply interested by some of the patriotic and fair statements which Governor Gern, of Utah, made before the United States Senate Committee on Irrigation, and also statements made by Imperial Valley representatives, which prove that as greed and

aggrandizement encroach upon us all of us who want protection and rights have interests in common and need to rely on the sacred laws and Constitution of our Government, which the compact so ruthlessly upsets. No State can eventually profit or gain at the destruction and expense of a sister State.

Either we must build the Glen Canyon storage dam and Bridge Canyon diversion dam and the Arizona high-line canal to irrigate three and one-half million acres of land in Arizona and a large acreage in California and Nevada, and thus provide for the maximum most economical development of the river for the benefit of all concerned, or be forced into accepting the Colorado River compact, build the Boulder Canyon power dam, upset our tested laws and constitutional rights, and develop the river for the minimum good of all concerned and give the water which rightfully belongs to the United States of America to American land speculators in Mexico to help create a Japanese menace at our very door and give the power to the control of the power trusts.

Arizona does not want to have Congress or any person to think for a moment that the people of Arizona are going to be camouflaged and coerced into the acceptance of Arizona's committee of five's Colorado River proposal to California and Nevada, any more than they would accept or stand for the supplemental tri-State compact between California, Nevada, and Arizona which passed the last legislature, but was vetoed by Governor Hunt, as both of these schemes result exactly the same as the Colorado River compact with added detriments.

There are enough patriotic citizens in Arizona who will keep the Government and Arizona from being destroyed through the help of the courts and at the sacrifice of their lives if necessary.

A more detailed and comprehensive brief has been filed by Senator Fred T. Colter, president of the Arizona High-line Reclamation Association, together with a telegram to President Coolidge and has been placed in the Congressional Record of January 15, 1926, on pages 1792–1800, inclusive, by the Hon. Ralph Cameron, United States Senator from Arizona.

I hope the Members of the United States Congress will see the irreparable injury that would happen to Arizona, and the other Colorado River Basin States and to the Nation if the Swing-Johnson Boulder Canyon or Black Canyon dam bill passed.

I hope that you will all vote for the substitute bill for the Swing-Johnson bill, namely, the Glen-Bridge high-line bill, which is much more economical, and for the most profitable development of the entire river to the maximum for all concerned, and will save Arizona from devastating destruction.

If there is any information or assistance I can give to any one of you at any time, I will be very glad indeed to be of service to you, as I have continually for the past four years studied and worked on the Colorado River problem, and will continue to be on the firing line until we are saved.

Respectfully yours,

FRED T. COLTER,
President Arizona High-line Reclamation Association.

[Telegram]

PHOENIX, ARIZ., *May 4, 1926.*

Hon. CALVIN COOLIDGE,
President of the United States,
Washington, D. C.:

One who has experienced life's hard knocks in extensive reclamation development and political economy sincerely prays and beseeches your immediate personal and devout religious study of the world's most stupendous reclamation development, which requires no water-division compacts, and requires no change in our Constitution and established water laws to obtain immediate development and the exact ascertainment and division of water rights between States and individuals. It requires no technical engineering or legal professional ability, but only proper attention, a just patriotic heart, and simple common sense to ascertain the above and following facts.

It is unbelievable and unheard of in any civilized nation that such stupendous, unpatriotic measures as the Work-Mead-Hoover Colorado River six-State compact Boulder-Black Dam bill, which is even worse than the original Fall-Davis-Hoover compact, tri-State supplemental compact Boulder-Diamond Dams which delay development and cause endless litigation, could be entertained or approved by Cabinet, National, and State officials. If these measures are not National and State treason, what are they? They destroy the sacred fundamentals of our national Constitution, democracy, tested water laws, State sovereignty, justice, future growth, and the development of the world's greatest Grand Canyon Colorado River and destroy the irrigation of 6,000,000 acres in Arizona and California and obliterate Arizona's sovereignty and irrigation and power future, all just for greed to build up an American land speculators' Japanese Empire in Mexico. These destructive measures separate irrigation water from the United States and entirely from the Grand Canyon, leaving the power to be monopolized by the power trusts, and to be exhausted and despoiled by high-lift water pumping to exhaust limited underground water and that can be more economically developed by high canal gravity.

This is especially deplorable when under our Constitution, present and tested water laws of prior appropriation, beneficial, economical, maximum use placing irrigation and power together as would be provided for by properly situated dams, as the Glen storage dam at the upper end of the canyon, the bridge diversion dam, and the Arizona-California all-gravity high-line canal which would provide for more water and speedier flood control, and for a speedier, more economical development of every need required and asked for by our opponents and California. The Glen-Bridge high-line plan establishes the greatest agricultural and civilization base that civilization has ever known, which would be lost if the Boulder-Black Dam were built at the lower end of the canyon, or the compact, or tri-State supplemental compact were accomplished, thereby resulting in the world's greatest catastrophe and the building of a great Japanese airplane and naval base in Mexico.

Senator FRED T. COLTER,
President Arizona Highline Reclamation Association.

[Telegram]

PHOENIX, ARIZ., *May —, 1926.*

United States Senator RALPH H. CAMERON,
United States Senator HENRY F. ASHURST,
Representative CARL HAYDEN,
Washington, D. C.:

Water is over three-fourths of the human and world's body, and human life could not exist without it. Under our constitution and water laws, both State and National, no one can bind or own water; they merely own the beneficial economical maximum continued prior use of water. Any kind of water-division compact with any States would upset future growth, constitution, and water laws.

The Colorado River compact does not only upset the above fundamental principles and perfectly tested laws but deeds away seven-eights of Arizona's water and 8,000,000 acre-feet of Arizona's and the Nation's water to Mexico, in addition guaranteeing Mexico any water deficiency forever and create the greatest naval and airplane base in the world bordering us in Mexico. In addition to the above great water loss, there would be another water loss of 8,000,000 acre-feet by compacting to build the Boulder-Black Canyon dam at lower and wrong end of the Grand Canyon, which destroys the economical, beneficial development of the river.

There is still another great loss which is unmeasurably great because of a compact to divide future water, and water in perpetuity would restrict every economical use of water in the future. We can get together with other States in construction works by building the Glen Canyon storage reservoir, the Bridge Canyon diversion dam, and the High-line Canal, which gives the quickest development of the river and prosperity for all States and saves Arizona from destruction which would happen if the Boulder-Black Canyon compact Swing-Johnson bill were passed. You can rely on our fighting to the last ditch.

FRED T. COLTER,
President Arizona High-line Reclamation Association.

PHOENIX, ARIZ., *March 17, 1926.*

Col. FRANK P. TROTT,
State Water Commissioner, Phoenix, Ariz.

DEAR COLONEL TROTT: I am inclosing you supplemental water filings I have made to-day, for and in behalf of the people and the State of Arizona, with the approval of the governor, on the Glen Canyon storage, flood control, irrigation, and power reservoir; elevation, 3,132 feet; Bridge Canyon flood control, irrigation, and power diversion dam, elevation, 1,207 feet; and the Arizona high-line irrigation and power canal to irrigate, inclusive of reflow, 4,160,000 acres in Arizona and develop 2,000,000 electric horsepower that will be more than enough to pay for same.

These filings are supplemental to the filings I made for and in behalf of the State on September 20, 1923, and May 11, 1925. The acreage in each county to be irrigated by the Glen-Bridge High-line Canal is as follows: Mohave County, 130,000 acres; Yavapai, 40,000 acres; Maricopa, 1,840,000 acres; Yuma, 1,604,000 acres; Pinal, 320,000 acres; and Pima, 226,000 acres. Total, 4,160,000 acres.

I am also inclosing you original water, irrigation, and power filings I have made for and in behalf of the State of Arizona on 11 more wonderful dam sites, all in Arizona, in the canyon section of the Colorado River, which are as follows: Red Wall Canyon dam, elevation, 2,885 feet; Mineral Canyon dam, elevation 2,530 feet; Ruby Canyon dam, elevation, 2,253 feet; Specter Chasm dam, elevation, 2,000 feet; Havasu dam, elevation, 1,782 feet; Devils Slide dam, elevation, 1,035 feet; Flour Sacks dam, elevation, 957 feet; Pierces Ferry dam, elevation, 910 feet; and Grand Wash dam, elevation, 865 feet. Grand Wash dam site, just within Arizona from the Nevada line, is an excellent dam site and will back the water up to the foot of the next dam, Pierces Ferry site. With a 143-foot dam Grand Wash dam will back the water to the foot of Flour Sacks dam.

The Boulder or Black Canyon dam, if built, would ruin and bury under water six of those good dam sites in Arizona, namely, Grand Wash dam, Pierces Ferry dam, Flour Sacks dam, Devils Slide dam, Specter Chasm dam, and bridge Canyon dam, and destroy Arizona High-line Canal and maximum development of the river.

Each of the 11 dam sites I have filed on will back the water to the foot of each of the next dam sites farther up from the Arizona-Nevada line, to Glen Canyon dam site, at the head of Grand Canyon near the Utah line, and will develop over 5,000,000 horsepower. The Glen Canyon reservoir when built first, not only gives priority, flood control, but stores the water to be diverted through Bridge Canyon dam site to 4,160,000 acres of land through the Arizona High-line Canal, but, alas, it more than doubles the electric power production and supply of each and all of the 11 dam sites below in Arizona, reduces materially the cost of construction of all the dams below them, and gives the maximum beneficial and economical development of the Colorado River. Can it be possible that anyone could advocate Boulder dam or the pact?

I have made provisions in the water filings, which I inclose, of each and all of the proposed dam sites, that it is distinctly understood, regardless of the date of commencing and finishing construction, that the priority for the water is to be recognized for the Glen-Bridge High-line Canal and water for the land therefor.

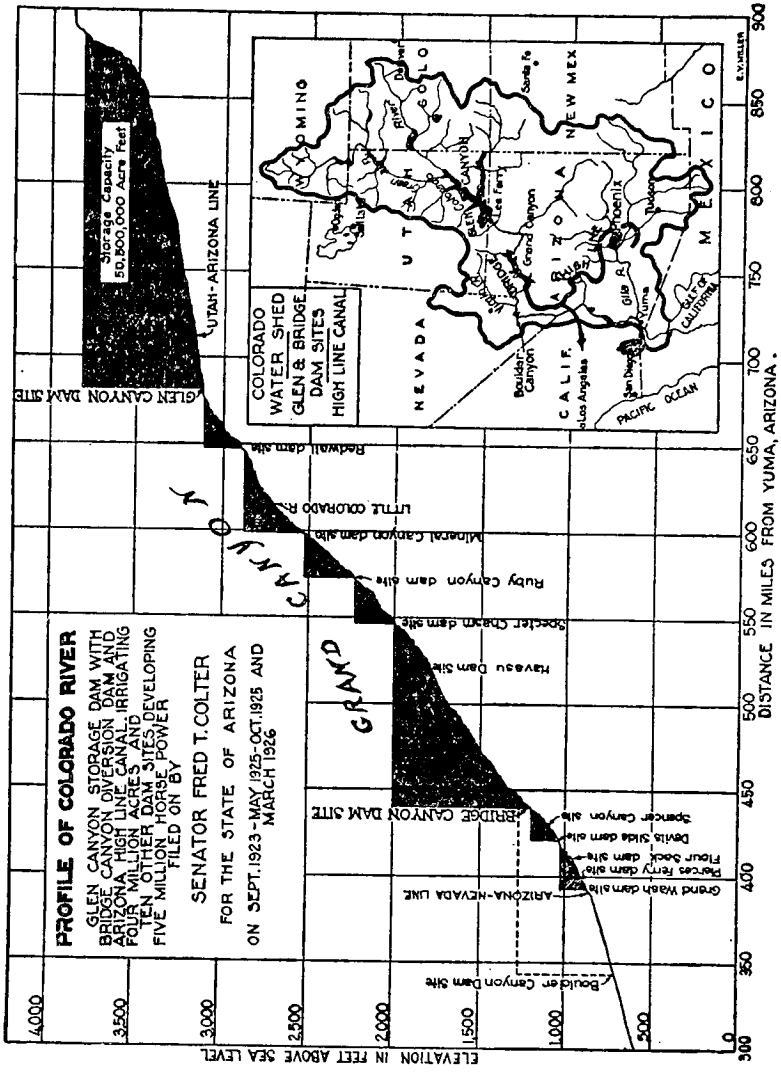
This is imperative to save Arizona, and develop the river as a unit or whole, thereby getting the economical, beneficial, and maximum development. Even California can be served better and quicker by this plan. Glen-Bridge dams and High-line Canal must be built first.

Any water division contract with California and Nevada or compact, supplemental compact, Arizona committee's proposal to California and Nevada, Diamond Creek permit, Boulder or Black Canyon dams, or power dams, not combined with maximum highest canal diversion irrigation, even inclusive of Glen-Bridge dams, would result in ruining Arizona and maximum development of the river. Otherwise water would irrigate Mexico and the power would go to the trusts —which California and Nevada can not and have no authority to protect Arizona against.

To build the Glen-Bridge dams by Arizona without definite priority recognized for the High-line Canal in order to develop as a whole unit would be suicide by Arizona. However, Arizona can agree

with California and Nevada on building Glen-Bridge High-line and serve California more than she proposes for herself.

Power trust propaganda states that it proposes to build power dams and pump the water. This is disastrous. Besides power dams not combined to highest line gravity irrigation would develop the water for Mexico and power trusts, as the underground flow is



small in Arizona and would soon be pumped out, where highest line gravity water would keep an everlasting underground supply to be used over and over again.

This is supplemental and additional information and diligence to and since my water filings of September 20, 1923, and May 11, 1925, and my brief of six years past diligence filed a few months ago with

yourself, Federal Power Commission and United States Senate Committee on Irrigation, and was introduced into and printed in the Congressional Record.

I am inclosing you a copy of the Glen-Bridge High-line substitute bill F No. 3414, for the Boulder dam, which I prepared, and it was introduced into the Senate by Senator Cameron March 3, and also a copy of summary of arguments and arguments in favor of the substitute bill prepared by myself, which was also introduced in the United States Senate.

This makes our case up to date very complete, in legal requirements, for Arizona's protection under the favorable and unquestionable law of prior appropriation and beneficial use. We need to have a large appropriation of funds for further surveys.

Therefore, I do sincerely trust you will recognize this important and solemn situation threatening Arizona and the Nation, and give vigilant consideration to my applications for construction and our long sacrifice and diligence to develop this, the greatest and most economical reclamation project in the world, and at the same time prevent the most unpatriotic disaster ever attempted in a State in our history, and greatest threatened disaster since the Civil War.

Therefore, every citizen in Arizona should have a solemn, sacred, wonderful, and religious pride in shouting Glen-Bridge High-line, which has and will save the day.

Pledging your cooperation, and regardless of death, I will continue to stay on the firing line as in the past four years, I am,

Yours faithfully,

FRED T. COLTER,
President, Arizona High-line Reclamation Association.

ARIZONA'S WATER PROBLEM

NOTE.—The following letter, written by Deputy Horticultural Commissioner Chas. F. Collins, of Orange County, is typical of many favorable comments we have received on our stand as regards Arizona's rights in the Colorado River. We do not believe any fair or open-minded person can visit that State and study its water problems without agreeing with us that a dam at Boulder Canyon can not give Arizona a fair or equitable portion of the river's water or that the building of a storage dam at a higher elevation on the river will in the least jeopardize California's chances of getting the water it is in need of. We only wish that more of our California citizens could visit Arizona and study the situation as did Mr. Collins:

I want to take this opportunity to congratulate the Cultivator on the splendid illustration on the front page of the issue of the 17th instant which so clearly illustrates the storage possibilities of the Colorado River and also your most excellent editorial on the same subject which sets forth in such a lucid manner, what I believe to be, the true facts in the case.

It had appeared to me for a long time that Arizona was throwing a monkey wrench in the water-conservation machinery and I could not understand the reason why, from anything that I could gain from the newspaper reports. During my recent trip through that State, I made it a point to learn what I could regarding this matter from the people of Arizona, themselves, and I am pleased to note that I came to exactly the same conclusion as you so plainly set forth

in your article in the Cultivator. While it is plainly evident to any thinking person that water conservation is the biggest problem facing the people of the Southwest to-day, it seems to be a very difficult matter to get our politicians lined up and interested enough to accomplish anything.

As I ferried across the river at Blythe on my return trip from Arizona it appeared to me to be little short of a crime to allow that magnificent stream of water to run to waste when there are hundreds of thousands of acres of fertile but arid land, both in Arizona and in our own State, which could be made very valuable and productive with the aid of this same water. It seems to me that it would be as good business to run a conveyor from the San Francisco Mint into the bay and send all coins by that route as fast as they were coined. Our streams in this arid country, when they are flowing, which as you know with most of them is seldom, are nothing less than liquid gold and should be conserved just as carefully as we would look after the money in our purses.

I think that one of the best things that could happen in the politics of this State would be to discard some of our petty politicians who would wrangle over a 1-cent gasoline tax during the whole session of the legislature and entirely ignore the matter of water conservation. It is a self-evident fact, whether we realize it or not, that we have practically reached the limit of our agricultural development in this State until we can develop or conserve more water. As the agricultural possibilities are almost unlimited provided we had the water to proceed in our development, let us bend all our energy toward that end, even if the public does consider us cranks. You know, it takes a crank to turn things and possibly after the expenditure of sufficient energy we may succeed in turning something.

I, at least, greatly appreciate and thank you for your stand on this question and trust that you will endeavor through the columns of your valuable journal to keep this question before the public until we secure some action. (Chas. F. Collins, in the California Cultivator.)

What Arizona Wants

We have endeavored to show on our front cover, this week, something of the extent of the storage possibilities on the Colorado River as it passes through the State of Arizona and the reason why the people of that State are opposed to a storage dam at or in the vicinity of Boulder Canyon.

The upper picture is intended to show at a glance the location of the Glen Canyon dam site and the Bridge Canyon diversion dam, a combination that the Arizona people feel would be of real service to that State and at the same time not only adequately supply the water needs of California but do it better and more cheaply than will be possible with a dam at Boulder Canyon.

The elevation and location with respect to distance from Yuma are shown in the lower picture and give further proof of the uselessness of the Boulder Canyon project as far as supplying water to Arizona's millions of acres of fertile but at present arid lands are concerned, practically all of which are at an elevation too high to be irrigated by even a high dam at Boulder Canyon without pumping the water several hundred feet.

While it may be practical to pump water 1,400 feet to furnish a city like Los Angeles with its domestic water supply, it can not be done for agricultural crops; therefore Arizona agriculture has little hope of deriving any benefit from the storage of water at Boulder Canyon.

It is estimated that the average annual run-off from the Colorado River, when stored, will be sufficient to irrigate several million acres of land in addition to that possible of irrigation in the Imperial Valley and that now being irrigated in Mexico. With a dam at Boulder Canyon only, this surplus must flow into Mexico, where it will immediately be appropriated, thus precluding the possibility of later building dams at higher elevations to care for Arizona's needs, for once this water has been appropriated and put to valuable use by the land interests in Mexico, we doubt if it could be taken away from them even though they contributed nothing toward building the dams that make possible an equalized flow of the river.

While we have no desire to take away any of the waters now being used by these Mexican interests, we do not feel that we should spend millions to store water to irrigate more Mexican lands, especially when we have millions of acres of equally fertile land in our own United States that need this surplus water.

Were it impossible to secure the additional water needed in the Imperial Valley, or even by the city of Los Angeles, in any other way we should of course feel that the building of the Boulder dam was justified, but since there are other, and we are told equally feasible, projects capable of development on the river that will not only better supply all of these needs but will conserve the use of this surplus water for use within the boundaries of the United States, we can not help but feel that they should be given due consideration.

To us it is not so much a question of whether the land to be benefited by conserving the waters of the Colorado River is in California or Arizona as it is that we think the farmers of the United States should receive these benefits rather than the people of a foreign country. (Editorial in California Cultivator.)

The Boulder Dam

On Monday of this week Secretary of Interior Dr. Hubert Work was in Los Angeles and spoke at a luncheon tendered him by the City Club and the Los Angeles Chamber of Commerce. The subject of his speech was "The development of the lower Colorado River," and from what he said no one would ever suspect that there was any way of developing the water and power resources of the Colorado River other than by building the Boulder Canyon dam. He stressed the importance of an equitable division of the waters of the river as between Mexico and the United States, also the apportionment of its waters between the upper and lower basin States, the need of flood control to protect the Imperial Valley, and of an adequate water supply for Los Angeles city and for the further agricultural development of southern California, but never once did he mention the need for water of the several million acres of fertile land in our sister State of Arizona that can not possibly be irrigated from the Boulder dam and which by the construction of this project must

forever remain arid and valueless while the surplus waters of the Colorado go to increase the areas of productive lands in Mexico.

The Secretary did, however, lead his hearers to believe that Arizona by its objections was depriving itself of much benefit, when he said: "The Colorado River compact is being resisted by a State that could profit by this comprehensive development," but he failed to explain how very small such profit would be compared with that which the State is justly entitled to or would receive if a dam was built higher up the river.

More than once he referred to the proposed Boulder dam as being the largest engineering structure of its kind ever attempted and the fact that its magnitude will challenge the talent of the country's ablest engineers.

Granting that such is the case, we see no need of sacrificing the agricultural interests of an entire State just to gratify the desires of these engineers, especially when the same or even more favorable results, as far as California is concerned, can be accomplished by building the dam at a point on the river that would provide water for 3,000,000 or more acres of land in our sister State that must otherwise remain forever dry.

If, as we have stated before, there was no other way of supplying the Imperial Valley with the additional water it needs or of removing the flood menace that constantly confronts it, we would be the last ones to raise any objection to the building of the Boulder dam, but we believe that all of this can be accomplished in an equally effective and permanent way by acceding to Arizona's plan of building dams on the Colorado at points from which that State can derive some benefit. To our minds a comprehensive development of the Colorado River means its development in such a way as will irrigate the most land in the United States rather than in Mexico. The development of power is a necessary but nevertheless secondary consideration. The Boulder Canyon dam site is at the wrong end of the river to provide either comprehensive water development or maximum power production. (Editorial in California Cultivator.)

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Congressional Record

SIXTY-NINTH CONGRESS, FIRST SESSION

Colorado River Development

REMARKS

OF

HON. RALPH H. CAMERON

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, January 15 (legislative day of Wednesday, January 13), 1926

Mr. CAMERON. Mr. President, I ask unanimous consent to have inserted in the RECORD certain letters and data giving the views of Hon. Fred T. Colter, a prominent citizen of Arizona, on the all-important question of how the great Colorado River should be developed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arizona?

Mr. JONES of Washington. Mr. President, may I inquire if this relates to the Colorado River proposition?

Mr. CAMERON. Yes; it does.

Mr. JONES of Washington. The Senator from Oregon [Mr. MCNARY] put something in the RECORD this afternoon——

Mr. CAMERON. But this matter has not been placed in the RECORD, I will say to the Senator from Washington.

Mr. JONES of Washington. It is not covered by what the Senator from Oregon placed in the RECORD to-day?

Mr. CAMERON. No.

Mr. MCNARY. No; I placed in the RECORD the report of the Secretary of the Interior. The statement now presented was offered to the chairman of the Committee on Irrigation and Reclamation, but was so long and involved that it was denied printing. The Senator from Arizona now desires to have it printed in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

The letters and data are as follows:

PHOENIX, ARIZ., *December 23, 1925.*

HON. CALVIN COOLIDGE,
President of the United States,
Washington, D. C.:

We are sending you to-day copies of my printed brief and letter of which we are circulating 10,000 copies protesting against the Albert B. Fall-Arthur P. Davis-Boulder Canyon-Diamond Creek-tri-State compact-Colorado River compact conspiracy to steal the Colorado River from our Nation and use it to build a Japanese empire in Mexico to compete with American agriculture, commerce, and labor, and breed a war with Japan, leaving an irrigable empire in Arizona and California a desert forever.

This question whether our own country or Mexico shall have the Colorado River for reclamation affects our national future so stupendously that we most earnestly urge you to personally inform yourself of the facts by reading this brief.

American land speculators in Mexico and power trust manipulating scheme vastly overshadowing Teapot Dome in magnitude, controlling Boulder Canyon propaganda by subtly concealed influences, and suppression of facts will win profit of many hundred million dollars if either public ownership Boulder Canyon scheme or private ownership power trust Diamond Creek scheme were adopted by National Government.

We oppose Boulder Canyon, Diamond Creek, and Colorado River compact, and tri-State compact, for reasons stated in brief and advocate the Glen-Bridge dams and highline plan, for which your support will be asked, that will develop 6,000,000 horsepower and reclaim 7,000,000 acres from Colorado River in Arizona and California and will serve the quickest and maximum flood control and development of river.

The Colorado River compact and the Arizona committees' tri-State proposal to California and Nevada is subversive of our national rights and grossly unjust to Arizona, and this State will never ratify either.

SENATOR FRED T. COLTER,
President Arizona Highline Reclamation Association.

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SUMMARY OF ARIZONA'S POSITION ON COLORADO RIVER

(By Fred T. Colter)

Arizona is a new and sovereign State, entirely covered by and dependent on its only river, the Colorado. Ninety per cent of the power and nearly one-half of the irrigation and drainage area of the entire Colorado River system is within Arizona.

The law of prior appropriation and beneficial use solely rules and requires filing and due diligence. This is Arizona's safety and base for her sovereignty, regardless of who has jurisdiction over the river bed and adjoining lands.

Arizona is using her rights under this law by filing on the unappropriated waters for irrigation and power on many projects, including the Glenn Canyon, Flood-Control, Irrigation and Power Dam, the Bridge Canyon, Flood-Control, Irrigation Power and Diversion Dam, and the Arizona Highline Canal, diverting water by gravity to irrigate 3,500,000 acres of land in Arizona and develop power that would more than pay for all projects.

Under the law of prior beneficial use Arizona can continue with the development. The United States Government or any State or States can not prevent it.

Any plan that does not recognize and provide for the above development would ruin Arizona as well as the maximum development of the river, and would result in the compact.

Arizona should appropriate millions of dollars to keep up priority and continued diligence in this plan. Arizona can cooperate with California and Nevada only on the above high-line plan, which fully and quickly provides for Yuma and Imperial Valley flood control and provides gravity water for Los Angeles through the Bridge Canyon Diversion Dam and the Arizona high-line canal (if Arizona permits the water to go out of the basin) and provides for a California, all-American canal, and provides for the quickest maximum development of the entire river.

Arizona is ruined and trapped into the compact if she enters into an agreement with California and Nevada to divide the water or to build any dam at or near Boulder.

The courts and water commissioners are the only source equipped and authorized to equitably and quickly divide water. Even they do not attempt the impossibility of dividing unappropriated water, or water in perpetuity.

Any power or flood-control dam, whether built by Arizona or the Government, that does not combine the power with irrigation through on all-gravity Arizona high-line canal would ruin Arizona, and the maximum development of the river and the water, and priority would go to Mexico and the power interests, endangering our peace and industries. No agreement with California or Nevada, to build any kind of a dam at Boulder, or near Boulder, could be made to protect Arizona's rights, because they have no authority to act for Mexico and the Power Trusts.

The other and older Colorado River Basin States have enjoyed their legally protected growth and have become wealthy by the long use of the law of prior appropriation, and they have applied it for a hundred years in the future.

Therefore, Arizona, to protect her life and growth is compelled to notify and require California and all basin States, Mexico and land owners in Mexico, and power interests to recognize Arizona's aforesaid right in this law of prior beneficial use.

Arizona would endanger all her legal and aforesaid rights if she were to be misled into being compensated through royalty tax on power, or by power, to relinquish her rights in the law of prior appropriation and beneficial use.

Under the law of prior beneficial economical use, which encourages development and economy, there would be plenty of water in the river for future use, but if we entered a compact to divide water, it would leave a great shortage of water and destroy development, growth, and economy.

Faithfully yours,

FRED T. COLTER,
President Arizona Highline Reclamation Association.

PHOENIX, ARIZ., *November —, 1925.*

UNITED STATES SENATE COMMITTEE ON IRRIGATION,
Washington, D. C.

GENTLEMEN: I am filing with you facts in behalf of this State on the water power for the Bridge Canyon storage, diversion, and power dam,

the Glen Canyon storage dam, and the Arizona Highline Irrigation & Power Canal, as described in the attached certified copies and maps of my filings for the State, by the approval of the governor, for the irrigation and power for same, made in the years 1923 and 1925, with the State water commissioner. You will also find inclosed a brief and showing prepared and compiled by myself of our due diligence on same.

Following is a summary in part, showing the intense efforts, donations, and expense and due diligence of the citizens and the State exercised during the past years in filing on water, building plans, surveying, gathering data and maps, converting people from false propaganda, obtaining engineering facts for financing construction work on the Colorado River for the development of the Glen Canyon storage dam, the Bridge Canyon diversion and power dam, and the all-gravity Arizona Highline Canal, irrigating three and one-half million acres of land in Arizona, which will generate more than enough power to finance the building of these projects.

At the same time, in accomplishing this great development and priority for Arizona, our strenuous efforts were exercised and necessary to defeat the Colorado River compact, the supplemental camouflage compact, the Boulder Canyon Dam, and Diamond Creek power-dam schemes as well as a treaty with Mexico, all of which schemes are based on and resulting in the same as the Fall-Davis report on the Colorado River, which is unfair. These are all great exploitation schemes, any one of which would have destroyed the above plan for the development of millions of acres of land in Arizona and in California. They would all destroy hundreds of other smaller reclamation projects in the State.

SHORT SUMMARY, IN PART, OF DUE DILIGENCE EXERCISED

Surveys made and data gathered under the supervision of George H. Maxwell, by Robert Williams, and Messrs. Reid & Baker, and others, of the lower line on the Arizona high-line canal in surveys of 1920, 1921, and 1922.

Surveys made in 1925 by the Arizona Engineering Commission on a higher high-line canal.

At the request of and through the efforts of the Arizona Highline Reclamation Association, the citizens of the State and the Governor of Arizona a survey was made by George W. Sturdevant and Edward L. Stam at a still higher elevation in 1923.

Survey made by Colonel Trott and Mr. Parker on the highest diversion point yet made for the highest canal. This survey was made in 1924.

Every survey shows greater practicability, economy, and possibilities of a high-line canal, as all surveys will in the future.

Irrigation and power filing made for State by Senator Fred T. Colter, president of the Arizona Highline Reclamation Association, September 20, 1923, on the Glen Canyon Dam, Spencer Canyon diversion dam, and the Arizona high-line all-gravity canal, irrigating three and one-half million acres of land in Arizona.

Fred T. Colter files for the State, on April 11, 1925, on the Bridge Canyon diversion dam, 6 miles above Spencer Dam. These irrigation and power filings were made supplemental to the 1923 filings and amendatory thereto.

Legal advice and assistance for filings were donated by Wylie Jones, ex-attorney general, and John R. Hampton.

Fred T. Colter notified the Federal Power Commission of above filings in 1923 and made power filings for and on behalf of the State of Arizona on all high-line projects in 1925.

Protest filed against the Diamond Creek power dam permit by Fred T. Colter, the Arizona Highline Reclamation Association, and with the help of legal advice and assistance from leading attorneys of the State.

A suit is now being prepared for the filing in the courts to give notice to those concerned to be restrained from ever giving permit for Diamond Creek power dam.

George H. Maxwell files brief against issuance of Diamond Creek power permit in 1923.

Governor Hunt requests the State water commissioner not to renew the Diamond Creek permit, which request was complied with in 1923.

The Federal court in 1923 held Girand of the Diamond Creek Power Dam project to be in trespass and enjoined him from proceeding.

Governor Hunt calls for $100,000 appropriation from the seventh legislature to obtain facts and surveys on the Colorado River.

Fred T. Colter, senator from Apache County, introduced in the sixth legislature in 1923 resolutions for the filing on water and power in the Colorado River. Resolution No. 5, in full, is attached hereto.

In 1925 in the seventh legislature Fred T. Colter introduced eight resolutions to defeat the compact and to get the State to appropriate $100,000 for the filing and obtaining of engineering data, and two of these resolutions are attached hereto.

The seventh legislature appropriated $50,000 for surveys on the Colorado River and the United States Government to match this appropriation with a like amount.

The Arizona Highline Reclamation Association and the people of the State worked for and initiated and introduced a measure, No. 306, submitted to the people for the appropriation of $100,000 for surveys and data of the Colorado River in the general election of 1924.

A part of the due diligence for the future is the preparation by the high-line association and the people of Arizona to submit for the vote of the people a $1,000,000 appropriation for the Colorado River surveys, data, and filings. This should be done in order to finance and continue our protection and diligence and to cope with Mexico's easy and continued appropriation of our water, and to cope with water filings made, and many millions of dollars having already been spent for surveys by California and the power trusts in all of the Colorado River basin States.

The filings and due diligence exercised by the Highline Reclamation Association is imperative and required by law for Arizona to enjoy her sovereignty, priority, and protection, and to get the maximum development on the Colorado River for Arizona and the Nation.

We shall notify Mexico and her water appropriators (the State and Nation should do likewise) to cease from appropriating any water, and if they do so it is subject to our prior filings and appropriations and at their hazard.

In addition to the State's expenditures and diligence exercised, included in the above summary, citizens have spent and donated much money and time to assist in establishing Arizona's priority under the high-line plan.

The people are not exercising this energy and expense to prove the practicability of the Highline Canal and other projects but to establish priority and a base for future financing as unquestionable, simple, common sense demands and knows that a large river as the Colorado River, which runs hundreds of miles in the boundaries of Arizona, from an elevation of 500 feet to over 3,000 feet, higher than 6,000,000 acres of rich, level land in Arizona, that that water by gravity can economically be put on this acreage; when with this fall, which is enormous, the power would more than finance the irrigation development.

Irrigation for land is imperative for a nation's economical and financial welfare. No nation or State should give away a natural resource for the simple reason that it is not practical to-day for development. It would be disastrous to do so. The future development of these natural resources is her life. Especially is this true of irrigation resources, which is the food, home, and clothing of the people.

I sincerely desire to call attention to the false propaganda by the power trusts, that there is an oversupply of irrigation products in Arizona and the Nation. We even import the products we can use and raise in our own country.

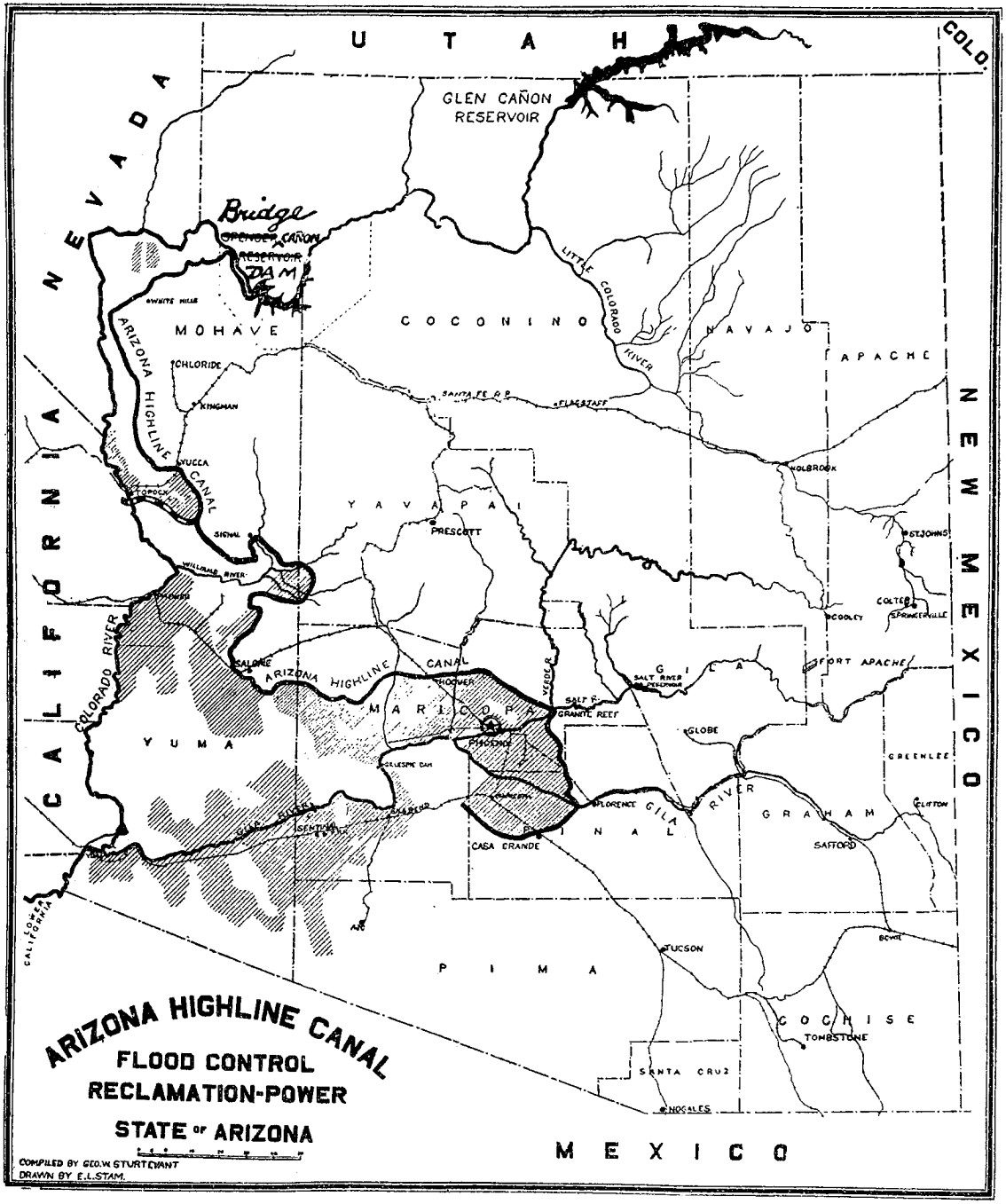
I also call attention to the power trusts' false propaganda that there is not water enough in the Colorado River from the Arizona-Glen Canyon high-line canal. This is not true, for there is plenty of water for all of these projects if the water is divided naturally, economically, and according to our present tested laws.

This is not taking into consideration the fact that the Colorado River water will double its present flow in the future, due to over-and-over seepage and reflow and repumping of water and additional precipitation. Another fact to be taken into consideration is that through the economic use of irrigation water in the future we will grow better crops with one-third the water now being used for the same crops.

This propaganda is being used to fool the people into discouraging irrigation development together with the power development, which should be done. The two must go together. In order to control power dams and develop them they would destroy irrigation altogether. If the Government or State built only power dams, irrigation would lose its priority, and the water of the Grand Canyon of the Colorado River would be of no use for irrigation of Arizona's lands, but would, through the flow of gravity, irrigate lands in Mexico for Mexico's benefit and for the benefit of American land speculators who own land in Mexico.

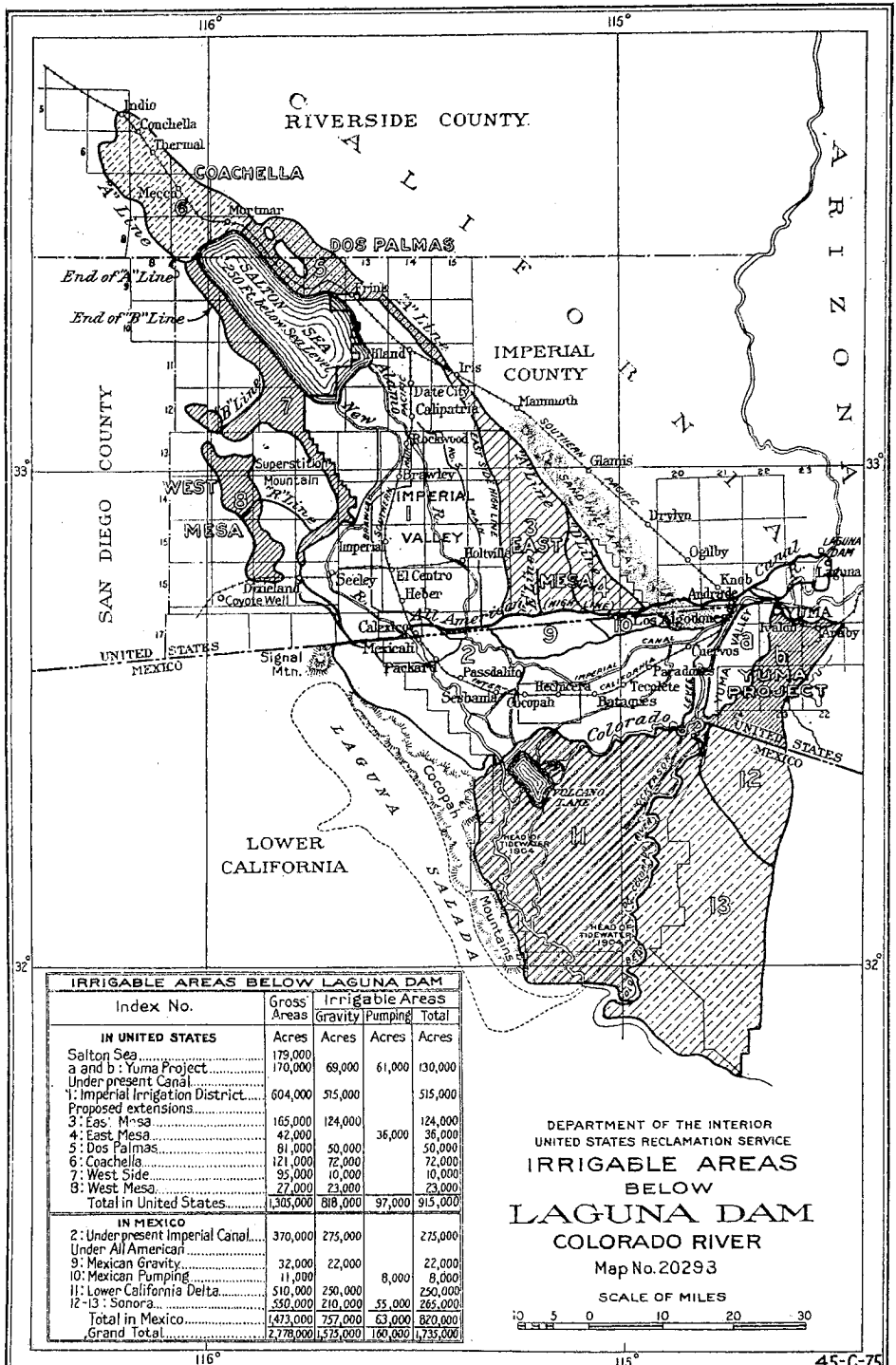
This propaganda is being used in the Colorado River Basin States to fool the people in order to get a compact over between the several States, or to get a treaty with Mexico over, to divide the waters of the Colorado River, to exclude or limit irrigation on the Colorado River in the United States of America. If this is done, then only power dams could be built, giving the power to the power trusts and monopoly on 6,000,000 horsepower which can be developed in Arizona, which is as much power as is now being developed by water over the entire United States of America. Ninety-six per cent of the power to be generated in the entire Colorado River Canyon will be generated in the boundaries of Arizona. This would leave the water for irrigation to flow down the natural river bed by gravity to water lands in Mexico, as stated before, leaving millions of acres of land in Arizona and the United States of America a desert forever. It would result in the profits of hundreds of millions of dollars to a few. It would result in the building of a Japanese empire at Arizona's border and a future seaport, to breed war with Japan, and compete with our own labor, products, and industry, which would be disastrous to this country.

Irrigation has preference over power. The two should be developed together. If irrigation comes first the power will not be impaired, but if power is given preference the irrigation projects are destroyed.



The shaded section on map is land proposed to be irrigated.

Map of Arizona Highline Canal, Glen Canon Dam, Spencer Canon Dam and Water filed on for the State of Arizona by Fred T. Colter.



IRRIGABLE AREAS BELOW LAGUNA DAM

Index No.	Gross Areas	Irrigable Areas		
		Gravity	Pumping	Total
IN UNITED STATES	Acres	Acres	Acres	Acres
Salton Sea	179,000			
a and b: Yuma Project	170,000	69,000	61,000	130,000
Under present Canal				
1: Imperial Irrigation District	604,000	515,000		515,000
Proposed extensions				
3: East Mesa	165,000	124,000		124,000
4: East Mesa	42,000		36,000	36,000
5: Dos Palmas	81,000	50,000		50,000
6: Coachella	121,000	72,000		72,000
7: West Side	95,000	10,000		10,000
8: West Mesa	27,000	23,000		23,000
Total in United States	1,305,000	818,000	97,000	915,000
IN MEXICO				
2: Under present Imperial Canal	370,000	275,000		275,000
Under All American				
9: Mexican Gravity	32,000	22,000		22,000
10: Mexican Pumping	11,000		8,000	8,000
11: Lower California Delta	510,000	250,000		250,000
12-13: Sonora	550,000	210,000	55,000	265,000
Total in Mexico	1,473,000	757,000	63,000	820,000
Grand Total	2,778,000	1,575,000	160,000	1,735,000

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

IRRIGABLE AREAS BELOW LAGUNA DAM COLORADO RIVER

Map No. 20293

SCALE OF MILES

10 5 0 10 20 30

45-C-75

81635°—26

We solemnly and sincerely pray that you give the proper and favorable recognition to these filings and unusual diligence which will give the prior beneficial, economical, maximum continued development of the entire river for the use and benefit of the United States of America and the State of Arizona.

By doing this we will forever stamp out and forego the greatest exploitation scheme ever known. Our efforts have proven and are continually proving this.

It is my desire to cooperate with you to the fullest extent in this great national development. I have been donating my services during the past and will continue to do so in the future until the danger is over.

Faithfully yours,

FRED T. COLTER,
President the Arizona Highline Reclamation Association.

BEFORE THE UNITED STATES SENATE COMMITTEE ON IRRIGATION, WASHINGTON, D. C.

In the matter of irrigation and power filings made by Fred T. Colter, for and in behalf of the State of Arizona, to build the Glen Canyon storage dam, Bridge Canyon diversion dam, and the Arizona highline canal, to irrigate 3,500,000 acres of and in Arizona

A SHOWING IN FAVOR OF SAID FILINGS

(Submitted by Fred T. Colter, State senator and president of the Arizona Highline Reclamation Association, setting forth the reasons, history, due diligence exercised in establishing priority in support of said filings and irrigation. Setting forth objections to the Colorado River compact or proposed supplemental compact, Boulder Canyon power dam, Diamond Creek power dam, which would destroy the said proposed projects in Arizona and the economical maximum development of the Colorado River and leave a desert forever 6,000,000 acres in Arizona and the United States of America.)

Title Declaring the Use of Water for Irrigation as Indispensable to Life and Civilization. Arizona Has 42 Per Cent of the Irrigation System of the Two Basins and 90 Per Cent of the Lower Basin of the Colorado River Within Her Boundaries and 96 Per Cent of Its Power System Within Her Boundaries. The Colorado River Compact or Supplemental Compacts and Boulder Canyon and Diamond Creek Dam Schemes Destroy Irrigation Forever and Destroy Priority and Maximum Beneficial and Economical Use of Water. . Protesting Against the Colorado River Compact as Unfair Division of Water, Regardless of Established Facts and Laws. Leaving Arizona's Millions of Acres of Land Now Practical for Irrigation a Desert Forever. If California and Nevada Gave Arizona All the Water Apportioned to the Lower Basin, the Colorado River Compact Prohibits Arizona From Using Any of the 10,000,000 Acre-feet Left Unappropriated to the United States of America. It Is Imperative Arizona Hold and Protect the Filings Already Made on the Glen Canyon Storage Reservoir, the Spencer and Bridge Canyon Diversion Dams, and the Highline Canal. Proving the Glen Canyon Arizona Highline Canal Practical From the Surveys of Its Opponents Who Composed the Arizona Engineering Commission and Who Proposed the Parker-Gila Project as a Subtile Scheme to Give the Water to Mexico to Which Arizona Is Entitled. Regarding the Scientific Application of Water for Irrigation Purposes Which Will Irrigate Double the Amount of Land. Asking for Appropriation for Surveys. Indefinitely Postponing the Colorado River Compact and Any Amendments Thereto and Protesting Against the Issuing of Any Power Permits Except Arizona's Filings on Dams Near and in the Colorado River Grand Canyon. Until the Securing of Proper and Correct Information Necessary Has Been Accomplished, in Order to Get Correct Facts on Water to Safeguard Irrigation and Protect Our Own State of Arizona From Monopoly of Its Natural Resources and to Prevent Their Absorption to Create a Menace to Our National Peace and Prosperity by Building Up a Vast Irrigation Area in Mexico—

Present just and legal use of water would increase the average flow of the Colorado River from 24,000,000 to 50,000,000 acre-feet in the future.

Power-trust propaganda stating we have oversupply of products, the truth is we are importing these products. Their object is to destroy irrigation in order to monopolize power dams.

DIAMOND CREEK DAM DESTROYS ARIZONA HIGHLINE PLAN

The Arizona Highline Reclamation Association plans only constructive, feasible, economical plan for Arizona and Nation. Pans are operating in the past and present.

"Priority and diligence" Arizona's watchwords.

Fourteen dangers of the compact (or supplemental compact) and Boulder and Diamond Creek Dams.

Supplemental camouflage, masked compact, vetoed by the Governor of Arizona.

IMPORTANCE OF IRRIGATION

The use of water for irrigation is necessary to life and civilization, and Arizona has 42 per cent of the entire irrigation system of the Colorado River within her boundaries. Arizona has 90 per cent of the irrigation drainage area system of the lower basin of the Colorado River. Arizona has 96 per cent of the power of the entire Colorado River system within her boundaries. This is as much power as is being generated by water in the entire Nation.

The appropriation and use of waters of the Colorado River, and its application to the development of irrigation industries in Arizona, are of such vast importance to the United States of America and the State of Arizona and the people of Arizona, that disposition thereof should not be made or considered except to file and establish priority until after complete investigation and surveys of the potential possibilities of this river have been completed, and a thorough, faithful, and intelligent consideration of the best ways and means of its use and distribution are decided upon, as the resulting benefit and application of the waters of the Colorado River and its tributaries within the State of Arizona are her common property and heritage.

There was being proposed a six-State Colorado River compact, leaving Arizona out entirely, which was a frame up of political and influential power trusts and owners of millions of acres of land in Mexico who want to monopolize power and take water which rightfully belongs to the United States of America and appropriate it for use for their lands in Mexico. This six-State pact was a move to bluff Arizona into ratifying the pact or supplemental pact.

THE SUPPLEMENTAL PACT IS A MASKED PACT

If the compact is ratified, the power trust get complete control of the power by building the Boulder power dam that they advocate, and the American land interests in Mexico get the water by the law of contracts and gravity. This would be as true if the compact were ratified with amendments or supplements, which amendments failed to give the lower basin, at least, all the surplus or remaining water in the Colorado River, which would be 10,000,000 acre-feet which is unapportioned to the United States of America either in the upper or lower basin under the Colorado River compact as formulated at Santa Fe, N. Mex. For example, the compact gives the upper basin 7,500,000 acre-feet, which is more than the upper basin States could ever use.

The lower basin States were apportioned 8,500,000 acre-feet, which is insufficient to irrigate millions of acres which can be, and should be, irrigated in the lower basin States. The total amount of water apportioned to the upper basin and lower basin by the compact is 16,000,000 acre-feet, out of which amount both basins are to guarantee Mexico's deficiency, if the remaining surplus of 10,000,000 acre-feet would not be sufficient for her to use in dry years. The 10,000,000 acre-feet remaining is arrived at after taking 16,000,000 acre-feet from the total average of 26,000,000 acre-feet, including present used water, seepage and reflow waters in the entire Colorado River system in the United States of America. In dry years there would be no surplus but a deficiency in United States of America.

The above condition is a serious and threatening danger to Arizona, as she has only the Colorado River to depend upon for the development of her natural resources for agricultural purposes, and the Colorado-Wyoming decision substantiates the beneficial, economical, prior appropriation, and continuous use of water as between States, and as Arizona is a young and growing sovereign State, it is absolutely necessary to demand that she get her rights and hold the filings already made for and in behalf of the State and make other necessary filings for and in behalf of Arizona.

The Colorado River compact, as formulated at Santa Fe the 14th day of November, 1922, has, from the date it was drawn, been threatening the welfare of the State of Arizona, the like of which has not confronted any State in the history of our Nation, relative to the development of her natural resources for agricultural and industrial purposes. The compact flagrantly upsets the tested basic laws of our Government, which so fairly govern the development of these natural resources and is the substance and essence of unfairness, and would cause endless litigation.

The Colorado River compact or proposed supplemental compact positively deprives Arizona from developing projects which mean much to her future welfare, and deprives her of her rights by the unfair division of the waters of this mighty river to the lower-basin States by absolutely paving the way for the construction of the Boulder Canyon Dam at the extreme lower end of the canyon, and thus controlling the entire Colorado River waters.

LOWER BASIN TREATY TO DIVIDE THE WATER THE COMPACT ALLOTS NO REMEDY

Any agreement among the lower-basin States, viz, Arizona, California, and Nevada, proposing the division of the waters among themselves, which the compact allots to the lower basin would not change any of the scores of evils of the compact, even if Arizona were given all the water allocated to the three lower-basin States, but would only compound the many evils in the compact by this additional tri-State compact and would destroy several hundred irrigation projects over the State of Arizona and leave 6,000,000 acres of land a desert forever.

This preconceived, long-planned, subtle, well-worded compact is so masked that individuals, perhaps innocently, misled by their propaganda a great majority of the people and the members of the sixth and seventh legislatures in which I served into thinking it was all right.

The sixth legislature assembled, and without definite information fortunately defeated the passing and ratifying of the compact by a very narrow majority, but saved temporarily at least the welfare of Arizona's future development, notwithstanding that every effort, influence, and intimidation which existed was used to force the compact through the legislature somewhow, even before engineering and legal data had been obtained.

INTRODUCED SEVERAL RESOLUTIONS IN SIXTH AND SEVENTH LEGISLATURES TO DEFEAT PACT AND MAKE APPROPRIATIONS FOR DATA AND TO FILE ON WATER.

During the sixth and seventh legislatures as senator I presented several resolutions asking for the appropriation of money to get necessary data so we could file on Arizona's irrigation and power rights, but all the resolutions failed to pass in the sixth legislature. After such failure it became absolutely necessary that individual citizens of Arizona give their time, money, and personal work to help obtain this information and to help awaken the public sentiment and the people. I, personally, having spent most of my life and a great deal of money in reclamation work in the laying out and building of irrigation projects in Arizona, and spending several millions of dollars for the improving and developing of lands thereunder to the highest state of cultivation, could, through this experience see the great danger to which Arizona was subjected, and I sacrificed money and all my time for three years during and since the sixth and seventh legislatures, and volunteered my services and money to help safeguard Arizona's interests and expect to until this fight is won; and to obtain facts and engineering data in behalf of Arizona. In this attempt it required the moral and financial assistance of multitudes of loyal Arizonians, and they readily responded to the call. In conjunction with them the governor assisted. We thus obtained much information and accomplished a great deal to enlighten a majority of the people of the State of Arizona to realization of the dangerous position in which this State would be if the Colorado River compact had been ratified, or ever should be ratified.

ARIZONA CITIZENS' MONEY AND TIME GET RESULTS

From this information and assistance we obtained the postponement of the Diamond Creek permit; the Sturtevant-Stam survey of Glen Canyon all-gravity high-line canal project, and the filings on these projects for and in behalf of the State of Arizona, made September 20, 1923, by myself as trustee for and on Glen Canyon storage, irrigation, and power dam, the Spencer Canyon diversion dam and power dam, and the Arizona high-line canal, an all-gravity project which will irrigate 3,500,000 acres. I made for the State again on May 11, 1925, supplemental filing on the above and filings on Bridge Canyon diversion and power dam.

Much reliable information and education from a great relief map of the State of Arizona, showing the proposed irrigation and power project which could be developed for Arizona, was made. This map was on exhibit at the State fair in 1923 and will be at State fair for 1925, and has been until now on exhibit in valuable space donated for that purpose through the courtesy of Messrs. Garnett and Gibbs in the Grand Central Market, Phoenix, Ariz.

During the seventh legislature, January, 1925, upon requests of Highline Reclamation Association and many citizens who assisted and helped in this fight during the past three years, Governor Hunt authorized the recently completed Frank Trott Survey of the Bridge Canyon and Spencer Canyon Dam sites, etc., on the Colorado River. These two dam sites are the two best in the entire Colorado River Canyon. Through this survey there was ascertained a tunnel running from either Bridge or Spencer Canyon to Topock, 62 miles in length, which lies between the Sturtevant-Stam survey and the Arizona Engineering Commission Survey.

The Arizona engineering commission survey tunnel is 92 miles long and their highline project was estimated to cost $225 an acre with only near one-half the acreage to bear the costs. The Sturtevant-Stam survey report estimated the cost with only 30 miles of tunnels at $80 per acre, and the Trott survey did not go over the Sturtevant-Stam survey, except the upper end. Mr. Trott recommends through his investigation, and other information obtained, that it is essential that the State of Arizona appropriate at least $100,000 for a complete survey of these projects.

After survey of Bridge Canyon Dam by Trott and Parker, which proved to be one of the best diversion power dam sites on the Colorado River 6 miles above Spencer Canyon Dam, I on May 11, 1925, made supplemental irrigation and power filings on Bridge Canyon diversion and power dam, Spencer Canyon diversion dam, Glen Canyon storage dam and Arizona high-line canal with water and power to irrigate three and one-half million acres of land in Arizona.

Together with assistance received from many citizens, the numbers of which are too numerous to mention, throughout the State, including engineers and reclamationists such as Reid & Baker, Robert Williams, engineers, and George H. Maxwell, executive director of the National Reclamation Association, we have compiled enough data for some information and a basis to establish due diligence and protect the filings.

FORMERLY MISLED PEOPLE SEE DANGER IN COMPACT, THEREFORE COMPACT LEADERS INTRODUCE IT UNDER MASK IN THE FORM OF A CAMOUFLAGE TRI-STATE COMPACT—SAME IS VETOED BY GOV. GEORGE W. P. HUNT OF ARIZONA

When the anticompactors first started on their fight in 1923 in the sixth legislature the majority of the people, having been misled, were in favor of the Colorado River compact formulated at Santa Fe, N. Mex. However, through constant application and hard work, covering a period of several years, the people of this State finally awakened and the majority of the citizens were against the compact, and when they elected their representatives for the seventh legislature a majority of the senators elected were against the Colorado River compact.

When the seventh legislature convened in the winter of 1925, after the hardest struggle ever fought in any legislature the supplemental tri-State pact resolution was passed, which was identical with the Colorado River compact in contents, and was put forth in a resolution form so as to evade the governor's veto and the referendum to the people. Thanks to our governor, the day was saved, for he vetoed the compact resolution.

This resolution was, in effect, the Heard plan, which is synonymous to the compact, and it was this camouflage plan the compact representatives presented. The people had been fooled again. However, we had awakened them to the dangers of the compact, and when they found this resolution was only another form of compact embodying the same dangers to their State, they arose in protest.

TRI-STATE CONFERENCE

This resolution provided for the appointment of a committee by the president of the senate, Mulford Winson, and the speaker of the house, Charles MacMillian, both strong compactors, said committee to consist of five members and to convene with like committees from the Nevada and California Legislatures. They thus thought they could perhaps control the situation. The California and Nevada committees were strong compactors; that was foreseen. They were also all strongly in favor of the Boulder Canyon scheme, and were, of course, desirous of meeting with the committee in sympathy with their methods in Arizona. These committees were appointed by the Messrs. Winson and MacMillian, regardless of the fact that the governor of the State had already vetoed their resolution. These committees were entirely composed of those taking the lead favoring the compact resolution in the legislature.

It developed the governor would appoint a committee to convene with committees from California and Nevada, so the Governors of Nevada and California, with their committees to save exposure, agreed to have a conference with Governor Hunt. The governor was not afraid to appoint a committee, and accordingly he appointed one, which committee was the official committee. The committee from California and Nevada met with the governor's committee and plainly showed their ridiculous attitude toward trying to solve a great problem where many were concerned.

They met at Phoenix, Ariz., and, of course, showed themselves as ridiculous by refusing to confer unless we first agreed to the building of the Boulder Canyon Dam.

This awakened the people of Arizona, and I think the alarm will spread and they will get busy to see to it that positively nothing is done to jeopardize Arizona's interest or that no man runs for office unless he is 100 per cent right on the Colorado River question.

Our great danger as a State now lies in awakening the people to the danger of the Diamond Creek power dam permit, which is almost as dangerous as the Colorado River compact and the Boulder Dam project.

SUFFICIENT DATA ALWAYS AVAILABLE TO DEMAND THE REFUSAL TO ISSUE DIAMOND CREEK PERMIT

There has been for several years sufficient State and Government information, geological engineering maps, elevations to see the danger of compact, Boulder Canyon power dam and Diamond Creek power dam. Can it be possible that with this information, and the water in the Colorado River running at an elevation of approximately 2,000 feet above 6,000,000 acres of desert land, that a Diamond Creek power permit was once given to destroy this irrigation? It was in justice that Governor Hunt requested Arizona State water commissioners to refuse extension of Diamond Creek permit, and in compliance with this request the commissioners did refuse in 1924 to extend the said permit.

The Diamond Creek Dam, if built, would destroy the Bridge Canyon diversion dam to Highline Canal to irrigate three and one-half million acres.

The alarming need for irrigation and engineering data for Arizona, demanded and assisted by High Line Reclamation Association, governor, and citizens of the State were positively required to establish priority, due diligence and action, and a more exact program for best and quick development of the river.

When many special and larger interests are in the different States united in filing on the Colorado River waters, spending millions of dollars in proposing, destroying uneconomical development on the river, and destroying Arizona's irrigation life, naturally Arizona has cause

for alarm and cause for the expenditure of millions of dollars for engineering information to protect and develop her now practical projects as well as the future.

HIGH-LINE PLAN BEST FOR ARIZONA AND NATION

The Arizona High Line Reclamation Association plan is the maximum economical development of the Colorado River for Arizona and the other Colorado River Basin States. This association offers the only constructive plan for development, and we have been putting our plan into operation for the last several years and are continuing our plans of development. We have the assurance of the Government in our work, as the Government is the people and the law, and our plans serve all the laws and the people of Arizona and Nation.

Other States may stop power dams such as the Boulder Dam and the Diamond Creek Dam, for such dams interfere with irrigation, which is the basis of life and civilization, but neither they or the Government could stop us from irrigation development and the development of the power goes with it, of the unappropriated waters of the Colorado River, especially when our plans give maximum, economical, beneficial development of the river, as we have filed and used due diligence and protected our filings, and would not interfere with the legal upper States stream development. Under the plan there is plenty of water, and the river will double is flow in the future.

ARIZONA NEEDS MILLIONS FOR SURVEYS

Arizona should appropriate millions of dollars to protect her rights. She should have adequate surveys for her development of irrigation and power rights and continue to establish her priority. Arizona need not fear for her power dams, as they are in Arizona and can not be taken out of the State; but with irrigation no individual, municipality, State, or Government can own water; they can own only the beneficial, economical maximum, prior continued use of water, and the laws require filing and due diligence to establish this. We have used every effort to do this against unheard-of opposition and obstacles which were put into our path continuously. We will continue to use diligence.

MONOPOLY SPENDS MUCH FOR EXPLOITATION AND PROPAGANDA

The large power interests and American speculators in Mexico have spent millions of dollars to try to exploit us, and in surveys and filings. The big power companies and American-Mexican land interests have spent millions of dollars to try to exploit Arizona. Los Angeles alone voted one-half million on one plan to survey the taking of the water to Los Angeles from the Colorado River, which involves storage dams, 1,700 feet pump lift, and 65 miles of tunnels, and they are not even in the Colorado River system, and a few months after their survey they voted two millions to commence and prepare for construction to use it after 30 years, when they claim they will have exhausted their own water.

Yet we have publications and people who are unpatriotic enough to fight even small appropriations for surveys and facts on the Colorado River, when we have millions of acres of now thirsty desert land.

"OVERSUPPLY OF PRODUCTS" FALSE POWER TRUST PROPAGANDA

There is Power Trust propaganda going on in Arizona and the United States that is misleading people into thinking we are having an oversupply of irrigation land and its products.

Nothing is so untrue, for in Arizona and the Nation we are shipping large quantities of all kinds of raw and manufactured and packing products which we are raising and packing right here.

Anyone should know it takes a large volume of production to make a good, economical, and competing market. No state or nation is poor or suffers from oversupply; but its wealth depends on the amount it can ship out and export. But, of course, to discourage irrigation would make power projects alone, which they could easily monopolize.

GLEN CANYON, ARIZ., HIGH-LINE SURVEY

After adjournment of the sixth legislature, May, 1923, it was necessary to in some way get financial assistance from the State and from patriotic citizens, both Republican and Democratic, as this is a nonpartisan fight, and then file on the rights to which Arizona as a State was entitled. We accomplished this after months of serious struggle and great opposition, with the assistance and self-sacrificing work of many citizens of Arizona.

The survey of the Glen Canyon, Arizona, highline canal turned out more favorable than was expected by anyone, and with the engineering data thus secured, we had partial but enough facts before us to enable us to file on the State's power and irrigation water rights, which I did in behalf of and as trustee for the State of Arizona, with the consent of the governor. We now have partial information enough to counteract the dangerous propaganda which has been spread broadcast; such as that the Federal Government would not permit filing on reservoir sites along the Colorado River, because the Federal Government owned some of the lands along the river. The Federal Government consists of the people and the peoples' laws, and acts only as a protectorate, permitting Arizona or any other State to file on her rights, and holding control or withdrawing from entry of resources is only so as to protect the inhabitants of the State from monopoly.

FALSE STATEMENT

Another false statement made by the propactors was that the water of the Salt and Gila Rivers was not covered under the allotment made by the compact. As a matter of fact, the compact distinctly states that the water allotted includes that of the Colorado River and all its tributaries, and it is an absolute fact that the Colorado River compact is not needed, as our laws provide amply all the necessary avenues for immediate reclamation development and flood control. We have compacts between nations only, as there are no enforcible laws to rely on. It would be preferable to live under an absolute monarchial form of government than to live under an unelastic compact form of government between several States, which compact bound up all the natural resources of the States, under it in perpetuity, giving the States no right to develop their own natural resources as provided for under the Constitution of America, which our forefathers laid down for us.

PRESENT AND FUTURE DEVELOPMENT IS LIFE

The life of a nation lies in the development and the protection of her natural resources, especially agricultural. The natural and legal principles of irrigation is based on beneficial, economical, maximum continuous, and prior use of water. This principle would be entirely destroyed by the Colorado River compact and the building of the Boulder Canyon Dam or any other solely power dam in the Grand Canyon of the Colorado River. Under the Colorado River compact Arizona would contract away seven-eighths of her legal and inherent irrigation rights and lose control of her power rights in the Colorado River, and 96 per cent of the power to be generated in the canyon of the Colorado River lies within the boundaries of Arizona, which is as much power as is now being generated all over the United States of America by water, and this would be lost to Arizona forever; and

Whereas Arizona has 42 per cent of the entire drainage area of the Colorado River within her boundaries, which is her inherent and legal percentage of irrigation and her power equity in the waters of the Colorado River system, and which amounts to nearly 12,000,000 acre-feet, notwithstanding the deduction from the 8,500,000 acre-feet to the lower basin by the compact, of the water already used for irrigation in the three lower States, the compact only gives Arizona a fighting chance with Nevada and California for a part of 3,500,000 acre-feet of unappropriated water. Therefore it is absurd to attempt to try to divide the water with California and Nevada, for if Arizona got it all there would be an inefficiently small amount to serve her needs.

AMERICANS GRAB WATER FOR THEIR MEXICAN LANDS

It is easy to understand that the Americans, who own millions of 25-cents-an-acre land in Mexico, would be materially concerned in getting a compact ratified, which would give them the Boulder Dam, and thereby give them valuable irrigation rights which they do not now have for the development of their lands in Mexico. The water from the base of the Boulder Canyon Dam would necessarily flow to Mexico after irrigating only the lowlands in the bottom of the valley. The proposed Parker-Gila project would not change this. It is a delusion and would never be built because for many years it will be uneconomical to pump water 200 feet and tunnel it 30 miles for irrigation without water power to go with it. The Glen Canyon highline gravity canal project, which has power to pay for same would irrigate the deserts in the United States with the compact and Boulder Dam out of the way.

POWER-TRUST GRAB

It is easy to undersand that the great power interests would be markedly concerned in getting the compact, making possible the construction of the Boulder Dam, which would control the entire canyon if built, first, giving the power interests control of 96 per cent of the power generated in the entire Colorado Rver Canyon, and the entire Colorado River system.

The only dam high enough up the river to irrigate the arid lands of Arizona, is the Glen Canyon Dam, which is in Arizona; but which the compact tries to place in the Upper Basin, completely out of Arizona's control. If the water is divided as stipulated under the Colorado River compact, it must be used for power only, and can not be used for irrigation, except for Mexico's millions of acres, and only a small acreage in Arizona, stated in the Fall-Davis report to be 230,000 acres.

PACT MEANS POWER DAMS ONLY

The compact or supplemental lower-basin proposed compact so apportions the water that would result in the building of the Boulder Dam, which is chiefly a power dam, and which is 700 feet too low to ever irrigate millions of acres of Arizona's lands, the water is used by the power interests for California, for the United States has and does refuse to go into the power business; and the water runs by the law of gravity down the natural bed of the river, evenly without floods, to Mexico to irrigate without expense to them the lands owned by American land speculators in Mexico.

The compact or supplemental lower-basin proposed compact so divides the waters of the Colorado River that only power dams can be constructed, and the power trusts would have complete control by building their dams of the entire Colorado River system, giving only a minimum of the water to be used for irrigation to the United States, and the maximum amount is given for the irrigation of lands in Mexico. This would build up a Japanese Empire just below the line to compete with our peace and prosperity.

WITHOUT PACT IRRIGATION IS SUPREME

If irrigation is given preference, then millions of agricultural homes will be built on irrigated lands, and these homes would need control of the power to pay off the irrigation bonds. If the water is used exclusively for power, then the power dams will absorb all the money available in the money market needed to pay for the irrigation projects, whereas we do not lose a kilowatt of power if irrigation is put with power; but exclusive power dams hold up irrigation for centuries.

Naturally, great power interests fight irrigation projects when they interfere with their compact and their power dams, such as the Boulder Dam and Diamond Creek Dam.

GLEN CANYON HIGH LINE NOW PRACTICAL

The best proof of the practicability of the Glen Canyon high-line canal project is not only our engineering reports, but we can prove the feasibility of this project by the engineering reports of its opponents. I refer to the report of the Arizona Engineering Commission, which has been published in pamphlet form by the Arizona State water commissioner.

The services of E. C. LaRue, chairman of this commission, were loaned to the State of Arizona by the United States Geological Survey. Arthur P. Davis appointed P. Preston and W. S. Norviel, the deposed water commissioner of the State of Arizona, appointed R. E. Turner to serve on this commission. Albert B. Fall was Secretary of the Interior, and Arthur P. Davis, the deposed head of the United States Reclamation Service, who made the engineering report upon which the compact was based, recognized in conformity with article 3, paragraph C of the compact, the giving of 40 per cent of the water of the Colorado River to Mexico and 60 per cent to the United States of America. They were strong advocates of the compact. W. S. Norviel was one of the signers of the compact. Soon after he granted the dangerous Diamond Creek power permit.

LaRue sent in a minority report to Governor Hunt presenting a complete understanding of the laws governing irrigation and the welfare and interest of the people of Arizona and in the Colorado River Basin. In his report to the Governor of Arizona he said that many of the larger irrigation projects in the lower basin were no more visionary than other projects which have already been approved in the upper basin. He also stated that a more complete and detailed survey should be made of the Colorado River to protect the projects in Arizona and California for future development.

The majority report of the Arizona Engineering Commission on an Arizona high-line canal was evidently made to discredit such a canal. The survey was on a lower level than that of the Glen Canyon Arizona high-line canal, which the Arizona Highline Reclamation Association sponsored and was so low that it made necessary a 92-mile tunnel and another 28-mile tunnel. The elevation that this commission gave their high-line canal was so low that it would only irrigate 2,000,000 acres of land, which would not include any of the valuable acres in and surrounding the Salt River Valley. At the same time the commission estimated the cost of their high-line canal project exceedingly high. But after all the pains they took to discredit the proposed Glen Canyon high-line canal, the total construction cost, as the commission fixed it, only amounted to $225 per acre.

POWER PAYS FOR HIGH LINE

One-fourth of the power to be generated in the Colorado River would pay for this. The power generated by their high-line canal system would pay off the cost of construction in 20 years. Who would want to give away an irrigation project that only cost $225 per acre when they are now paying as much as $800 per acre for water in some parts of California.

Because of rapid strides in the fields of invention and science a project that would cost $225 an acre now might cost only $50 in the not distant future. It has not been much over 100 years since George Washington's time, yet in that period of time we have greatly lowered the cost of construction.

HIGHEST LINE MOST FAVORABLE

The Arizona Highline Reclamation Association, as well as many citizens of Arizona, know that by making a survey on a higher level than the one made by the above-mentioned engineering commission, would enable us to avoid long and deep tunnels and most of the other difficulties that the commission found. By our higher level survey at the 2,000-foot level, we were able to bring in under a canal for irrigation practically double the acreage that the commission showed in their report.

We are able to prove that we could water by gravity all of the best lands surrounding the Salt River Valley and nearly all of these surrounding the Lower Florence and Casa Grande Valleys. These lands are near and surrounding paved highways and cities like Phoenix and Tucson, and will carry more than double the reclamation expense burdens that can be carried by land not so favorably located.

We cut down the tunnelage to one-fourth of that shown by the Arizona commission's report. Using the Arizona Engineering Commission's report, it is proof that the Glen Canyon highline canal is practical to irrigate 3,500,000 acres of land by gravity, and to develop sufficient power to pay for the entire project in 40 years.

PACT, BOULDER-DIAMOND CREEK DAMS DESTROY HIGHLINE

The Colorado River compact, Boulder and Diamond Creek Dams would forever destroy the Glen Canyon all-gravity highline canal as well as hundreds of smaller projects in the State, as the compact includes the waters of the tributaries of the Colorado River. The division of the waters under the compact leaves Arizona a desert forever and destroys the economical development of the entire Colorado River Basin.

It is not an argument in favor of the Colorado River compact to say that the Glen Canyon highline canal project is not feasible now. No State has ever been asked to deed away her natural resources because the development of these natural resources may not be feasible now. A project which may not be feasible to-day will prove entirely feasible later on.

For example, the Columbia Basin project, nearly as large a project as the Glen Canyon, Ariz., highline project costs more and has more difficult problems to overcome, yet it was approved by General Goethals. This project also involves six States and Canada, but they needed no compact for water diversion before commencing work on the project. The Fall-Davis Colorado River compact or Boulder scheme would forever deed away Arizona's natural resources and her right in the power and water in the Colorado River. It gives the water to Mexico and the power to the power interests.

It is no argument to say we are unable to finance the Glen Canyon highline canal project at this time. Whenever any meritorious project is ready for financing, then it will automatically finance itself. As any new project is developed it presumably begins to bear a portion of the taxation necessary to build it.

POWER WOULD FINANCE

Certainly the cost of construction of the Glen Canyon high-line canal is not such a problem as our opponents favoring the compact and Boulder Dam try to feign and pretend. The strongest opposers of the Glen Canyon Bridge Arizona high-line canal are misleading the city of Los Angeles and people in California to oppose the Glen Canyon Arizona high-line canal, when they—California—could be better served and at a cheaper cost of construction under the Glen Canyon Arizona canal project system. By obtaining $500,000 for survey investigations, these shrewd interests have proposed the construction of a canal from the Colorado River to Los Angeles and southern California. This proposition is to pump lift the water 1,706 feet and tunnel it 65 miles.

In comparison to this kind of a project, the Glen Canyon Arizona high-line canal project, a gravity project, would be very much more feasible, doing away with pump lifts and save the waste forever of 300,000 electric horsepower and serve Arizona and California.

If the American-Mexican land interests and power interests get what they want, they will have to work by inciting with frenzy and alarm the people of southern California and Yuma Valley and the city of Los Angeles through a scare of shortage of water in Los Angeles and southern California.

The flood menace in Yuma and the Imperial Valley is a smoke screen behind which is concealed a scheme to build the Boulder Canyon Dam and get the compact ratified and give the water to Mexico and the power to the power trusts.

It is a known fact that if the Boulder Dam advocates would foster a bill or proposition which embraced flood alone it would have no opposition by the people or the Congress of the United States of America with irrigation protected in the United States.

There are three different ways by which they can proceed to accomplish their maligned and concealed objects. First choice, the ratification of the Colorado River compact; second choice, the construction of the Boulder Creek Dam; third choice, some other power dam in the Colorado River Canyon at same low level as Black Canyon or Boulder Canyon Dam, or like the Diamond Creek Dam, or a dam so far down as to prevent the building of the Spencer or Bridge Canyon Dam, an irrigation and power diversion dam.

PARKER-GILA PROJECT LANDS SERVED CHEAPER THROUGH HIGHLINE

The Parker-Gila project is approved in the Arizona engineering report, and at times referred to by LaRue to irrigate 600,000 acres in Arizona, recognized as feasible. This project has 30 miles of tunnels and a pump lift of 200 feet. This project was estimated to cost $168 per acre and the annual pump lift cost per acre from six to twelve dollars, which would be an equivalent minimum in addition to $100 per acre, making cost per acre $268. This project would not have the electric power to pay for the project, and even this project could not be built under the Colorado River compact, because

the compact fails to apportion enough water for this amount of acreage in the lower basin over and above the now vested and used water rights.

La Rue states that there is not enough water for even the Parker-Gila project if Mexico gets water for 820,000 acres. And even though the Colorado River compact, which gives Mexico water for more than 820,000 acres of land and guarantees Mexico's deficiencies, were held in abeyance until a treaty between Mexico and the United States had been made which did not give Mexico the water, even in that event, before the Colorado River compact could be ratified the compact would have to be amended so that the lower basin would get more water than the present compact gives it, before we could finance or build either the Parker-Gila project, to irrigate 600,000 acres of land, or the Glen Canyon gravity-flow high-line canal project, to irrigate a much larger area. There is plenty of water for all if no compact, Boulder, or Diamond Creek power dams are permitted.

The last-mentioned project would cost much less per acre than the Parker-Gila project and would develop electric power to pay off the cost of construction of the project.

Taking the Arizona engineering commission's report, their own figures show their high-line project to cost $225 per acre, which costs less than the Parker-Gila project, which the Arizona engineering report and La Rue said was practical now.

The Parker-Gila project acreage could all be served under the Glen Canyon all-gravity high-line canal with no more tunnelage than the estimated tunnelage in the Parker-Gila project, with its 200-foot lift, and the acreage under the Glen Canyon high-line project being $90 per acre, costing much less than any of the three plans mentioned, and is nearer and surrounding larger towns and highways, which would make the cost of construction per acre easier to bear.

GRAVITY SAVES WATER AND POWER

Arizona lands can practically all be served by gravity irrigation. Pumping irrigation by power from the original underground water should only be done after ascertaining every possibility of obtaining upper-stream gravity irrigation, as the natural and original underground water will soon be pumped out; but an upper-river gravity flow of water will be everlasting as applied on the surface and furnish an everlasting and multiplying and reflow underground supply to be pumped and divided over and over and finally reaching its destination to power channels and the main stream of the river to be diverted again upon lower lands. Wasting power by pumping when gravity irrigation can be accomplished is nothing less than criminal.

GRAVITY, ECONOMICAL USE AND DUTY OF WATER WILL THRIBBLE PRESENT FLOW OF COLORADO RIVER

The exercising of the guarded, natural, legal, maximum, beneficial, economical use of water, the present average flow of the Colorado River system of 24,000,000 acre-feet, which includes the present used rights, will easily double the river's present flow for the future. This does not include that the present duty of irrigation water will serve two or three times the acreage in the future.

Hence the injustice, danger, impossibility (even with the facts which we haven't) of dividing and binding future use of water, the courts don't attempt this, and the courts and water commissioners are the only just and legal source to even apportion or adjudicate present used or vested rights.

Reclamation and irrigation is only in its infancy in the United States. One proven principle has been established which has not been put into general practice, and that is the application of economical irrigation use and duty of water to the lands, which will be done in the future as necessity demands, and that proven principle should be taken into consideration when the estimation and division of water for the present and future proposed projects and development of the Colorado River Basin is being made. This proven principle includes the science of the application of irrigation water to lands, taken together with the science of dry-land cultivation farming.

A better crop will be grown in the future with from two-fifths to three-fifths the amount of water that is now being used in the present extravagant and unscientific, uncultivated methods of irrigation farming.

DISGRACE OF EXPLOITATIONS

Conservation of the natural resources have always been the cry or demand. The Nation in the past has failed to realize the danger until these resources have been exploited and exhausted, unless by accident, by an awakening, some exploitation scandal is uncovered in time. There has been the forest and land exploitations. Alas! There has been the shuddering disgrace of the mineral and oil exploitations such as the Guggenheim coal fraud and the St. Clair-Albert B. Fall oil conspiracy. May the High Power awaken the patriotic, civic, and social conscience of the people to exert every effort to shield and develop Arizona's immense irrigation power rights—her very life and prosperity to the West. Haste and indifference could develop a giant scandal greater than all the past frauds combined.

POWER TRUSTS ADVOCATE PUMPING

This is the water electric power age. The irrigation age will always be an important fundamental age. Electrical power is needed with irrigation. Power can not be replenished; it can be economized and protected from exploitation.

The Grand Canyon in Arizona has as much power as is being used in the whole United States. Could it be possible that a few individuals be misled to deceive the hard-pressed people and the State of Arizona, due to haste and no information to be extended to the exhaustion and exploitation of the State's power and irrigation resources, permitting the waste of power, to let water be pumped 200 to 1,700 feet, when gravity water diversions are possible and practicable, and give the special interests a permanent key to the power of the Colorado River Grand Canyon that would be forever exploited. Special interests would prefer pumping irrigation to gravity so as to make a market for the power.

It is unfair to ask Arizona to be a party to the compact meaning Boulder Dam project or Diamond Creek Dam, which allows the delivery of water out of the Colorado River system into another drainage area, when Arizona herself has millions of acres of rich fertile land that is now practicable to irrigate.

The compact adroitly sponsors irrigation first, but divides the water so as to prevent the Colorado River system from using the water for irrigation. Arizona's only reclamation and agricultural resources lie in the Colorado River Basin, as Arizona has no other river system within the boundaries of its State on which to depend for the development of her lands. Other Basin States in the Colorado River have other river systems for their use.

Beneficial economical use is the basis of appropriation of water according to the statutes of Arizona, and the United States statutes and this law of prior appropriation has been tested by the United States Supreme Court in the Colorado-Wyoming decision.

Irrigation comes before or with power, as agriculture is the basis of life, home, and the future of the country.

Any rights now granted to private capital or even municipality, State, or Government for electric power in the canyon of the Colorado River by the Government or State without the proper protection and safe-guarding of the agricultural reclamation rights would be a great loss forever to the people of Arizona and all other States of the basin, and we must take into consideration irrigation in conjunction with power.

ANY TREATY MUST BE BASED ON PRESENT LAWS

The Boulder Canyon Dam and the Colorado River compact, Diamond Creek Dam destroy this sacred reclamation law, and this is one of the dangers of compacts of any kind between States governing river development except the agreement would follow the tested, satisfactory laws as standards or as a basis. It would be a physical and practical impossiblity for an agreement to justly apportion water between States without all the legal, physical, and engineering facts being ascertained and compiled in all districts and States in the drainage area, and of the entire river system, and then only vested and used water rights could be apportioned.

No court would make any attempt to apportion and adjudicate water without all the facts and information, and even then the courts do not attempt the impossibility and injustice to divide future water, but only vested and perfected rights. Arizona can not get justice unless that is done. Arizona only contends for her natural, legal, and just percentage and equity in the waters of the Colorado River; and the fact that Arizona is contending for her rights on such a basis could in no way interfere with the entire and proper developments of the Colorado River in all the basin States.

GUARD OUR LAWS PROTECTING NATURAL RESOURCES

Our forefathers who inspired our Constitution and laws, based upon the freedom of progress, growth, and protection of the weak, minority, and new growth, saw that these laws and natural principles were required for humanity that we might progress. These same laws, Constitution, and natural principles apply to and include the natural resources—animal, vegetable, mineral life—the basis upon which we subsist, especially the natural resources—life, water, and land—which is food and homes. The compact destroys the above laws and natural principles that we must rely on to get quickest and best results in the development of the Colorado River for Arizona and the Nation.

No person, political representative, or organization is American that don't protect our above-mentioned sacred laws and principles, and the only real way this can be done is to be more concerned in our political representatives and issues of the day. Don't be misled by the most damaging slogan ever known to history, "Keep this out of politics."

All the other basin States of the Colorado River and the power trusts and Mexican land interests have and are getting engineering and filing data for their individual selves and States, and have spent millions of dollars in obtaining information for their protection and use. Arizona has little information, and should do likewise in order to facilitate a quick development of the Colorado River and to protect herself in establishing priority economy and due diligence the only course.

MORE DATA NEEDED TO CONTINUE ESTABLISHED PRIORITY AND DUE DILIGENCE

The policy of the legislature and the people should be to provide by suitable legislation and appropriation for the making of complete

surveys and engineering investigations and filings regarding the possibilities of using the unappropriated waters of the Colorado River for irrigation and for power within this State, also for the investigation by competent legal authorities of the present statute of our rights to the use of waters and for the protection and preservation of such rights as practical now or in the future.

That further consideration of the Colorado River compact and the supplemental Boulder Power Dam and Diamond Creek Dam proposed between the seven States of the Colorado River Basin which was proposed by the representatives of the several States at Santa Fe, N. Mex., on November 24, 1922, or any amendments or supplements should be indefinitely postponed, so as to properly protect the interests of Arizona and the United States of America by obtaining engineering and legal facts in order to hereafter obtain, if necessary, a compact between the States which would be fair, constitutional, and in conformity with tested and fair reclamation laws.

The granting of power permits, compacts, and water rights to special interests or for the building of the Boulder Canyon Dam or any other similarly situated dam as Diamond Creek power dam would destroy agricultural development, would be ill-considered, premature, unwise, and in violation of constutional rights and Federal Statutes and of section 7, chapter 64, Session Laws of Arizona, 1921, to wit: "That when the proposed use conflicts with the vested rights or is a menace to the safety or against the interest and welfare of the public, the application shall be rejected"; and is against the will of the people of Arizona, and will indefinitely delay the adjustment of the rights and claims of the various States in interest, interfere with the flood control of said river, and hinder the development of the irrigation and power uses thereof; irrigation, home, food, and clothes, the base of life, and that we urge the State water commissioner and the Federal Power Commission to withhold approval of any power site, except filings made on sites for the State of Arizona, on the main stream of the Colorado River within or partly within the State of Arizona, until the people of the State and the United States have determined the proper course to pursue to obtain a systematic development to cover flood-water control, irrigation, and power sites.

ALL NEW FACTS PROVE HIGHLINE PROGRAM CORRECT

Every survey made by Arizona of her possibilities in the Colorado River discloses new and startling facts favorable to Arizona and increased irrigation; and all the several surveys and investigations indicate that in addition to unquestioned, stupendous power Arizona will find herself possessed of the feasibility to irrigate several millions of acres of land within her borders, both of which would prove an undeveloped heritage greater than possessed by any other State.

When this great resource is possible of realization, should any legislature or governor or people deliberately do anything by a false step or misdirected action to destroy this opportunity, such a move would constitute a blunder so gigantic as to have no equal in American history, and would bring to Arizona's representatives just hate of the people that is to come, while they weep for an empire that was lost.

The terms of the compact, or supplemental compact, are such as to forever prevent such a development; part of these terms being found summarized in the following particulars:

1. The division of the water gives the upper basin more than it can use and to the lower basin much less than it can use, even much less than Arizona might be able to use. By this provision Arizona would give away by contract rights to water she now possesses under decision of the United States Supreme Court sustaining the law of prior and beneficial use.

2. Arizona's control of her reclamation resources is destroyed by the right given to other States to come into Arizona and build dams for their own use.

3. The great sources of water on the Gila and Little Colorado Rivers now in use and protected by the law of prior and beneficial use are jeopardized.

4. The right of the upper basin to deliver in any number of years less than 10 all the water the lower basin would be entitled to during the 10-year period would make the supply of the lower basin erratic, uncertain, and fatal to successful financing.

5. The water not divided for 40 years would not be used by Arizona nor any other State, but would be lost for all time to all States, because when regulated it would be appropriated by lands in Mexico which can not now use it, due to uncontrollable floods.

6. It being impossible now under the compact, it would remain so forever, as it would never be possible to amend the compact in any way to shake the hold of the upper basin on the extraordinary and special advantages secured to it.

7. Places Glen-Canyon Irrigation Dam, the key to the Colorado River, in the upper basin, out of Arizona's reach and jurisdiction.

8. The compact places Arizona, in any question relative to the development of the Colorado River, alone with the field against her and allows water to be taken out of the river basin.

9. Compact divided the water to the lower-basin restricting irrigation dams, such as Glen Canyon Dam, providing for the building of the Boulder Dam, and the Diamond Creek, power dams only, thereby disturbing their own dual purpose of aiding irrigation storage, saving millions of acres of land from the desert. The compact would destroy economical irrigation development of Colorado River so as to hinder the increase of the present average, 24,000,000 acre-feet flow, which will double in the future.

10. No treaty with Mexico by the United States would give the United States or Arizona any rights to the 10,000,000 acre-feet of Arizona's water if we sign the compact or the compound supplemental lower-basin compact.

11. Its character as a legal document is unknown to the courts, and its every provision would be subject to attack in law and equity, thus consuming a generation in litigation and rendering useless the efforts of a generation just passed in developing the great and only righteous method, the law of prior beneficial and economical use.

12. No supplemental agreement or compact of water division with States of the lower basin will cure any of the defects, and this should not only be stated but shouted from the housetops until Arizona is ready to act with engineering facts.

Arizona is in a most favorable position with respect of having the support of the Nation in its use of the great river for the reason that the more water that drops through the canyon the more power will be developed, and the more water used for irrigation on lands in the United States the greater will be the agricultural development and the greater number of homes will be established.

The present tested laws of prior beneficial continued use together with the greatest use will receive the approval of the Nation. The lower basin is financially able now to develop the river according to its present needs, and to protect its future rights. Investigation may show, that in addition to what the needs of Arizona might be, that a joint development in unit structure might be desirable and prove most economical, resulting in a division of costs, and it is highly probable that a conference should be held with the States of the Colorado River Basin to discuss plans, decide on large and definite development after Arizona acquaints herself with all the facts with respect to her ability to use the resources of the Colorado River in order that she may be on an equal footing with the States, municipalities, and private interests that might be in the conference, and which have expended many millions of dollars in ascertaining their facts for their own benefit in shameful contrast to the pitiful efforts of Arizona to date.

If Arizona enters any such conference she should know not less but more than other parties to the conference, because she will have many times the interest at stake; and if she is not as fully prepared with a thorough knowledge of all her opportunities in the river she will be forced into the position of a supplicant, in which she should be given a sovereign status, all with but one result, the loss of her heritage, because she was not properly prepared to defend herself in her rights to the Colorado River.

FRED T. COLTER.

81416—2111

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1926

Colter Opens Headquarters To Obtain $350,000,000 Federal Loan And To Perfect Irrigation Power Districts And To Keep Up Water Filings For Arizona

Fred T. Colter, president of the Glen-Bridge-Verde-Highline Irrigation and Power district and the Arizona Highline Reclamation association, has opened offices at 113 North Second avenue for the purpose of perfecting and completing irrigation, power and municipal water districts planned under the two projects and to further the $350,000,000 federal loan application which he has made as trustee for Arizona and for potential water users in order to protect and keep up Arizona's water rights.

Colter points out that "although Arizona is the youngest state, she has the most promising and prosperous future in the union, provided her water rights and filings are protected and kept up. Water is future, and guarantees growth and increase of property value. New property on the tax roll puts money into circulation," he says.

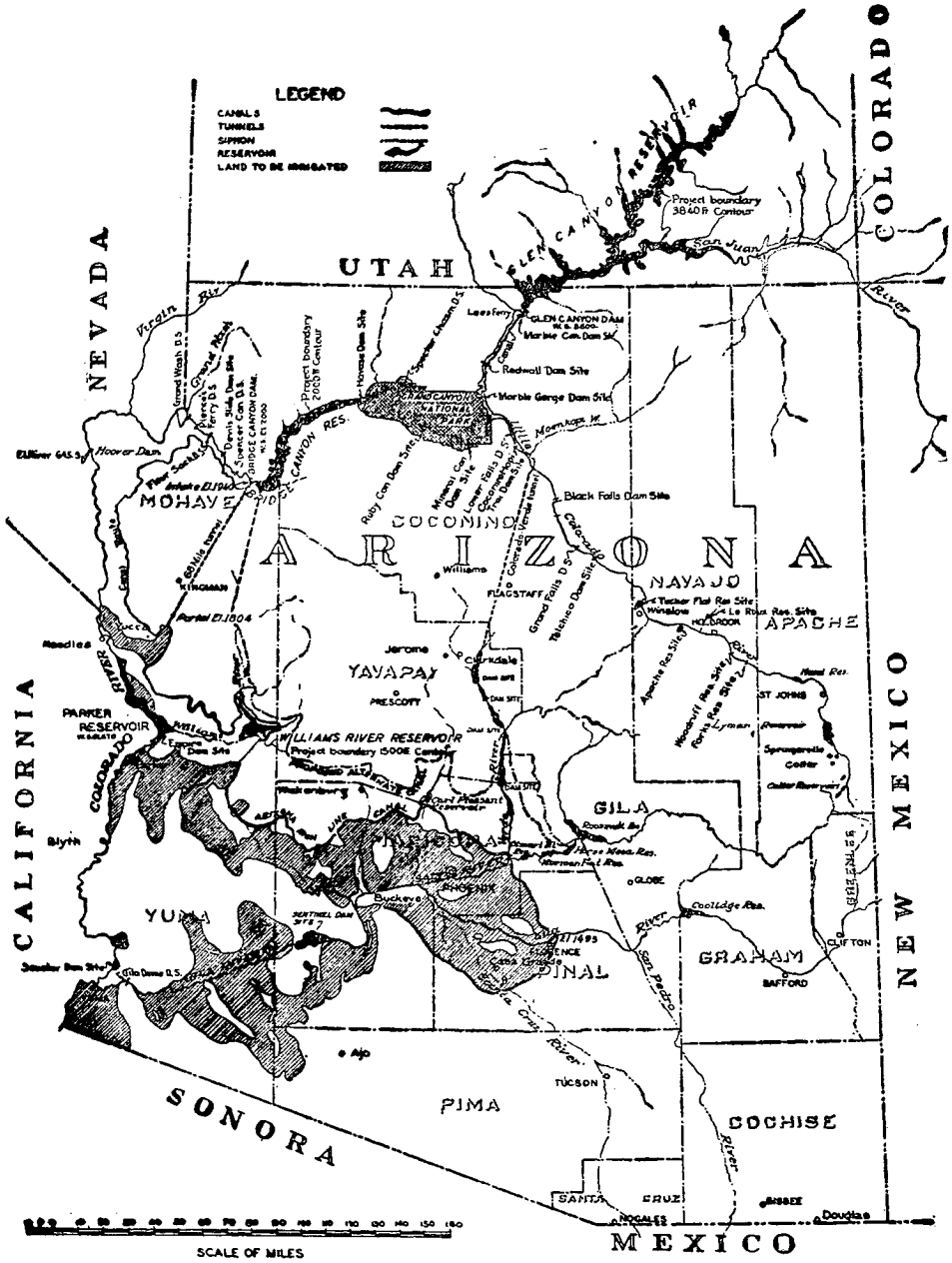
"When a state or community," continues Colter, "reaches its water limit they disintegrate. The western states, especially a young state like Arizona, in order to maintain existence must have new development, especially reclamation."

Colter has led the Colorado river fight for Arizona during the past 12 years, giving his entire time and fortune. He made water filings on 30 major dam and canal sites to irrigate 6,000,000 acres and develop 5,000,000 horsepower electric current output. All water in the state is Colorado river water, including over and underground water. These irrigation, municipal, and power water rights being combined by the Colter water filings is the key which has saved the day for Arizona.

Colter's activity in the legislature since 1923 kept Arizona from signing the "Albert B. Fall California-Nevada tri-state Parker-Gila Santa Fe compact," which would have deeded seven-eighths of Arizona's water to the state of Mexico.

The United States supreme court held Arizona was not bound by the compact, as it did not sign, and that the Boulder canyon dam has to be built subject to Arizona's present and future water rights.

—Published in The Messenger.



Map showing dam and canal sites filed on by Fred T. Colter with the Arizona Water Commission and the Federal Power Commission for Arizona and Water Users under said projects. First filings made in 1923. Projects to develope 5,000,000 electrical horse power and irrigate 4,455,000 Acres of land.

ARIZONA HIGHLINE RECLAMATION ASSOCIATION
FRED T. COLTER, President
Office: 113 North Second Ave. Phoenix, Arizona

Enclosed please find $1.00 for membership in your Association, 1934.

NAME..... ADDRESS.....

FRED T. COLTER.
COLTER, APACHE COUNTY,
ARIZONA

CHAIRMAN OF COMMITTEE ON
PUBLIC LANDS

MEMBER OF COMMITTEE ON
PUBLIC HEALTH
EDUCATION
AGRICULTURE AND
FORESTRY
LIVESTOCK
MINES AND MINING

ARIZONA STATE SENATE

STATE HOUSE

PHOENIX, ARIZONA

STATEMENT OF FRED T. COLTER

To The

NATIONAL RIVERS AND HARBORS CONGRESS 32nd CONVENTION

as

DELEGATE FOR THE STATE OF ARIZONA REPRESENTING GOVERNOR R. C. STANFORD

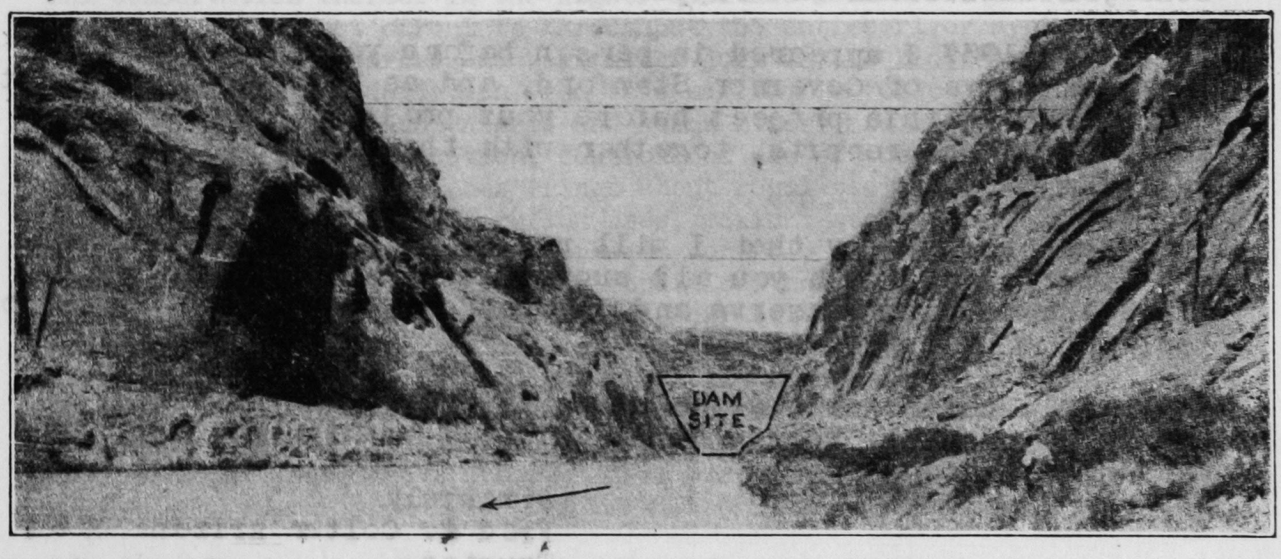
as

ARIZONA WATER TRUSTEE

and

MEMBER OF ADVISORY COUNCIL OF THE CONGRESS

APRIL 23, 1937



This site, four miles above Lees Ferry, at head of Grand Canyon is chief storage reservoir for the Glen-Bridge-Verde-Highline Canal filings and Projects, which will develop five million horsepower and six million acres.

COPY

Hon. William J. Driver, President
National Rivers & Harbors Congress
Washington, D. C.

March 17, 1939

Re: PROJECT No. 327- South Pacific Division, Glen-Bridge-Verde-Highline All Gravity Flood Control Irrigation and Power Project, Arizona.

Dear Mr. Driver:- In reply to your letter asking me to attend as a delegate, your 34th Annual Convention to be held in Washington, D.C. March 23-24, projects Committee meeting March 21-22, am sorry to advise that due to important matters regarding the Colorado River pending here after adjournment of the 14th Legislature, I will not be able to be with you this year in person, to represent our project No. 327 (The Glen-Bridge- Verde Highline all gravity flood control, irrigation and power project).

I am enclosing herewith via airmail, a statement together with KEY CHART and article entitled "GUARANTEED WATER THRUOUT ARIZONA FOR SEMI-ARID LANDS AND DEVELOPED LANDS."

In addition I am enclosing herewith copy of my letter of transmittal to Governor R. C. Stanford, Dec. 24th, 1938 and a four page mimeographed report to him, submitting my report proving the priority and superiority of the COLTER FILINGS on the Colorado River and tributaries for Arizona and water users under said projects, and due diligence thereon comprising Thirty-eight Exhibits, and some 200 pages. Under separate cover to-day I am mailing a copy of this report for your files. I am preparing to send you additional and supplemental data in the near future.

In April, 1937 I appeared in person before your Congress as representative of Governor Stanford, and as Arizona Water Trustee and presented this project before your projects committee and submitted three reports, together with three sets of nineteen Exhibits each.

I regret exceedingly that I will not be able to meet with you and assure you I wish you all success in the splendid work you are doing to help conserve and develop our natural resources for the good of the nation.

Anything I can do at anytime to assist will be a pleasure. Assuring you of my hearty cooperation, I am with kindest personal regards,

sincerely
Fred T. Colter Arizona Water Trustee.
Member Advisory Council, National Rivers and Harbors Congress
President of The Arizona Highline Reclamation Association.
President Glen-Bridge -Verde-Highline Pre-organization District.

STATEMENT OF FRED T. COLTER
TO THE
NATIONAL RIVERS AND HARBORS CONGRESS 32nd CONVENTION
AS
DELEGATE FOR THE STATE OF ARIZONA REPRESENTING GOV. R.C. STANFORD
AS
ARIZONA WATER TRUSTEE
AND
MEMBER OF ADVISORY COUNCIL OF THE CONGRESS
AT WASHINGTON, D. C.
APRIL 23-27, 1937

MR. CHAIRMAN AND HONORABLE REPRESENTATIVES OF THE SEVERAL STATES:

In placing Arizona's projects before you for your consideration, endorsement and assistance for Arizona's growth and protection and scientific maximum development of the entire Colorado River System of which Arizona contains the major portion, I am appearing as official state delegate to this conference by appointment of Governor R. C. Stanford of Arizona, also as a member of your Advisory Council, and as Arizona Water Trustee.

It is unnecessary for me to urge upon this gathering the conservation of America's water resources as it is the realization of that necessity that brings us together, but this conference can further a consistent and proper general program applicable and beneficial to all streams and sections of the United States, including Colorado River development which merits particular attention due to its tremendous importance to a great area and population not only for flood control but also as the basis of homes, food, comfort and existence in the seven states of the river basin.

It is a fact upon which all conservationists, including President Roosevelt, are in unison that every human want and beneficial use to be satisfied by water requires the primary application and conservation thereof in the higher altitude land areas of stream systems. Water must circulate throughout the entire river system from its remotest sources and beginnings just as the blood in the human body, and any deviation from this maximum is followed by drouth, flood, soil erosion, dust storms and human misery and suffering. On the other hand the application, control and use of the waters in the tributaries and upper reaches brings about regulated stream, a replenished water table, multiple reflow uses, maximum reclamation, navigation, flood control power, soil erosion control, silt control, reprecipitation, amerioration of drouth conditions and all other factors desirable and necessary to the nation's agriculture and existence. Arizona's position, interest and projects in the Colorado River conform with such scientific and indispensable upstream development, whereas the Colorado River Compact which Arizona has rejected for 15 years and by which it is not bound by decisions of the United States Supreme Court, would have contracted in perpetual ownership by far

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the major portion of Arizona's and this country's Colorado River water to the foot of the river in Mexico, preventing conservation and development above throughout the entire watershed, leaving Arizona to the desert and destroying proper development of the Colorado River.

ARIZONA--BODY OF THE COLORADO RIVER SYSTEM

Virtually all of Arizona lies within the watershed of the Colorado River, and the state has no other water. Arizona contains 92% of the electrical horsepower, nearly one-half of the drainage area and over one-half of the irrigable land of the river system. Arizona is the body and backbone of this remarkable stream, the Grand Canyon being within its boundaries, which is the most rapid falling river in the world, with steep and narrow canyons for economical storage and diversion dam sites and from 500 to 2000 feet below them are millions of fertile desert acres in Arizona with all-year growing season to which the water can be economically conveyed to irrigate the lands by gravity, and the power generated by the fall of the water to the land levels and combined with such projects will many times overpay the cost of development. As much power can be generated in the Grand Canyon in Arizona as is now generated by water over the entire United States/

THE GLEN BRIDGE VERDE HIGHLINE PROJECTS

Beginning in 1923 and thereafter I made water filings before the Arizona Water Commissioner and Federal Power Commission, as trustee for and on behalf of the state of Arizona and those claiming under it, on some forty projects throughout Arizona on the Colorado River and its tributaries for such development, of which the principal projects and hub are the Glen Canyon storage dam at the head of the Grand Canyon, Bridge Canyon Diversion Dam, Arizona Highline Canal, and Marble Gorge storage dam or alternate Verde Tunnel to irrigate 6,000,000 acres and generate 5,000,000 electrical horsepower.

Owing to Arizona's peculiar and fortunate topographical position in the Colorado River system, these projects are also the key to maximum proper development of all Arizona and the entire river system. The main canal crosses all rivers of southern and central Arizona, which are arms of the Colorado, and can furnish supplemental main stream water to develop irrigation projects below the canal, all of which are short of water even in years of normal rainfall, allowing upper users and lands to take all the water needed. These water filings and rights have been maintained with legally required due and reasonable diligence and are now vested in landholders and water users under the projects. This development by diversion of Colorado River waters into Central Arizona above Boulder Dam, was advocated by Governor Stanford in his splendid special Colorado River message to the 13th Arizona Legislature on February 18, 1937, and in his statement of April 16 in Washington

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to the Boulder Power Conference, which statement is a beacon light to guide the nation, especially the west, in solving any water questions.

UP-STREAM DEVELOPMENT

In all these water filings it is stipulated that the irrigation and power are combined, with irrigation superior, with water storage and diversion at highest practicable altitudes to reclaim maximum lands in Arizona. Such application and development beginning in the upper reaches in Arizona will result in multiplicity of reflow uses from return flow, raised water table, seepage, reprecipitation, etc., and the Colorado River that today measures 26,000,000 acre feet will increase to 100,000,000 acre feet and over, and the reflow will serve dams and lands below Arizona. On the same principle the application of water by the upper basin states within the river system will not deplete the flow of the Colorado River at the Utah-Arizona line.

THE COLORADO RIVER COMPACT

On the other hand, the Colorado River Compact, which Arizona has rejected for 15 years, would have contracted Arizona's and the nation's Colorado River water in perpetual ownership to irrigate 2,000,000 acres in Mexico at the foot and wrong end of the river to compete ruinously through low-cost labor with our present industry, agriculture and labor and build up a foreign military, air and naval base against our border, leaving 14,000,000 acres desert in Arizona, subverting the constitution and the common laws of mankind, especially water law which has never in history permitted ownership of water but only rights to the beneficial use thereof as determined by the courts. The United States Supreme Court has held that Arizona is not bound by the compact or the Boulder Canyon Project Act which the compact controls, or by the Boulder Dam, which the court allowed to be built for navigation only subject to Arizona's present and future water rights and ruled that Arizona can divert water above the dam or anywhere in the state (Arizona vs. California, 283 U. S. 522).

THE LAW OF PRIOR APPROPRIATION AND BENEFICIAL USE

Water has a different and greater importance in the arid west than in the humid east, where water for the most is concerned with flood control, power and navigation, while in the west water means homes, food and clothing, all the necessities and comforts of life and existence of the state itself. It is significant that the two sections each have a totally different fundamental water law. The east has the common law of riparian rights, and the west the doctrine of relation embodied in the appropriation doctrine, the priorities of water projects relate back to when they were properly filed on or initiated under state law as long as maintained with due diligence until completed which consists of all acts toward defending, developing and completing

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such filings and projects regardless of obstacles interposed by acts of God or man, and the water filings made for Arizona and water users under said projects have been and are the saving clause for keeping the waters of Arizona and the nation in the Colorado River system from going to Mexico. In this connection I desire to call to the attention of your meeting the proposed water treaty between the United States and Mexico for division of the Rio Grande and Colorado River, which have been pending for ten years. Provisions should be made by the states interested including Arizona to place data and prepresentations on their rights, lands and projects before the treaty-making powers to counteract Mexico's claims.

In conclusion, I therefore trust that Arizona projects, which do not interfere with those of any other state and afford the most practical, economical and beneficial development of Colorado River for all concerned, will receive the support of this organization for Federal assistance and otherwise to speed their development and protect this nation's water and rights. Permit me to express Arizona's co-operation and Governor Stanford's congratulations and best wishes for the splendid work the National Rivers and Harbors Congress is doing for the proper control and use of water which is indispensable to the people's welfare and the nation's existence.

Respectfully submitted,

Fred T. Colter
Arizona Water Trustee
and Representative of
Governor R. C. Stanford
Member of Advisory Council of
National Rivers and Harbors Congress

Washington, April_____, 1937

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PROPOSED SEVEN-STATE COLORADO RIVER AGREEMENT, AS A SUBSTITUTE FOR SANTA FE COMPACT, WHICH ARIZONA REFUSED TO SIGN, AND U.S. SUPREME COURT HELD ARIZONA WAS NOT BOUND BY.

Tentative Proposal
By
Fred T. Colter, Arizona Water Trustee

INTRODUCTION

Water is indispensable to all forms of life, and does not grow, propagate or increase, and never in history has it been recognized that water could be perpetually owned or bound in definite amounts, as by water compacts, but only the beneficial, economical, maximum continued use, which only the elasticity of the courts can pass on. Therefore, it would be exceedingly difficult to make a water compact that would be fair, and not injure the vested, perfected water rights of millions of innocent parties, plus the property rights of several millions more, whose present and future property values depend on a guaranteed supply of water for the future, and that would be elastic enough to be constitutional.

As Arizona has only the Colorado river system to depend on, and inherently owns, the water for approximately 43% of the river system, and owns and has 92% of the power within her borders, which is naturally and legally combined with the irrigation water within the 43% area, Arizona is much concerned, and is a young state, and has much to lose, but having made the water filings for Arizona and people since 1923, leading thereafter against the Santa Fe Compact, have been willing to make every possible concession to the other river basin states, in order to make progress, for that which is best for Arizona in the Colorado river system, is best for all these states and the nation, which benefits the old Santa Fe Compact would destroy.

THEREFORE, as a SUBSTITUTE for this unconstitutional and unfair Santa Fe Compact, that would have desolated Arizona had Arizona signed, I have the following concession and elastic agreement for the seven states, to suggest and submit, which should satisfy all the states, especially the upper basin states, and should be constitutional and fair, and yet the water would not be bound in any perpetual, fixed amount, as the Santa Fe Compact does, besides contracting seven-eighths of Arizona's water to Mexico, and guaranteeing her water, when deficient.

In addition, this Santa Fe Compact's perpetual and fixed amount would prohibit Arizona from getting the major benefits and rights of the river system, which is the right to the multiplied water use and re-use of the return and reflow water, of which every re-use is counted. And still the courts could pass upon the equitable and legal carrying out of these matters, and the temporary water use, apportionments or adjudications in said compact, which are:-

GOVERNOR R. C. STANFORD
CHAIRMAN
DONALD C. SCOTT
SECRETARY
J. A. MULCAHY
MEMBER
ALMA M. DAVIS
MEMBER

FRED T. COLTER
ARIZONA WATER TRUSTEE
EXPERT AND ADVISOR
TO COMMISSION
SIDNEY KARTUS
ASST. TO EXPERT AND
ADVISOR, AND
ASST. SECRETARY
OF COMMISSION

Colorado River Commission

504 SECURITY BUILDING
PHONE 3-7759
PHOENIX, ARIZONA

ARIZONA CAN AGREE THAT,

THE UPPER BASIN STATES, for all time, use all the water they want or can use within the Colorado River system, as the reflow and re-use water will return below, and we may even allow a limited amount to be taken outside of the river system.

NEVADA has 5% of the river's drainage area, and can only use a limited amount, and has always been satisfied with 300,000 acre feet, which Arizona can agree to.

CALIFORNIA has 2% of the river's drainage area, and whatever she takes out of the Colorado river system would be a gift. Therefore, there is no reason, that a gift should not be bound, and that could be approximately 4,500,000 acre feet.

ARIZONA, having 43% of the river's drainage area, and 92% of electrical horse power, to have the remaining water, in the United States, thereby being not bound to any given amount, because if she was so bound, when she came to this limit, which she soon would reach, by counting re-use water as the law requires, she would disintegrate.

OLD MEXICO: In the event of an international treaty between the United States and Mexico, such amount of water as would be agreed upon to supply Mexico, each state would then be obligated to bear that amount of burden to supply Mexico in proportion to the amount of water benefits said state received from said Colorado river system. Mexico, of course, would only be entitled to the water she was using before the Colter filings were made in 1925, which is water for around 150,000 acres. Moreover, with the water used and divided in the manner above set out, and giving the upper river reaches preference, with power combined thereto, and irrigation prior and superior, all the lands in Old Mexico in the Colorado river delta, would eventually have more than enough water, by return, reflow and re-use water.

INDISPENSABLE REQUIREMENTS BEFORE CONFERENCES, AGREEMENTS, SUITS, FINANCINGS, ETC., CAN BE SUCCESSFUL.

Arizona representatives must bear in mind, which most have not in the past, these simple, self-evident safe-guards and truths:

THAT it would be impossible for Arizona to be protected or negotiate this substitute agreement, or to protect herself in court, conference, in congress or in a treaty with Mexico, or otherwise, if, before and during this time she failed to keep up her Colter and other water filings, and due diligence thereon, and failed to present all her completed reclamation projects, and those possible to be built in the future, and also, if she should fail to put in attractive printed document or report form for easy discernment such water filings, due diligence, legal and engineering data, etc., that has been obtained and is being obtained.

1211-A

CLASS OF SERVICE DESIRED

DOMESTIC		CABLE	
TELEGRAM		FULL RATE	
DAY LETTER		DEFERRED	
NIGHT MESSAGE		NIGHT LETTER	
NIGHT LETTER		SHIP RADIOGRAM	

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

WESTERN UNION

R. B. WHITE, PRESIDENT — NEWCOMB CARLTON, CHAIRMAN OF THE BOARD — J. C. WILLEVER, FIRST VICE-PRESIDENT

CHECK

ACCT'G INFMN.

TIME FILED

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Phoenix, Arizona,
April 18, 1937.

Hugo Farmer
Care of Congressman John R. Murdock
Washington, D. C.

As chairman of the state democratic party I protest against your statement April 17 attacking your own state's and people's Colorado River rights and projects and favoring Santa Fe Compact which would ruin Arizona and proper development of the entire river for all parties. Contrary to your erroneous statement, our projects have been found practical by the Arizona Colorado River Commission and diversion of water above Boulder Dam throughout Arizona and rights established thereto are physically and legally the sole means of preventing the river's waters from going to Mexico under the unconstitutional compact. I deplore such untimely statement when Governor Stanford is in Washington officially representing and ably and forthrightly protecting all Arizona and laying a true foundation for all basin states to cooperate and develop consistent with law and nature and the President's upstream development conservation program.

Junius Gibbons
State Chairman
Democratic Party

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeated message and paid for as such, in consideration whereof it is agreed between the sender of the message and this company as follows:

1. The company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeated-message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, *unless specially valued;* nor in any case for delays arising from unavoidable interruption in the working of its lines; nor for errors in cipher or obscure messages.

2. In any event the company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the sum of five thousand dollars, at which amount each message is deemed to be valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one percent of the amount by which such valuation shall exceed five thousand dollars.

3. The company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. Domestic messages and incoming cable messages will be delivered free within one-half mile of the company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.

5. No responsibility attaches to this company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the company's messengers, he acts for that purpose as the agent of the sender.

6. The company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the company for transmission.

7. It is agreed that in any action by the company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

9. No employee of the company is authorized to vary the foregoing.

THE WESTERN UNION TELEGRAPH COMPANY
INCORPORATED
R. B. WHITE, PRESIDENT

CLASSES OF SERVICE

TELEGRAMS

A full-rate expedited service.

NIGHT MESSAGES

Accepted up to 2:00 A.M. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day.

Night Messages may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such night messages at destination, postage prepaid.

DAY LETTERS

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the standard night letter rate for the transmission of 50 words or less and one-fifth of the initial rates for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS:

In further consideration of the reduced rate for this special Day Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

A. Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letters is, in all respects, subordinate to the priority of transmission and delivery of regular telegrams.

B. This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely, and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of regular telegrams under the conditions named above.

NIGHT LETTERS

Accepted up to 2:00 A.M. for delivery on the morning of the ensuing business day, at rates still lower than standard night message rates, as follows: The standard telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such standard telegram rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS:

In further consideration of the reduced rates for this special Night Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

FULL RATE CABLES

An expedited service throughout. Code language permitted.

DEFERRED HALF-RATE CABLES

Half-rate messages are subject to being deferred in favor of full rate messages for not exceeding 24 hours. Must be written in plain language.

CABLE NIGHT LETTERS

An overnight service for plain language communications, at one-third the full rate, or less. Minimum of 25 words charged for. Subject to delivery at the convenience of the Company within 24 hours.

SHIP RADIOGRAMS

A service to and from ships at sea, in all parts of the world. Plain language or code language may be used.

LEADERS DENOUNCE DISGUISED BOULDER POWER-SANTA FE COMPACT SCHEME OF STETSON'S CITIZENS LIGHT AND POWER COMMITTEE

J. B. Weber, chairman of the Arizona Protective Anti-Santa Fe Compact Committee and past president of the Arizona Democratic Association, in a protest letter to the Mayor and City Commissioners of Phoenix read at the July 20 meeting of the City Commission, denounced the ruinous Boulder Power-Santa Fe Compact disguised scheme in which the Citizens Light and Power Committee, headed by Albert Stetson, has for some time been active.

At the July 20 meeting, the Stetson-Compact-Committee asked the City Commission for $20,000 to mislead under the mask of cheap power to get Arizona into the compact through the Boulder Power Transmission scheme, but the Commission, after hearing protests by Mr. Weber and others, refused the request.

Mr. Weber, on behalf of the Arizona Anti-Santa Fe Compact group, also filed and made of record with his letter a copy of the radio address delivered July 19 at 9:15 over KTAR against the Stetson compact committee by the Honorable J. Irvin Burk, prominent water attorney and chairman of the Judiciary Committee of the Arizona House of Representatives.

Mr. Weber's letter stated:

"We are naturally opposed to excessive power rates, locally or elsewhere, and we are for reduction of rates, but when any scheme such as outlined above has cheap power as a smoke screen for the Santa Fe Compact, that is misleading and distressing the public to bring about the hugest special interest power trust monopoly and California Mexican land scheme ever known for all time to come and destroy Arizona, and that would give such a monopoly of power that all Arizona would for all time be compelled to pay the highest power rates in a state able to produce the cheapest power in the nation."

Representative Burk in his KTAR radio address said:

"Albert Stetson has had the effrontery to attack Governor Stanford and Fred T. Colter, Arizona Water Trustee, because their constructive actions in protecting and developing Arizona stopped the scheme of bringing Arizona into the compact through the back door, for they and the state democratic platform are against the Santa Fe Compact and for Arizona's protection and development of her reclamation water and power resources. Governor Stanford is the most accurate, able and fearless governor Arizona has ever had to protect her water and power rights and life. This is shown by his special Colorado River message to the legislature, his statement in Washington to the Boulder Dam power contracts hearings and other statements. With the soli'd backing on this he has from his Colorado River Commission, the state chairman of the democratic party, Dr. Junius Gibbons, and other influential leaders, and at such a crucial time and with the advantages gained for Arizona after Arizona patriots led by Senator Fred T. Colter have won a 15 year struggle against greatest odds, with our rights confirmed by the United States supreme court which has ruled Arizona is not bound nor its rights impaired by the compact, Boulder Act or dam, and that Arizona can divert water above the dam, it is almost unthinkable that this disguised Stetson-compact-committee should within our own camp continued such attempts against the water program set by Governor Stanford in following the indispensable course begun and led since 1921 by Fred T. Colter, who made the water filings on the major dam and canal sites, major potential projects and water and power therefor to make Arizona grow into the golden spot of the Universe and save her waters from going to Mexico. Senator Colter has given the best years of his life and large fortune in defeating the compact which would desolate the state and our present homes, prosperity and future. A state, undebatably, must have future water and future projects to live and grow and maintain present property values and business."