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PROCEEDINGS
of the
**COMMITTEE OF FOURTEEN,
COLORADO RIVER BASIN STATES**

**BILTMORE HOTEL
Los Angeles, California
June 7, 1939**

PROCEEDINGS
OF THE
COMMITTEE OF THE STATES

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FIRST SESSION

June 7, 1939

The First Session of the meeting of the Committee of Fourteen met in Conference Room 9, at the Biltmore Hotel, Los Angeles, California, June 7, 1939. Judge Clifford H. Stone, Director of the Colorado Water Conservation Board, Denver, Colorado, acted as Chairman of the meeting. The session was called to order at 10:00 o'clock, A. M.

Seated around the conference table, representing the Committee of Fourteen, were the following:

Thomas M. McClure, State Engineer, Santa Fe, New Mexico

Perry W. Jenkins, Vice-President, Wyoming Planning and Water Conservation Board, Executive-Manager Green River Basin Development Company, Cora, Wyoming

Ewing T. Kerr, Attorney General Wyoming, Cheyenne, Wyoming

Byron G. Rogers, Attorney General of Colorado, Denver Colorado; member of Committee of Fourteen for Colorado

A. T. Hammett, Albuquerque, New Mexico

L. C. Bishop, State Engineer, Cheyenne, Wyoming, Interstate Streams Commissioner and Member of Committee of Colorado Drainage Basin

C. F. De Armond, Colorado River Commission, Las Vegas, Nevada

Alfred M. Smith, Colorado River Commission, Carson City, Nevada, State Engineer

Alma M. Davis, Secretary Colorado River Commissions of Arizona, Capitol Building, Phoenix, Arizona

Donald C. Scott, Member Arizona Colorado River Commission, Member Committee of States, Member National Resources Committee, 333 N. 3rd Avenue, Phoenix, Arizona

Evan T. Hewes, Imperial Irrigation District, El Centro

Lewis A. Hauser, 554 Roosevelt Building, Los Angeles, California, Member: Committee of Fourteen, Colorado River Board of California, U. P. Palo Verde Irrigation District.

T. H. Humphreys, State Engineer, Utah, also Delegate to Colorado River Drainage Conference

Grover A. Giles, Deputy Attorney General of Utah, Member Committee of Fourteen of Seven States Colorado River Basin, Address: Capitol Building, Salt Lake City, Utah

Clifford H. Stone, Chairman, Colorado River Committee of Fourteen, Director and Attorney Colorado Water Conservation Board

Seated in the audience were the following:

J. Hugo B. Farmer, Member Arizona Water Resources Commission, Member Arizona Colorado River Commission, Yuma, Arizona

R. G. Hosea, Engineer-Secretary, Colorado River Board of California, 824 Washington Bldg., Los Angeles

C. P. Mahoney, Manager and Engineer, Palo Verde Irrigation District, Blythe, California

G. W. Shute, 212 Title & Trust Bldg., Phoenix, Arizona, Attorney, Arizona Colorado River Commission

Phil D. Swing, 1220 San Diego Trust & Savings Bldg., San Diego, California, Observer Sometimes Representing: Imperial Irrigation District Coachella Valley County Water District, City of San Diego

Arvin B. Shaw, Jr., 835 Rowan Bldg., Los Angeles, Attorney for Palo Verde Irrigation District Coachella Valley County Water District

E. F. Scattergood, Chief Electrical Engineer and General Manager, Bureau of Power and Light, Los Angeles, California

R. J. Tipton, 1231 First National Bank, Denver, Colorado, Construction Engineer for Colorado Water Conservation Board, Member Drainage Basin Committee for Colorado

Captain N. A. Matthias, United States Engineer Department, 751 South Figueroa Street, Los Angeles, California

Theodore Wyman, Jr., Major Corps of Engineers, United States District Engineer, 751 South Figueroa Street, Los Angeles, California

E. B. Debler, Hydraulic Engineer, Bureau of Reclamation, Denver, Colorado

S. C. Stevens, Spaulding Bldg., Portland, Oregon, Consultant for Colorado River National Resources Committee

Clyde Errett, Controller Department of Water and Power, City of Los Angeles

M. J. Dowd, Chief Engineer, Imperial Irrigation District, Imperial, California

C. C. Elder, Hydrographic Engineer, Metropolitan Water District of Southern California, 306 West 3rd Street, Los Angeles, California

Albert R. Arledge, Member of Engineering Committee, Advisor to California Colorado River Commission, Representing Bureau of Power & Light, Los Angeles, California

Edwin T. Stewart, Engineer, State Water Commissioner's Office, Phoenix, Arizona, Colorado Drainage Basin Committee

C. L. Patterson, Denver, Colorado, Colorado Water Conservation Board, Chief Engineer

A. W. McHendrie, Pueblo, Colorado, Attorney for The Arkansas Valley Ditch Association

C. A. Anderson, Arizona, Member Drainage Basin
Committee, District Engineer, San Carlos Irriga-
tion & Drainage District, Coolidge, Arizona

B. M. Gaylord, Chief Electrical Engineer of
Metropolitan Water District

William R. Wallace, Vice-Chairman, State Planning
Board, Salt Lake City, Utah

Leeland H. Kimball, Director, Colorado River Great
Basin Water Users Association, Salt Lake City,
Utah

Fred T. Colter, State Capitol, Phoenix, Arizona

Baldwin M. Woods, 303 Mercantile Bldg., Berkeley,
California, National Resources Committee,
Regional Chairman

Milo F. Christiansen, Regional Supervisor Recrea-
tional Area Planning Division, Region III National
Park Service, Santa Fe, New Mexico

Ora Bundy and Frank Martini, Great Basin Project,
Utah.

CHAIRMAN STONE: The agenda has been sent to each member
of the Committee of Fourteen and you will note the order of business.
We shall not attempt to follow that order here. Because some of
you have to leave early, the first matter that we shall take up
before the meeting will be the international question or prob-
lem. We shall consider that along with item 4 of the agenda,
which is the Jacob-Stevens Report. This matter has come before
this conference at different times. It seems to many members of
this Committee and it has been expressed to me that we should not
further delay some definite action or some plan whereby some
action can be taken on this problem.

It is one of great interest to all of the Colorado River Basin and one that will have a far reaching effect. We may never know what a good neighbor policy or what some other policy may do toward a treaty taking out of this Basin water which will cut down the allocations made under the Colorado River Compact. The effect of such a thing might be far reaching.

At this time this will be the first item on the program and the matter is now open for consideration.

DISCUSSION ON INTERNATIONAL PROBLEM

MR. HEWES: Mr. Chairman, California finds itself in accord with the statement made by the Chair. California would like to make a suggestion, to expedite the final disposition of the Jacob-Stevens Report, that there be an engineer from each one of the Basin States appointed the first thing this morning to meet and submit a report and report to the Committee of Fourteen and then that Committee can give us the final disposition of this question.

CHAIRMAN STONE: As I understand your suggestion, Mr. Hewes, it is to the effect that a technical committee consisting of one representative from each of the seven states be appointed to study the Jacob-Stevens Report and that this committee be appointed at this time so that before the adjourning of this conference the committee may get together and select certain members of this technical group to make a report which would be submitted to the other members for approval.

MR. HEWES: Yes, I will make that in the form of a motion.

GOVERNOR HANNETT: I second the motion.

MR. JENKINS: Are we at liberty to discuss the Report at the present time?

CHAIRMAN STONE: As I understand the motion of Mr. Hewes, Mr. Jenkins, this committee would study this Report and submit it to the Committee of Fourteen. Discussion would then likely come up after their report is before us. In other words, we could take the whole day to discuss the Report and yet we can do it more expeditiously and probably more wisely if we have before us their report which is the product of a technical committee representing each of the seven states.

MR. JENKINS: That was not what I meant. I was just wondering if it would be a confidential report or if we could discuss it.

CHAIRMAN STONE: We have secured a clearance of that. We did it yesterday in the proceedings.

MR. JENKINS: I was wondering if it would not be possible, and I think it is a good idea, to study the Jacob-Stevens Report as there will be some points in there that will probably be criticized. I feel that it should be further extended or the idea should be extended to cover possibly recommendation for further action. I believe possibly that it should be extended for some further study if it is shown to be necessary. In other words, the idea would be to try to work out some constructive program at

the same time we are making this study.

CHAIRMAN STONE: I think you are right on that. As I understand the motion, it contemplates that and if there is no objection on the part of Mr. Hewes and Governor Hannett, that will be the understanding.

The motion was made and seconded but in order that there may be a clear understanding of the motion I shall restate it.

It was moved by Mr. Hewes and seconded by Governor Hannett that a technical committee of seven, consisting of one representative from each of the Colorado River Basins, be appointed by the Chair to study the Jacob-Stevens Report and the international situation and submit their recommendations to the Committee of Fourteen, the time and place to be fixed by the Chair. Such recommendations are to include such other studies as the committee may deem advisable.

The "time and place" were inserted by the Chair but I think that the report should be made available as soon as possible, I think that is what you had in mind. Do you think that the suggestion is all right?

GOVERNOR HANNETT: If you do not fix a definite time there is no telling when we will get this report. We can always ask for more time.

MR. HEWES: Mr. Chairman, might I offer as a thought that during the day the Chair might contact the technical committee that was appointed and better determine after contacting them at what time they might find themselves in a position

ready to make a report?

CHAIRMAN STONE: I think that is a good suggestion. In other words, we shall try and fix a time and announce it to this Committee before we adjourn.

Is there any further discussion? Mr. Swing, you were interested in this and you gave us a very able discussion at Salt Lake City. Do you have any suggestions or comments to make at this time?

MR. PHIL SWING: I approve of the suggested procedure very much and hope it will be adopted.

CHAIRMAN STONE: Is there any further discussion?

MR. MCCLURE: I think it will be necessary to make some policy in regard to any action by the State Department prior to the time that this Report can be definitely reported on by this Committee. Is there any possible chance of the State Department going ahead with the treaty without this committee's report to the Committee of Fourteen so that any action you might take - -

CHAIRMAN STONE: In other words, you think, Mr. McClure, that it would be well to advise the State Department of this action. I think it would be a good suggestion for the Chair to take care of that.

MR. HAUSER: That can be done after the report comes in.

MR. MCCLURE: You can make a detailed study of the report.

CHAIRMAN STONE: In other words, your suggestion is that while this matter is under study and consideration that we ask that the State Departments take no action until the action of the Committee is taken.

MR. HEWES: Mr. Chairman, we might approximate that and then later on in the day, after this committee was contacted, although I have no knowledge to what extent this technical committee has already studied the report and to what extent they might be willing to go before the adjournment of this meeting in the way of any recommendation to the Committee, but it might be possible for the Committee to get together and get something in the way of a recommendation from this technical committee before the adjournment of the Committee of Fourteen that we could base our action on. The Committee could then pass a resolution requesting the State Departments not to take any action on the Jacob-Stevens Report until we had an opportunity to make a final study and conclusion of it.

CHAIRMAN STONE: In line with Mr. McClure's suggestion, followed by the further suggestion of Mr. Hewes, this committee will be appointed. After it meets and the time is fixed for a report and further suggestions are made by this technical committee, we will consider that the Committee of Fourteen will adopt a further resolution to carry out the purpose. Are you ready for the question?

.....The question was called for, the motion put to a vote and it was unanimously carried.....

CHAIRMAN STONE: In order for this committee to be appointed as soon as possible and for the guidance of the Chair can each of the States indicate their technical advisor? It may be possible that some of these men can get together while we are deliberating on other matters.

APPOINTMENT OF COMMITTEE

...The following were appointed as the committee:

Arizona : Mr. Donald C. Scott

Nevada: C. F. De Armond

California: C. C. Elder

Utah: T. H. Humphreys

New Mexico: T. M. McClure

Wyoming: L. C. Bishop

Colorado: R. J. Tipton

CHAIRMAN STONE: We will now proceed with the next item if there is no further discussion on the international problem or the Jacob-Stevens Report.

Item number 2 on the program is the presentation of the Colorado River Great Basin ^Project to be presented by Utah and if Mr. Humphreys or Mr. Giles will take charge of that matter and call upon those whom they desire to have present that project.

PRESENTATION OF THE COLORADO RIVER GREAT BASIN PROJECT

MR. GILES: Mr. Chairman, Mr. Kimball of Salt Lake City is here to present this matter to the Committee.

MR. LEELEND H. KIMBALL: (Director, Colorado River Great Basin Water Users Association, Salt Lake City) Mr. Chairman and gentlemen: This presentation is largely through the courtesy of your Chairman. When we met him in Washington we discussed this matter with him and he suggested that we present it here at this meeting.

This is a project that is conceived from necessity by a state which probably is in more dire need of relief than any other one of the so-called Reclamation States. Some of you heard a brief description by Mr. Humphreys yesterday but in order to get some more detail into the picture, which seems to be desirable, and at the risk of being charged with repetition, I am going through the elements of the project.

The Green river rises in Wyoming about 200 miles north of the Utah-Wyoming line. It flows southerly to Green River, Wyoming, to the Utah line and passes what is known as the Flaming Forge site which has already been investigated. It then turns easterly and runs into Colorado, then south back into Utah. Just before it turns back into Utah, it is joined by the Yampa River which rises about 100 miles north near Steamboat Springs flowing a little bit westerly past Craig and then southwesterly to the town of Jensen, on to the Minnie Maude site, past the Minnie Maude site to the Rattlesnake Power site and from the Rattlesnake Power site down to Green River, Utah, and thence about 65 miles below Green River it joins the confluence of the Green and Colorado Rivers and then it flows about 20 miles

below that along which is known as the Dark Canyon site. The Colorado River runs into Utah about 70 miles northeast of this point, pass by the Dewey site at the Town of Moab.

One problem that we have had in Utah is the fact that there is very little arable land lying both within the State of Utah and the Colorado River Basin. Our good land lies west of the Wasatch Mountains and our water lies east and the problem is to get them together. In attacking the problem a sufficient quantity of water would have to be considered in order to cut the unit cost to a point where one million acre feet or more could be diverted without interfering with any other right and yet could be brought over into this area. It was found after study that at Flaming Gorge a million and a half acre feet of water could be stored and be made available at the point where the Green River entered the State of Utah. During the cycle 1926 to 1936 which is the driest cycle that we have a record of, it was found that a location existed that would permit the location of an aqueduct at an elevation of about 7,000. At that point an aqueduct could be located in the Uinta Mountains. It would slope into the mountains closing through a tunnel between the Strawberry River and what is known as the Spanish Fork River, down the south side of the Spanish Fork Canyon and down to the Thistle branching southerly and thence westerly to Nephi, then southerly to Fairview which is the headwater of the Spanish Fork River. It was found that at a dam at Bright Mountain or Echo Park or one of the other sites available the

water could be raised to 5,300 or 5,000 feet. If the adueduct is located at 7,000 it requires 1,650 feet level. One feature of the project is that the water at that end will probably drop back to an elevation of 5,300 feet and some of it will drop down to an elevation of 5,000. It has been estimated that we would possibly be able to recover 60 per cent of the power (indicating on map) that was put in over here for pumping. It was found that the natural development for power through this project is possible through the development of the power site on the Green, Yampa and Colorado Rivers.

In crossing the south slope there are several streams and creeks to cross. In normal years those streams would deliver 400,000 to 700,000 acre feet of water into an aqueduct without pumping but in a dryer, subnormal year only about 90,000 or 100,000 acre feet would be pumped.

If we will look at the map we will see that all this is within the State of Utah and that there would be no infringement on other rights in the present conception of the project. The water is there and the power is there as well as the possible location for an aqueduct. Looking at this map, the area in green represents the area not receiving any water supply. Where the area is outlined in red it means that those lands can receive supplemental water from this project. The area marked solidly in red represents about 1,900,000 acres lying approximately at the 5,300 foot contour which could be reached by water distribution

from the west end of the aqueduct. All of this land shown here (indicating) is not suitable but it is planned that 600,000 acres of that will probably be found suitable for irrigation purposes. This area marked in green and outlined with red extends all the way to the Sevier River and it will get water. Right on the upper Sevier they will be able to purchase water from this project and deliver it right to the Sevier Bridge Reservoir. The entire flow of the stream would be above that point.

You will notice a large area marked salt land in red and green lying northerly. That area there will receive water by an exchange of power as an agreement has been reached with the power company whereby they will have a plant on the Bear River. At present they have a right to discharge 600,000 acre feet of water in the Great Salt Lake. They will shut down their plant and take power from the new project. This will permit storage of at least 300,000 acre feet of water in Bear Lake or Cash Valley. In that way the rights will be extended into Wyoming and in Idaho who can also purchase this water.

We have metal industries up there. In 1937 four hundred and eleven million pounds of copper were shipped out of the State of Utah in an unrefined state. Over a hundred and seventy-five million pounds of zinc were shipped out and somewhat less than that of lead. Although Utah is the greatest smelting center in the world, they ship no refined metals beyond

their borders. In the case of the larger shippers of metals they are shipped to Perth Amboy and are there refined. They are brought back and fabricated in Tennessee and then marketed largely in the Mississippi Valley. About 80 per cent of our metals are shipped east and the rest come west to seaboard. That is a market for our power.

We have a vast source of magnesium which everyone knows will be a valuable addition to the aviation program if a cheap source of magnesium could be made available and that would absorb a large amount of power.

We also have in operation alunite deposits near Marysville and the one thing needed in order that those projects may operate economically is cheap power.

Our legislature appropriated \$62,500 which was matched by the Bureau of Reclamation for the investigation of this project. The first contract in this joint survey has been executed and the work is now under way under Mr. Debler. There is also a provision made that any city, town, county, or metropolitan water district or conservation district can participate in this project and in that way the investigation and financing of this project is planned.

I think I have outlined briefly the elements of this project and if there are any questions about it I would be very happy to answer them.

CHAIRMAN STONE: Are there any questions which anyone would like to ask?

MR. JENKINS: Mr. Kimball, what did you say was the available supply at Flaming Gorge or what the storage would be?

MR. KIMBALL: We are not taking the actual flow but it is planned to use Flaming Gorge for storage only of water that is released from Wyoming.

MR. JENKINS: You could not store anything that was not there. You could not store the water if it was not available.

MR. KIMBALL: No, not at all.

MR. JENKINS: Isn't it a fact that the virgin flow out of Wyoming is only 1,980,000 acre feet and there being in use 700,000 acre feet it would reduce the virgin flow to 1,280,000 acre feet and that would mean that Wyoming would have nothing further available for her development.

MR. KIMBALL: It would mean just this. We would take this water after Wyoming is through but I think that I can ask you a question that might answer your own question. Are you always able to divert in any year all of the water of the Green River in the State of Wyoming?

MR. JENKINS: I was just quoting an average flow. You cannot state it for any particular year because some years there would be an excess and some years there would be a shortage.

MR. KIMBALL: The thing, Mr. Jenkins, is to store the water you cannot use to supplement or divert it for the dry years.

MR. JENKINS: The principle we are using is that in the short years there would be no rise and fall. It would just be a constant discharge at the state line.

MR. KIMBALL: Let me say this, it is not planned in this project to take any water from the State of Wyoming. It is only what you release and if we build this project and pay for it it is our risk and we understand that perfectly. I believe it is our right to take all the water that you don't want.

MR. JENKINS: Isn't it a fact that if you build this project and appropriate that much money that that establishes a priority as against Wyoming without an inter-state agreement?

CHAIRMAN STONE: Isn't it true that this project is being studied and that this study when it is completed will indicate the possibility of the supply of water and that at this time it is just a case of the state determining whether the project will be feasible. If it infringes upon another state it will, of course, be subject to negotiations with that state. Isn't this the procedure? I would like to ask Mr. Debler if in the course of this study he will determine the water supply, and the operation of this proposed project in accordance with such water supply and the proposed projects in other states?

MR. DEBLER: That is absolutely correct.

MR. TIPTON: I think I can clear up one point. As I understood you, Mr. Kimball, your proposed project would get your water supply from the confluence of the Green and Yampa Rivers at the Utah State line. The ultimate flow might not always be one million and a half acre feet but there would always be a substantial flow from the Yampa in addition to that.

GOVERNOR HANNETT: Assuming that the project was in effect now, what would the consumptive use of the water be to make that project effective?

MR. TIPTON: It would be 100 per cent.

MR. KIMBALL: There would be a complete return flow in addition to the land that might be in this Basin which would receive supplemental water and some additional area.

MR. JENKINS: I think you are a little high on your estimate of the Yampa.

MR. TIPTON: About a million nine hundred thousand--that is the virgin flow.

MR. GILES: Are you in a position to give them the amount of the return flow out of that area?

MR. KIMBALL: It would probably be 30 or 35 per cent.

MR. DAVIS: How many acre feet do you estimate that you would divert? How many acre feet of land would that serve?

MR. KIMBALL: About 600,000 without taking into consideration the additional water that is made available on the exchange of power.

MR. DAVIS: How much of that is new land and how much supplemental land?

MR. KIMBALL: I imagine about 300,000 acres.

MR. DAVIS: About how much new land?

MR. KIMBALL: About 300,000 acre feet is supplemental and the rest would probably reach half a million or 600,000.

GOVERNOR HANHETT: Are there any other major projects that Utah is interested in?

MR. KIMBALL: There is not that I know of. There may be some very small ones but I do not know of any major problem at all. The largest one we have at the present time is the Deer Creek Project where it is proposed to divert about 30,000 acre feet by means of the Provo-Duchesne Tunnel.

MR. JENKINS: What provision would you have made for bearing Utah's share of the obligation at Lee's Ferry?

MR. KIMBALL: That is something that will have to be worked out.

MR. JENKINS: It should be worked out first.

MR. ROGERS: There is no proposal of any tunnel?

MR. KIMBALL: There was a 13 or 14 mile tunnel. The plan laid out 30 miles of tunnel but there is 13 or 14 miles

on this elevation.

MR. ROGERS: At the elevation of 7,000.

MR. STEVENS: There will be pumping there too?

MR. KIMBALL: That is something that will have to be determined but it seems that conditions there are favorable to locate them fairly close to the first point of diversion.

MR. DAVIS: What is the duty of the water in this section of the country?

MR. KIMBALL: Under our application we all had to agree that not over three acre feet will be used from all sources.

MR. DAVIS: But what do you use?

MR. KIMBALL: In many cases we get away with less than that where we have to.

MR. COLTER: Would you be able to ascertain what percentage of the reflow would return to the Colorado River system?

MR. KIMBALL: That would depend upon the completion of the survey and the soil survey and its application to the water within this basin.

MR. COLTER: I think in the Colorado River system the gravest question that is facing us now is the diversion of water out of the Colorado River system. The Colorado River system is the most rapid falling river in the world. My life-time observation and actual experience has been that with

precipitation, reflow and return flow in rivers like the Colorado River it will not diminish its flow. I am as sure of that as anything in my life.

Arizona is a very young state and it has just started to develop its Colorado River system. It is short of water for its own projects. It is going to be very much concerned, and I am sure that all of the states will eventually be concerned about water being taken out of the system. I am only enunciating this point for the others to consider. I am sure that 90 per cent of the water of the Colorado River system by saving the upper stream development as nature and law intended will return to the river below and 100 or 60 years from now there will be just as much water running out into the Gulf of Mexico as there was before it was ever taken out.

MR. KIMBALL: I cannot answer any of those questions prior to this investigation. I am sorry but I wish I could.

MR. MCCLURE: I think there is 600,000 contemplated in this new aqueduct under this project.

MR. KIMBALL: We hope we can do that. I would say 500,000 to 600,000 but as to how the whole project will work out and how much of the new supply will be absorbed by the present acreage and how much will be left for entirely new acreage we cannot tell yet. The investigation itself is now under way.

MR. STEVENS: Is it contemplated that any of this water will be used for domestic purposes?

MR. KIMBALL: Only incidentally.

MR. STEVENS: Primarily it is for irrigation.

MR. KIMBALL: Yes. The only place where any large demand will exist for a large increased domestic supply is at Salt Lake City and Salt Lake County.

MR. DAVIS: Do I understand that this is a part of a comprehensive survey?

MR. KIMBALL: No. These funds are furnished entirely by the State of Utah and they are matched dollar for dollar by the Federal Government.

MR. DAVIS: It is not included under the comprehensive study of the entire Basin?

MR. KIMBALL: It is not waiting for that at all. It is not planned to wait on that or expect those funds to carry on the investigation of this project.

MR. SCOTT: I think you stated you did not have any unit costs but evidently you must have made some good guesses.

MR. KIMBALL: I have made some guesses privately but I will not make them here.

MR. E. T. STEWART: (State Water Commissioner, Arizona)
What would be the total length?

MR. KIMBALL: The total length is 235 miles.

MR. DE ARMOND: You stated there were 400,000 feet. Is that included in the diversion amount of the 1,500,000?

MR. KIMBALL: The capacity of the aqueduct running continuously will only be 1,500,000. It will be entirely separated and it will be derived from the Green River. Practically all of it will flow into the Dushesne before it joins with the Green River.

MR. KERR: Have you made any estimate of the cost of raising this 1600 feet?

MR. KIMBALL: We are hoping that it will be as low as California's.

CHAIRMAN STONE: Mr. Humpherys, would you like to make a statement?

MR. HUMPHERYS: I would like to have the record show, with respect to the arable area of the Colorado River Basin in Utah referred to by Mr. Kimball, that there are approximately 370,000 acres as shown by the survey of the Bureau of Reclamation. This will probably be increased to 400,000 acres when the land classification is completed.

MR. DAVIS: You mean in the Colorado River Basin proper?

MR. HUMPHREYS: Yes, in the Colorado River Basin proper. Questions were asked Mr. Kimball with relation to the Utah Colorado River-Great Basin project which would lead one to believe that this project has been carefully investigated and is

ready for final consideration. This is not the case. As a matter of fact, it has been conceived as a possible project. A reconnaissance has been made which justifies a careful survey and study to determine its feasibility. It is in about the same stage as was the Colorado-Big Thompson Project in 1932. They had land in one basin and water in another and were considering ways and means of getting the water to the land. That is the status of the Utah project. Mr. Kimball outlined areas in red on his map of the project which represent approximately a million acres of land, of which he estimates 600,000 acres are arable. It may be more, or it may be less, but as yet we do not know. Contracts have just been awarded for land-classification surveys to determine just what part, and how much of this area is arable and what part is not. Mr. Kimball estimates the length of the conduit will be approximately 230 miles. There is a possibility that it will be less, and that, too, will be investigated and determined definitely. In other words, this is a project yet to be investigated. The Utah Legislature appropriated for this purpose \$62,500, which sum is to be matched with a like sum by Federal agencies. The work has already begun and we hope to be able to tell you more about the project in a year from now.

MR. MCCLURE: In this investigation and classification of land are you using the same yardstick that was used in the Colorado River Basin with the Bureau of Reclamation?

MR. HUMPHREYS: Yes. The Bureau of Reclamation is directing the land classifications; also doing, or supervising all investigations relating the project.

MR. JENKINS: I believe that Professor Peterson suggested that there were certain ^{other} lands lower down on the Colorado River that had not been classified.

MR. HUMPHREYS: There are only fragmentary areas yet left to do in Utah, except lands on Bear River in Utah and Wyoming involving a transmountain diversion from Green River. For two years past an investigation has been under way by the Bureau of Reclamation involving land classification or other studies on the Bear River Project. Power will be required for pumping, and to replace power now generated from water that can best be used for irrigation. In this connection also, for industrial development, the following sites on the Green and Colorado Rivers have been investigated: Flaming Gorge, Split Mountain, Dewey, and Dark Canyon.

MR. JENKINS: Where do you propose to do this - at Flaming Gorge?

MR. HUMPHREYS: That is yet to be determined.

MR. JENKINS: Would that be at Flaming Gorge or on the Yampa?

MR. HUMPHREYS: That is a determination yet to be made and will depend much upon available water.

MR. HAUSER: How much time will it take to make the survey?

MR. HUMPHREYS: We are not exaggerating when we say that we expect before a year from now that we will know whether or not this project is feasible and the approximate cost.

MR. GILES: In introducing Mr. Kimball I neglected to say that he is representing the Metropolitan Water District of Salt Lake City. He is their engineer and Mr. Bundy, who is here from Utah, is Vice-President of the National Reclamation Association and Mr. Martini is Past President of the Association of Civic Clubs of Southern Utah.

CHAIRMAN STONE: The presentation of this project has been made to you. I think we should all bear in mind the fact when we started out with this work it was the general policy recognized, I believe, by all members of the Committee that all projects for the utilization of water supply of the Colorado should be surveyed and investigated. It is quite plain to everyone that Utah's utilization and the right of the water of this river is very much limited unless some progress of this kind can be worked out. That situation must be recognized with respect also to the other states. Colorado's lands are in one place and the water supply is in another. The Colorado Big-Thompson Project has been surveyed and the construction authorized. Construction has actually started.

Day before yesterday the situation in general was explained by Mr. Tipton. He presented the picture in the Upper Basin. It is very evident that these problems cannot

be worked out unless we have an agreement among the states.

In this case it involves very directly those of the Upper Basin but we will not have definite information until the surveys are completed.

Colorado has a river, the Yampa, which is involved in this project. We have some small developments on the Yampa, yet the supply of the Yampa is very large. There is also the possibility that in connection with that project perhaps some areas in Colorado may be worked out. It is also possible that between these states an agreement can be worked out when the facts and figures are made available. It seems to the Chairman that all of these matters can be developed if and when an adequate survey is made available.

In our own state we often have projects and we have one now where there is a controversy within the state. It is very evident to some of us that those controversies cannot be properly and equitably worked out until the facts and figures are developed and the data is made available. I believe that all of us in this Committee will agree that Utah should be given full opportunity to explore the possibilities of this project and to secure the investigation.

Here is something that should be recognized. The State of Utah which has a population of only something like 500,000 has appropriated \$62,500 to be matched by Federal funds for the purpose of fully and completely investigating the

possibilities of this project. They are willing to put on the table with the cards face up the possibilities of this project and the relation of the use of water through this project with uses in other states. That is the problem which we are working out but we cannot expect to work out a plan of development without some facts and we cannot solve these problems in connection with these projects without the facts. Utah has gone a little bit further in this matter. She has brought a picture of her project here and put it on the table and that is always in line with the procedure of this Committee. This seems to me a sound policy and a sound procedure and if we can go ahead along that line we will accomplish much more.

If this investigation were made and the project was continued without the knowledge of the other states we often would find opposition on these projects which was not justified. I think I only can refer to the opposition that occurred some years ago to the Gila Project. This gave the Congress a lot of trouble but when it was fully understood there was no opposition. Let's understand the situation as we go along and I think that we will work out our difficulties. We have a tremendous job here. We are building a pretty big house. There is a lot involved but this house cannot be built without plans. Within a year or two the facts will be made available and the possibilities can then be explored.

MR. GILES: Thank you, Judge Stone, for your statement.

CHAIRMAN STONE: Is there any further discussion of this matter?

.....No response.....

CHAIRMAN STONE: If not, we will pass on to the next item which is the Bridge Canyon matter.

BRIDGE CANYON MATTER

CHAIRMAN STONE: This matter has been before this Committee. The special Committee consists of Grover A. Giles, Mr. Arvin B. Shaw of California and Governor Hannett of New Mexico. This Committee asked Mr. Davis and Mr. Scott for some brief or data concerning this application for a preliminary permit. Mr. Giles, have you a report to make at this time?

MR. GILES: Mr. Chairman and Gentlemen: About the only function that our Committee has performed up to this date is to request a brief from the Arizona representatives on this question. Owing to conditions that have developed over which these gentlemen, of course, have had no power to control delays have been caused. I think that the Arizona representative could give the details a little bit more accurately than I could. After we have their brief and they state their position maybe we can agree but, at least, we ought to see the picture as they see it first.

Mr. Davis, could you enlighten the Committee on the present status of your work along that line?

MR. DAVIS: Mr. Chairman, probably the best thing is to lay out the picture as it now is and as we see it. Perhaps you will recall at the Denver Meeting that your Legislature had just enacted a new law creating a commission. Instead of the commissions all expiring coterminous, this one started upon the 1st of April, being for six years.

That was our first official meeting and that was on March 9th. Before that, it was just a hold over under the old law. Not knowing what disposition would be made, it was impossible for us to do anything except in a way mark time and then take care of it to the best of our ability under the old setup.

Our first meeting was on March 9th. Under the new law it empowers us to employ an attorney if we see fit to do so. We did that immediately but owing to the opposition of our Attorney General who contested this and brought it up to the Supreme Court, we could not do anything. Just a week ago a decision was handed down but before that it was impossible for us to go ahead and prepare a brief. Judge Shute is here with us today as our attorney. He has the legal understanding and status of this affair.

I am sure you understand how impossible it would have been for us to have prepared a brief under the conditions I mentioned because we may not have even had an application let alone a brief had we gone ahead. However, in the meantime, there has been some things happen which will directly bear upon this question as has been brought out here in the discussion this morning.

Since the Denver Meeting we reported that our Legislature had enacted the ratification of the compact with several stipulations.

It is stipulated in the Boulder Dam Act that there are 2,800,000 acre feet allotted to Arizona and one half of the surplus. There are also three points in there that are embodied in a tri-state agreement between Arizona, California and Nevada. These provisions, in the enactment of this law, were lifted bodily, verbatim, word for word, out of the Dam Act because we did not want there to be any question about putting other things in there. That is why our attorney considered that we did not add anything new and that we were taking only that which had been already agreed upon.

As far as the Upper Basin is concerned, by Arizona ratifying the Compact, your statement has been to us, you would not have any concern about Bridge Canyon. Our Governor has sent to the Governor of California and to the Governor of Nevada a copy of the law as enacted by our legislature. If and when they do concur in that tri-state agreement it is to be sent to the next governor and then from then on to the President of the United States. We have heard nothing about this since our Governor sent it to the respective governors of California and Nevada. Apparently, it is sleeping peacefully in their offices somewhere. There is a stipulation in our law in which one year is given to California or Nevada in which they can ratify it. If there

is reason for further prolonging it, the statute provides that our Governor, by proclamation, may extend that time another year, so that there is really a two year dead line on it, you might say. That dead line is put in there purposely so that it will not just be floating around in the air indefinitely. In other words, we feel that Nevada and California, in the two years period, should either take it or leave it alone. If they do not want it they can decide that in that time and then we will know where we are.

This seems to have a very vital bearing upon the Bridge Canyon Project. Our brief would have said that we intended to go ahead with the development of the Bridge Canyon as rapidly as possible. We have no intention or desire to infringe upon the rights of any other state. We are very much interested in such a proposal as the development in Utah. We are very much concerned because we want to know how much water is going to be taken out and how much will be left to come down. We have no intention of infringing upon the rights of any other state. We want to be in full accord with them and in harmony with them but, on the other hand, neither do we intend to develop it in our own state, if we can help it. If there is a radical objection to our filing on that from any of the other states, I think it would be better for everybody if they were known as early as possible and then we could meet it. As Judge Stone said, then we would

know where we are if we have the facts in the case.

Mr. Chairman, that is about the situation. We have a site at Bridge Canyon. We have been making some surveys recently and are going ahead with it. We want it for development in our state and there is nothing that we want to hide from you and cover up.

MR. GILES: At this time, Mr. Davis, can you give us some idea when we may expect a brief. We are in the position of having to make an answer.

MR. DAVIS: Our attorney is here and while he is just new on the job he, perhaps, could answer that question better. If it is agreeable, I would like to have him answer that question.

CHAIRMAN STONE: I am sure that we all want to get acquainted with Judge Shute and we would like to hear from him.

JUDGE G. W. SHUTE: (Attorney-Arizona-Colorado River Committee) That question is indeed a difficult question for me to answer, Mr. Giles, particularly, in the light of the information that I have obtained since listening to the papers that have come in during the past two and one half days.

I am not conversant at all with the Bridge Canyon site and it would be almost impossible for me to say now how long it would take. Conditions are constantly creeping in

that would change one's viewpoint on just how it should be done. I take it from what I have heard here that this brief or paper or any reasons that we might give would be more in the nature of an economic thing rather than in the nature of a legal brief on that subject. In fact, a legal brief on it seems to me would be rather a useless thing except as it might attach to determining whether or not the condition Arizona might create would hurt Colorado or Utah. As Mr. Davis has explained to you, those things are far from our thoughts. We have talked this matter over many times and we want to keep away from any trouble but if that is the real basis for the brief, that is, to give a picture of the effect and result, I think I can assure you that it would not take very long for that sort of thing. I would have to rely on Mr. Scott and the work that he has done there. I am rather interested in knowing why we are expected to make a report considering, of course, that it is not being made at this time.

MR. GILES: As long as you go along with us in getting this extension, we have no reason for hurrying you people up. If we expected to make an answer right away we would expect to have your statement in right away.

JUDGE SHUTE: Is it the Power Commission, or just what is it?

MR. GILES: Fundamentally, it is for our use in making our answer to the Federal Power Commission.

JUDGE SHUTE: This matter has always been a great question with me. Now you say we should furnish you with a brief showing why we should not oppose it. Is that the idea?

MR. GILES: That is right.

CHAIRMAN STONE: I think I can clear that up. The upper states do not want to arbitrarily object to matters of that kind. If the Compact had been ratified by all seven states then, the legal question which arose, would not come into the picture. As suggested by Mr. Davis, some effort has been made on the part of Arizona looking toward the possible ratification of the Compact. If that were done, then the Compact provisions would control. In the absence of that and in line with the procedure we are attempting to follow here we want to, if possible, work out these disputes. We cannot do that without sufficient facts and figures. Along that line a committee was appointed consisting of Mr. Giles, Governor Hannett and Mr. Shaw to make a report on these legal phases. At the Denver Meeting it developed that Arizona wanted to present additional facts and figures and a brief in support of this project in order that this committee have something definite on which to act. They have at this time filed objection in the hope we could work it out and this is the mere procedure of working it out. Does that answer your question?

JUDGE SHUTE: Yes, in a way. On the other hand, it is a little bit more confusing. I noticed in your statement that you use the word "legal" with respect to this brief. I do not really believe that that would be the proper word. I believe if we would furnish facts and figures, as you suggested in your presentation a while ago, where we would show this would be in line with the work of the committee, we would not strike any legal proposition.

CHAIRMAN STONE: No doubt the facts and figures are there but the Upper Basin states took the position that there were some legal questions involved with respect to this project in the absence of the Compact's ratification. We understood that Arizona desired to submit its position on this. If you do desire to do it, it is left open for that purpose.

JUDGE SHUTE: We do desire to take advantage of that situation. I do think that the man preparing that instrument ought to have a knowledge of what he is required to do.

GOVERNOR HANFETT: As a member of the committee, and not speaking for the other members of the committee, but, as far as I am concerned, there is one problem and that is what will be the consumptive use of the water if this dam is constructed?

JUDGE SHUTE: I think that clarifies it as I understand the same thing.

MR. SHAW: Might I make a suggestion to clarify this thing? I believe that the committee should meet with Judge Shute and talk the matter over. Perhaps this can be done in half an hour some time during the day and then we might be able to make some progress toward understanding what we are talking about.

CHAIRMAN STONE: Mr. Giles, as Chairman of that Committee, can you arrange that?

MR. GILES: Yes, I believe that we will be able to arrange that.

MR. FRED T. COLTER: (Phoenix, Arizona) I would like to make a statement on this Bridge Canyon Project so that you may have it for your consideration. Our report will be given to you for your information in view of the fact that there is in Arizona a very strong faction that is opposing the Bridge Canyon Dam site.

...Mr. Colter then submitted to the committee a 300 page report relative to opposition in Arizona, together with his oral statement.....

GOVERNOR HANNETT: I desire to offer a resolution. Mr. Chairman, I move that only the delegates officially named by the governors of the various states be allowed to speak except with the consent of the Chair or the consent of the official representative from that state.

MR. ROGERS: I second the motion!

...The motion was put to a vote and it was
unanimously carried.....

MR. HEWES: I would like to ask Mr. Davis a question.
I would like to have him clear the record with reference to
the legislation passed by the State of Arizona in regard to
ratifying the Compact. Mr. Davis, I think you made the state-
ment that the legislature used the language of the Compact.

MR. DAVIS: The language of the Boulder Dam Act,

MR. HEWES: Of course, it does not include all the
language of the Act.

MR. DAVIS: Just relating to the tri-state agreement.
In the Boulder Dam Act it makes provision for a tri-state
agreement between the three states, California, Nevada and
Arizona, and that language was taken out and lifted bodily
out of this Boulder Dam Act which related to the tri-state
agreement.

MR. HEWES: As far as the Compact is concerned the
legislature did not use the entire language of the Compact.
I rather felt that the record would be confusing as to your
statement of the language of the Act with reference to the
stipulation by which the State of Arizona would ratify the
Compact and I would like the record to show that the legisla-
tion passed does not include all of the language of the
Compact.

MR. DAVIS: Are you confusing the Compact with the
Boulder Dam Act?

MR. HEWES: I want to clear up the situation as far as the Compact is concerned. I do not want there to be any confusion.

MR. GILES: Perhaps I can be helpful. I have a copy of the Boulder Dam Compact.

MR. DAVIS: Here is a copy of the legislation.

GOVERNOR HANNETT: The Compact and the Act speak for themselves and we are just wasting time.

MR. DAVIS: This is a part of the Compact which relates to the definite commission of the terms used. That is copied into the legislation and it stands there verbatim, word for word, where it refers to the definitions and where it refers to the tri-state agreement lifted bodily and verbatim out of the Boulder Dam Act. Of course, it does not take all the Compact and all the Boulder Dam Act.

MR. HEWES: That is the statement I wanted to have made.

MR. DAVIS: The definitions from the Compact are taken from the Compact itself.

CHAIRMAN STONE: Does Arizona desire to submit this Act of the legislature for the record.

MR. DAVIS: We would like to do that.

CHAIRMAN STONE: In line with the suggestion made by Governor Hannett let the record show that the proposed legislation will become a part of the record to clear a

question which has been submitted here and later explained in the conversation between Mr. Hewes and Mr. Davis.

MR. GILES: Suppose we identify this as Exhibit A in these proceedings.

...The Act referred to was thereupon marked Exhibit A.....

MR. SCOTT: I would like to ask Mr. Hewes a question. It seems to me that it is boiling down to a matter of timing. I think Mr. Davis explained that one year was allowed from the date of the Act with the right of the Governor to extend that time another year. As I understand it the California Legislature meets a little bit later than ours does and that it adjourns a little bit later, I believe, that it said in the paper that it adjourned on the 17th. It looks to me like this thing is going to be pretty well eliminated by the timing and I am wondering what the effect is going to be. I am wondering if the California Legislature is going to be able to take any action on this at this time or do they intend to take any action on it and, if not, will they just defer it. It seems to me that this ^{is} a rather pertinent question at this time in the timing as outlined. If we have to carry it over again we will not get very far. We have made a good gesture. We have done everything we can to get it going and passed. We have placed this before our legislature as a definite thing but do we have to ask them to extend it further. Is there any possibility of making this thing work in view of the timing on it?

GOVERNOR HANFETT: That question would necessarily be directed to Mr. Hewes of California. I think any answer he could make would be that no one could answer for the Legislature of California as it now stands.

MR. SCOTT: The point is, that I feel that the Colorado River Board of California probably has some influence with the legislature. The point is, are we just wasting time discussing this. I am convinced that it is nothing that the Committee of Fourteen can do. It is a matter for Nevada, California and Arizona. The Upper Basin boys are vitally interested in this thing.

MR. E. F. SCATTERGOOD: (Bureau of Power and Light, Los Angeles) Speaking for California, I suppose in two years the extension would be up?

MR. DAVIS: It is around March 1st.

MR. SCATTERGOOD: Our legislature will next be meeting in January, 1941, which would be two months ahead of that even if they do not act on it at this session or do not have a special session. I do not think they will be idle in the meantime and doing nothing.

MR. SCOTT: That answers my question. Thank you.

MR. DE ARMOND: The Nevada Legislature meets a little bit ahead of it. The Nevada Legislature meets about the same time as the Arizona Legislature. I was confused about the California Legislature owing to the fact that it is now in session. I was just wondering if the Committee of Fourteen,

care anything about it.

GOVERNOR HANNETT: We are certainly interested in seeing Arizona join with the rest of the states.

CHAIRMAN STONE: I think that Governor Hannett has stated this correctly. We will all be working much better and we all should be interested in it if it is possible to work this thing out. The three lower states should work together so that Arizona can become a signatory to the Colorado River Compact. We are certainly interested to that extent.

Answering the question as to whether or not this is just an idle gesture, I believe that there has been some honest effort made to work out this problem. Mr. Scattergood stated that the legislature meets again in 1941 and that this Act provides for a possible extension for one year. Is that correct, Mr. Davis?

MR. DAVIS: Yes.

CHAIRMAN STONE: So that it is possible if the timing, as expressed by Mr. Scott, is to be taken into consideration, every effort can be made to get together and perhaps discuss it among the three states and see what possibility there is for reaching an agreement. Is that right, Mr. Hewes?

MR. HEWES: I would say that every effort is being made among the three commissions to decide on the action to be taken under the legislation passed by Arizona. Naturally, whatever the result of that action is, it will then determine the negotiations that will follow.

I would also like for the record to show that as far as my own answer to Mr. Scott's question is concerned the statement made by Governor Hannett is the only statement that anyone could make in answer to that question where it involves the action of someone else or what they might do.

CHAIRMAN STONE: I think all the members of this Committee would be interested in the three states making a serious effort to solve this problem and I trust that that can be attempted.

GOVERNOR HANNETT: Speaking for New Mexico alone, I would like the record to show that New Mexico, as the next door neighbor of Arizona, is very happy in the leadership that Arizona has at this time which is looking toward peaceful negotiations. I also think that Arizona is very happy in the choice of her leadership at this time in river matters.

MR. HEWES: I would like to say that California concurs in that statement also.

CHAIRMAN STONE: I am pleased to hear those expressions. That is a source of great satisfaction to every member of this Committee that Arizona has taken this attitude. It certainly augurs well for a fuller and richer benefit for all of us. It actually helps all of us in getting the water to help out the entire Basin and these efforts certainly will not go amiss. On the part of Arizona I hope that they can come to some serious consideration of this matter.

EXHIBIT A

State of Arizona
Fourteenth Legislature
Senate Regular Session

CHAPTER 33
SENATE BILL NO. 56
AN ACT

RELATING TO THE COLORADO RIVER; PROVIDING FOR A COMPACT BETWEEN
ARIZONA, CALIFORNIA AND NEVADA, AND FOR THE APPROVAL OF
THE COLORADO RIVER COMPACT; AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Tri-state compact. The state of Arizona, desiring to enter into a compact with the states of California and Nevada under the authority of and in accordance with the provisions of the Act of Congress of the United States of America approved December 21, 1928 (45 Stat. 1057, "Boulder Canyon Project Act"), proposes the following compact or agreement between the states of Arizona, California and Nevada:

COMPACT BETWEEN THE STATES OF ARIZONA, CALIFORNIA
AND NEVADA

The states of Arizona, California and Nevada, desiring to enter into a compact or agreement under the Act of Congress of the United States of America approved December 21, 1928 (45 Statutes at Large, page 1057, "Boulder Canyon Project Act"), have agreed upon the following articles:

ARTICLE I

The major purposes of this Compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System apportioned to the Lower Basin under the Colorado River Compact; to establish the relative importance of different beneficial uses of such water; to promote interstate comity; to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Lower Basin, the storage of its waters, and the protection of life and property from floods.

ARTICLE II

As used in this compact;

"Colorado River System" means that portion of the Colorado River and its tributaries within the United States of America;

"Colorado River Basin" means all of the drainage area of the Colorado River System and all other territory within the United States of America to which the waters of the Colorado River System shall be beneficially applied;

"States of the Upper Division" means the states of Colorado, New Mexico, Utah, and Wyoming;

"States of the Lower Division" means the states of Arizona, California and Nevada;

"Lee's Ferry" means a point in the main stream of the Colorado River one mile below the mouth of the Paria River;

"Upper Basin" means those parts of the states of Arizona, Colorado, New Mexico, Utah, and Wyoming within and from which waters naturally drain into the Colorado River System above Lee's Ferry, and also all parts of said states located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the system above Lee's Ferry;

"Lower Basin" means those parts of the states of Arizona, California, Nevada, New Mexico and Utah within and from which waters naturally drain into the Colorado River System below Lee's Ferry, and also all parts of said states located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the system below Lee's Ferry;

"domestic use" includes the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but excludes the generation of electrical power.

ARTICLE III

(a) The aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the state of California, including all uses under contracts made under the provisions of the Boulder Canyon Project Act and all waters necessary for the supply of any rights which may now exist, shall not exceed four million, four hundred thousand acre feet of the waters apportioned to the Lower Basin States by paragraph (a) of Article III of the Colorado River Compact, plus not more than one-half of any excess or surplus waters unapportioned by said Colorado River Compact, such uses always to be subject to the terms of said compact.

(b) Of the seven million, five hundred thousand acre feet annually apportioned to the Lower Basin by paragraph (a) of Article III of the Colorado River Compact, there is hereby apportioned annually to the state of Nevada three hundred thousand acre feet and annually to the state of Arizona two million, eight hundred thousand acre feet for the exclusive beneficial consumptive use by said states of Nevada and Arizona, respectively, in perpetuity.

(c) The state of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River Compact.

(d) In addition to the water covered by paragraphs (b) and (c) hereof, the state of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of the state of Arizona in perpetuity.

(e) The waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico, but if, as provided in paragraph (c) of Article III of the Colorado River Compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said Colorado River Compact, then the state of California shall and does mutually agree with the state of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the Lower Basin.

(f) Neither the states of Arizona, California nor Nevada will withhold water nor require the delivery of water which cannot reasonably be applied to domestic and agricultural uses.

(g) All the provisions of this compact or agreement shall be subject in all particulars to the provisions of the Colorado River Compact.

ARTICLE IV

This compact or agreement shall take effect and become binding and obligatory when it shall have been approved by the Congress of the United States of America, by the legislatures of each of the states of Arizona, California and Nevada and when the states of Arizona, California and Nevada shall have ratified the Colorado River Compact. When approved by the

legislature of a signatory state the original and four copies of this compact or agreement shall be signed by the governor of such state and notice of such approval and signing shall be given by such governor to the governors of the other signatory states and to the president of the United States of America. The governor last signing shall forward the original copy for deposit in the archives of the Department of State of the United States of America and one copy to the governor of each of the other signatory states.

IN WITNESS WHEREOF this compact or agreement is executed.

STATE OF ARIZONA

By _____
Governor, at Phoenix, Arizona
_____, 19__

STATE OF CALIFORNIA

By _____
Governor, at Sacramento,
California
_____, 19__

STATE OF NEVADA

By _____
Governor, at Carson City, Nevada
_____, 19__

Sec. 2. Acceptance by Arizona. The proposed agreement between the states of Arizona, California and Nevada, as set forth in section 1 of this act, is approved and accepted for the state of Arizona. The governor of the state of Arizona is authorized and directed to sign said agreement for the state of Arizona, and to give notice of its approval as in said agreement provided.

Sec. 3 Conditional approval of Colorado River Compact. If the agreement set forth in section 1, of this act, be approved by the Congress of the United States, and the states of California and Nevada within one year after the effective date of this act, or within a period of one additional year thereafter provided the governor of the state of Arizona shall by proclamation so extend the period for such approval, the Colorado River Compact shall thereupon be and become by the terms of this act ratified for and on behalf of the state of Arizona.

Sec. 4 Emergency. To preserve the public peace, health, and safety it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

APPROVED: March 3, 1939

Is there any further discussion on this question?

MR. DAVIS: Mr. Chairman, I believe that you were concerned about the Upper Basin States who have been requested by the Federal Power Commission to register any complaint they might have, if any.

CHAIRMAN STONE: I believe that all of the states were requested to do that.

MR. DAVIS: That has been deferred for some time and from time to time and we appreciate that fact. The reason that I brought this up on the table before you is to show you that our position is not to stall or postpone anything of that kind.

CHAIRMAN STONE: I do not think that anyone thinks you are attempting to do that.

MR. DAVIS: If there is an attempt an objection could be made to the Federal Power Commission. Further, we are going to meet you on any ground in the solution of this problem because if there are any valid objections under this Act by which you are going to be jeopardized we would like to know that.

GOVERNOR HANNETT: I suggest that that is information for Mr. Giles' committee.

CHAIRMAN STONE: Mr. Giles' committee and Judge Shute are going to get together. After they have talked this thing over and come back this afternoon perhaps we can agree upon that very thing. No doubt, we can come to some conclusion.

MR. DAVIS: I had in mind that this Committee of Fourteen should have some idea about this because your recommendations go to the governors and which helps determine the governors' action to the Federal Power Commission.

CHAIRMAN STONE: That was my idea. Let the record show that the Committee is going to meet with the Arizona representatives and their attorney and determine their further procedure. They are going to bring a report back as soon as we convene here today after lunch and then we can take the action that you suggest.

There are two committees that will have some work to do during the noon recess, Mr. Giles' committee and the Engineering Committee. After lunch they can come in with their report. It is nearly 12:00 and I suggest that, if it meets with the approval of the Committee of Fourteen, that we give these committees such time as they might find necessary in order to report back. The Park Service has a matter to be submitted and Mr. Debler's report is to be made. Some of the members of the Engineering Committee are also members of the Committee of Fourteen. There are some other matters to take up aside from those I have indicated but they will take very little time.

We shall meet here in this room at 2:00 o'clock this afternoon.

.....The meeting recessed at 12:00 o'clock noon to reconvene at 2:00 o'clock the same afternoon.....

SECOND SESSION

June 7, 1939

The Second Session of the meeting of the Committee of Fourteen met in Conference Room 9, at the Biltmore Hotel, Los Angeles, California, June 7, 1939, Judge Clifford H. Stone, acting as Chairman of the meeting. The meeting was called to order at 2:45 P. M.

CHAIRMAN STONE: The meeting will please come to order.

Before we proceed with the report of these Committees, we have with us Mr. Milo F. Christiansen of the National Park Service. He has a matter that he wishes to present to the Committee. We shall listen to him now.

REMARKS

Milo F. Christiansen, Regional Supervisor Recreational Area Planning Division, Region III, National Park Service, Santa Fe, New Mexico.

There are two or three things that I would like to take five, six or seven minutes to explain to you. They may not seem to be important after what we have heard the last two days. I would like to point out a few things for your thought and consideration based on a multiple use from a long range planning view. That is recreation and wild life.

Recreation, of course, is important to us in considering the Colorado River Basin and in making use of it to the states and the nation. The lack of preliminary planning and study for recreational uses already has become apparent in some of the reservoirs. At a recent meeting of the Drainage Basin Committee a statement was made

to the effect that the river beds of the Colorado River Basin would probably be of more importance to recreation than to some other uses. There was another factor in making the preliminary study and that is that there are certain economic appraisals which are being made which help justify some of the construction of other reservoirs - the economic values and the appraised values of the recreation. Until recently there has been very little done in making appraisals of economic values of the proposed reservoirs. Over in the Southwest Basin the War Department and Bureau of Agricultural Engineers requested us to assist in making some economic appraisals on 24 reservoirs proposed in the Southwest Basin. These studies are completed although they are primarily set up for flood control work. Some of them are set up for power. Many planners, of course, have been reluctant to make economic appraisals of recreational value because of the so many intangible factors. That is no longer true.

Considerable data and information has been collected and filed which point to the recreational importance of these reservoirs. Last year alone over half a million people participated in the recreation afforded at Boulder Dam. This was in fishing, boating, swimming and all types of water use. We recently completed an investigation of the Parker Dam for consideration as a recreational area.

You people might think what concern is that of ours. I want to bring home to you the experience that one of the Basin Committees had over in the Southwest region in which a subcommittee was set up for making a complete study of the recreation and wild life. This subcommittee was composed of members of State and Federal agencies

plus a Water Consultant of the National Resources Committee. The Committee have already met and set up an outline and a report is in the process of completion. I just want to take two or three minutes to give you briefly some of the things that are covered in such a study.

The first one in the outline is a general description such as the physiography, topography and geology from the standpoint of recreation. Next is the description of the climate, the amount of sunshine per day and the number of days available for outdoor recreation.

The next heading is from the human aspect, general data, the districts and characteristics of the population, location and so forth. I am not going into detail with all of these.

The next factor is transportation facilities, accessibility to the recreational area by passenger train, bus routes, highways and so forth.

Land use: This is brief data such as the proportion of the land cultivated, forests, grazing, the general extent and size as well as the present condition, past trends and probable future land uses.

The hydrologic data is brief. This is as to kind, quantity and quality of water for recreation over the local streams, number of the districts affected, if any, existing water facilities and the present uses.

Another consideration is water for recreation and water for wild life conservation appropriation and effect of present operation for recreational use.

The next is water hazards. This is data and a discussion on the effect of wild life caused by flood and drought.

Pollution. The next is the relation of erosion to soil conservation and the recreation of lakes and streams.

The next heading is a discussion of the water problem. This takes into consideration erosion at the project and the relative value to recreation and wild life.

The multiple use project is the real value of recreation versus power and other uses, conflicting agreements and probable benefits that might be allocated on account of the recreational uses.

Last, is the comprehensive plan facility of the project involving wild life and recreation.

That gives you a brief outline of the work program of the subcommittee of the Drainage Basin. There are a few other things that I would like to mention but a preliminary study and survey certainly will aid the problem of recreation and it will certainly aid us in the control, zoning for use, accessibility, land acquisition and pollution. I would just like to leave these words with you for any thought and consideration that the members of the states would like to give them. Thank you.

CHAIRMAN STONE: Are there any questions that you would like to ask Mr. Christiansen or does anyone have any comment.

MR. PATTERSON: How do you proceed to get your agency to make a study?

MR. CHRISTIANSEN: I might have left the wrong impression. The economic appraisals are made through the Bureau of Agricultural Engineers and now the War Department have put on a regional appraiser to do the actual appraisal work. The studies are being made by the

states in cooperation with those Federal agencies that are concerned with recreation and wild life.

GOVERNOR HANNETT: The Government is spending substantial sums on migratory birds.

MR. CHRISTIANSEN: The Biological Survey is doing a lot of that work. This is in the Department of the Interior and is a phase of the wild life related to the Park Service. Under the Biological Survey it is working out much better all the way around.

CHAIRMAN STONE: Are there any other questions?

. . . No questions . . .

CHAIRMAN STONE: Mr. Christiansen, we shall keep your remarks in mind. There is hardly any question but what recreation and wild life represents an industry in the Basin. It should be recognized in all these developments.

We shall now have the report of the Engineering Committee.

REPORT OF ENGINEERING COMMITTEE

MR. J. R. TIPTON

Mr. Chairman and gentlemen: The Engineering Committee met with all present. Most of the members of the Committee had reviewed the Jacob-Stevens Report. The individual members of the Committee and as a whole felt that the Report was a very excellent report as contained under one cover. There is there about all of the data extant at the time the Report was prepared concerning probable development within the Colorado River Basin.

It is the feeling of the Committee that the Report consists of three types of items; first, basic data; second, derived data,

which we might say is of a secondary nature from which the body of the Report was prepared, and then the final conclusions. Each individual member of the Committee had some items in the second class of data to which they took exception. That is the derived data and those exceptions probably would not be material. The Committee as a whole felt that the conclusion as reached at this time should not be used by the State Departments as a basis for the negotiation of a treaty. The authors of the Report concluded that there would be a certain residual amount of water passing to Mexico after full development in the United States but, I think, in the report itself the Committee recognized that some of that water could be utilized in the United States. Members of the Committee feel that that is true to some extent but what utilization can be made of that water at the present time no one knows.

The Committee would like to recommend to the Committee of Fourteen that the proper authorities be notified that the Committee feels that negotiations should not be started on the basis of that report at the present time. That is particularly true due to the fact that the comprehensive investigation is being expedited with the hope that it will be fairly completed within the three year period and that much more data will be gathered that will throw much more light on the subject at that time. In the meantime, the Committee recommends this procedure with respect to its own functioning; that each member review a little bit more the Report, individually as well as possibly through a smaller group. In other words, Mr. Elder and Mr. Scott might get together and discuss some phases of the report

and then the Committee members of the Upper Basin might get together and the result of their review be sent to me as Chairman of the Committee in Denver, to digest the report and prepare a rough draft of the report for the Committee. Three members of the Committee will be in San Francisco the latter part of July. These three members are Mr. McClure, Mr. Humpherys and myself. Perhaps it will be possible for other members of the Committee to be there. If they could be there then this Committee could meet and whip that rough draft into a final report for submission to this Committee of Fourteen at some time subsequent to the latter part of July.

If I have not stated the conclusions properly, I would be glad to have any member of the Committee correct me.

CHAIRMAN STONE: Does any member of the Committee desire to supplement that report?

. . . No response . . .

CHAIRMAN STONE: If not, I understand that the Committee will be ready to report at a date some time subsequent to the first of August.

MR. TIPTON: That is right, if the Committee of Fourteen agrees to the procedure outlined.

CHAIRMAN STONE: Do I hear a motion approving this procedure and fixing a date that may be available?

MR. HEWES: I will make that motion.

MR. DAVIS: I second it.

CHAIRMAN STONE: The motion is that the procedure of this

Committee as outlined will be approved looking toward the submission of the report at some time immediately subsequent to the first of August 1939.

MR. DAVIS: Does this imply that the Committee of Fourteen will meet about that time?

CHAIRMAN STONE: No. The Committee of Fourteen will have this report for their next meeting but we are not fixing a time now.

MR. DAVIS: This Committee will have their report.

CHAIRMAN STONE: They will have their report ready to submit when we meet next time.

MR. HEWES: Mr. Chairman, if the Committee thinks it desirable at this time to take action on this motion should the State Department use the Jacob-Stevens Report in its present form as a basis of international negotiations or do you think that there will be sufficient time after we get the report from the engineers?

CHAIRMAN STONE: I think that the adoption of this Report carries that action. I understand, Mr. Hewes, that they recommend that the State Departments are notified at that time not to use this report as a basis for negotiations.

MR. TIPTON: That is correct.

CHAIRMAN STONE: If this motion carries, then I take it that the Chairman is obligated to so notify the State Departments. Is there any further comment on this question?

...The question was called for, the motion put to a vote and it was unanimously carried...

CHAIRMAN STONE: We shall now listen to the report of Mr. Giles' committee.

REPORT OF SPECIAL COMMITTEE

Grover A. Giles

Mr. Chairman and gentlemen: At our meeting on the Bridge Canyon site matter, Judte Shute very graciously acceded to the plan we had already adopted of presenting the statement on behalf of Arizona to our Committee in order that we may prepare an answer to the application for a temporary permit. The time, as I recall it, provided for that statement around September. Is that not correct, Mr. Davis?

MR. DAVIS: Six months from that time.

MR. GILES: Six months from March 1st. I guess it was the Denver Meeting that we had in March. Of course, after that we expected to get together to draft our answer. I don't know whether any member of the Committee desires to make a supplement at this time but that is the result of our conference.

CHAIRMAN STONE: I think that is a disposition of the matter. The time is fixed and the arrangements made, all of which indicates that this Committee will be ready to report at the next meeting of the Committee of Fourteen.

MR. SHAW: I had in mind a joint representation to the Power Commission.

MR. GILES: Thank you, Mr. Shaw, I intended to include that. We decided that the best thing to do was to make a joint application for an extension of time if and when the same may be necessary in order that the matter may be properly taken care of.

CHAIRMAN STONE: I wrote to the Federal Power Commission

stating what action had been taken at the Denver Meeting. The Federal Power Commission answered and wanted a copy of the minutes indicating our action. Since they are taking a rather technical view of it, I would like to have your Committee prepare a resolution and offer it for adoption so that the next time they ask me I can have a proper resolution adopted as shown by the minutes. Mr. Shaw could you draft that?

MR. SHAW: Yes, I will do that.

MR. SCOTT: I would like to throw a little side light on this thing. While I was in Washington I talked to the Secretary of the Commission and explained to him this matter. I think there has been some confusion somewhere. They thought that we were just at each other's throats until I explained to him in more detail so that he may not take that attitude. However, it would be a good idea to go ahead along that line and I think there would be less confusion in his mind what we are really trying to do.

CHAIRMAN STONE: I am glad you did that, Mr. Scott, but I think it would be well to have a definite resolution. If Mr. Shaw will be kind enough to draw a resolution we will submit it a little bit later.

We also have the status of the Boulder Canyon Project Act but I think it would be well to go into that a little bit later. I think it would be advisable to take that up as the last item and I believe that we should now give Mr. Debler the opportunity to present the results of the Colorado River investigation.

COLORADO RIVER INVESTIGATION

E. B. Debler, Hydraulic Engineer, Bureau of Reclamation,
Denver, Colorado.

Members of the Committee of Fourteen: Since March the only developments in the investigation are, first of all, the appropriation made by Congress for our work for the fiscal year 1940. At the last minute, this appropriation was increased from \$400,000 to \$900,000 and, as a result of which, we can continue with the Colorado River investigations.

The program substantially is as it was undertaken last year. The allotment for work within the Basin will be about \$300,000. The balance of the fund will be spent in other areas throughout the seven states. There has been a growing pressure within the Basin for giving more attention to individual projects. There is less tendency for general planning. Naturally, in our work we try to meet the requirements or the desires of the states, and after all, the individual projects do form a comprehensive plan. It is not quite as an efficient method of procedure as that of proceeding with the general plan first and then fitting it into the project for the reason that with individual projects it becomes necessary to give sufficient consideration to its place in the ultimate planning in order to be reasonably sure we are not stepping into a blind alley. Aside from that there can be no real criticism of proceeding along that line.

Efforts are being made to secure active participation in this work by other agencies and we are meeting with considerable success. There is a constantly growing activity within the Basin by other

agencies and it is to be expected that the result of their work there to some extent at least will be useful in our planning and to that extent eliminate the need for that part of the work by ourselves..

Probably the most interesting development within the Basin in the last few months has been the Utah Project which was explained to you by Mr. Kimball and Mr. Humpherys. This has been in the making for some time but it did not really crop out until the last few months. To us that has no different color or texture than many other trans-mountain diversions proposed. There being no objection on the part of your Committee to its investigation, very naturally the Bureau proceeded in accordance with the desires of the State of Utah as presented by the Water Storage Commission to make the desired investigation.

I do not know that there is anything else that is new or particularly interesting but if any of you have any questions to ask, I will be glad to answer them if I can.

CHAIRMAN STONE: Out of the \$900,000 made available for investigation to the Bureau of Reclamation how much of that money can be spent in the present fiscal year for investigation within the Colorado River Basin?

MR. DEBLER: We have alloted a little over \$300,000 for that work out of the \$900,000.

CHAIRMAN STONE: Then if the Boulder Dam Adjustment Act should pass and additional money is made available that would be in addition to the \$300,000?

MR. DEBLER: That is right. If the Act passes that money is

accumulating at the rate of some \$20,000 a month beginning with the first of this month.

MR. GILES: How long does that \$20,000 a month run?

MR. DEBLER: Twenty-five months.

MR. TIPTON: Mr. Debler, do you have any idea of the length of time that it would take to do the investigation work and thus expedite the availability of men?

MR. DEBLER: We are gradually building up a force so that we can speed the work and the extent of time in which it may be made.

CHAIRMAN STONE: That is, if this money under the Boulder Canyon Project Act is made available and supplemental funds come in, it is possible to complete it within a three year period.

MR. DEBLER: Yes.

CHAIRMAN STONE: When we speak of completing it, we mean substantially complete?

MR. DEBLER: Yes. Any such plan would be modified necessarily from time to time. It would have to be to meet the new ideas and the new yard stick of economics as they come up.

MR. DAVIS: I would like to ask a question of information. Is there any established way in which the Bureau of Reclamation furnishes the states information about the work that is undertaken or going to be undertaken within the state?

MR. DEBLER: We have attempted to keep in touch with the states and I have asked each of my field men to do so when it is recognized that the state agencies should have something to do with that matter.

MR. DAVIS: The reason I asked that question was how could we find out about it until we accidentally heard about it.

MR. DEBLER: I will try to correct that.

MR. DAVIS: The reason I asked the question was to find out if there is an established way of doing that. That is what I wanted to know.

MR. DEBLER: That is the intention.

MR. DAVIS: We would appreciate very much knowing this as sometimes we are embarrassed when we have someone come and tell us about some of the survey work that we do not know about.

MR. DEBLER: The intention is for you to have it first hand.

There is one item I would like to bring up at this time. As we develop information on land and reservoirs in advance project reports through the Basin we are confronted at all times with the quest for copies of this information. Tentatively the plan has been to furnish such information as rapidly as it can become available and in any form in which we may have it to the state agency that is apparently handling the matter for the particular state. The idea is that the agency would then become a clearing house. That seemed very desirable particularly in the case of maps and land classifications for the reason that those maps are never complete. They are in a constant state of revision as new information comes in. Especially the Federal agencies connected with the Department of Agriculture are constantly requesting this data. It makes it a little bit difficult for us to have to refer them to the state agencies although we have been doing that. It makes it a little bit more difficult for us to cooperate with them. I would

like it very much if this matter can be given some further consideration and a policy established by the Committee as a whole that we can follow uniformly throughout the Basin. We are not inclined to keep any physical data of any kind in a form unavailable to the public but, of course, there are special reasons in some cases for not making those things public. The situation is getting more difficult all the time. It is hard to explain these matters to a lot of people and we are getting into more difficulty about exchanging information.

CHAIRMAN STONE: In other words, Mr. Debler, you want some expression of policy from this Committee as to whether or not such data should be first submitted to the states and not made available to other agencies without first taking it up with the states. Is that right?

MR. DEBLER: That is it. That is one thing. There is one thing that I did not bring into the picture and which I think is corollary to that. That is the freedom with which the state agency may turn that information so secured over to other agencies without advising us about it.

CHAIRMAN STONE: What is your desire on that last point?

MR. DEBLER: I think we should be advised in every case.

CHAIRMAN STONE: Does the Committee understand those matters which Mr. Debler asks for an expression on?

MR. GILES: I understand the last one but not the first one.

CHAIRMAN STONE: The first one is whether or not the Bureau of Reclamation's data should be made available to other agencies with-

out first taking the matter up with the interested states.

MR. DEBLER: That is right.

CHAIRMAN STONE: The other one is that the states, having secured that information should not turn it over to any other agency without first consulting the Bureau.

MR. DEBLER: That is right.

CHAIRMAN STONE: I think we have them clear.

MR. GILES: How would you determine that question? Who would determine whether it was information to be submitted?

CHAIRMAN STONE: If the Bureau submits to us, say a report on a specific project, then Mr. Debler's suggestion is that it should not be turned over - - -

MR. DEBLER: In advance of a report on any project issued, it occurs that if and when agreeable with the states that the information we have will be furnished to them and they will be the judge as to whether or not that information is turned loose. Then, in turn, I think the states should be under obligation to consult us before information is turned loose.

MR. JENKINS: What do you mean by "informing the States" when practically all of the states have Water Conservation Boards. Would you consider that you were furnishing them information?

MR. DEBLER: If we turned over the land classification results, whether to a state water board or a state engineer or water conservation board or planning board, prior to the time that we are ready to say it is final, that is the type of information which in my opinion should not go any further without first taking it up with us.

MR. GILES: Do you find in the states that there is more than one likely authorized agency that could pass on that question?

MR. DEBLER: We find in some states that there is more than one agency.

CHAIRMAN STONE: At this time would it not be well for these states to indicate to whom this information should be made available?

MR. DEBLER: I think it should be settled as to who is the responsible agency.

CHAIRMAN STONE: Let's take this matter up one at a time. In Arizona to whom should the information be submitted?

MR. DAVIS: Colorado River Commission.

MR. HEWES: In California I think it should be turned over to the Colorado River Commission.

MR. HUMPHREYS: In Utah it should go to the Water Storage Commission.

MR. JENKINS: In Wyoming it should go to the State Planning and Water Conservation Board. The Governor is the President.

MR. MCCLURE: In New Mexico the Inter-State Stream Commission.

CHAIRMAN STONE: In Colorado it should go to the Colorado Water Conservation Board.

The next question is, do you desire such information not to be made available to other agencies before it is submitted to the states.

MR. GILES: I so move you.

CHAIRMAN STONE: You have heard the motion of Mr. Giles; that information acquired by the Bureau not be presented to other

Federal agencies unless it has been presented to the states themselves as to which that information applies.

MR. DAVIS: I second the motion.

CHAIRMAN STONE: You have heard the motion and it has been seconded. Is there any further comment?

...There being no further discussion, the motion was put to a vote and it was unanimously carried...

CHAIRMAN STONE: The next question that I think we ought to respect is the request of Mr. Debler, namely, that if such information is turned over under these conditions that the states not make it available without first taking the matter up with the Reclamation Bureau. If there is no objection to that, we will consider this procedure.

MR. DEBLER: Are there any questions anyone desires to ask me?

CHAIRMAN STONE: Mr. Jenkins brought up a matter that I think ought to come up at this time. Mr. Jenkins mentioned some project that he wanted to be given priority in investigation. Do you desire to bring that up at this time, Mr. Jenkins?

MR. JENKINS: If you are referring to what we brought up the other day, we are going to present that in writing to Mr. Stevens. That is the matter of investigation of our resources and the question of priority in reclamation matters. I will leave that pretty generally to the Bureau of Reclamation.

CHAIRMAN STONE: It is taken care of then.

MR. DEBLER: Incidentally, that brings up a matter which was not reported on yesterday.

We have at this time substantially completed a power market survey covering Utah's southeast side and the area which is within reach of the largest power sites on the Colorado and Green Rivers. It is the report along the line that Mr. Jenkins has been discussing with respect to the Green River Basin. It fits in very appropriately with the large trans-mountain diversion discussed this morning. That is the production of power which has not yet been covered and the use of it which from the standpoint of industry and domestic pumping purposes is going to be very largely covered in this report as well as including the metallurgical uses.

MR. DAVIS: That would include all of Utah?

MR. DEBLER: It does not. It goes through the extreme south end of it but not the northern three-fourths of the state and the southeast part of Idaho.

MR. SCOTT: That is available now?

MR. DEBLER: It is substantially completed but not available.

MR. GILES: Did you refer to the report on the investigation about to be commenced or now commenced on that project?

MR. DEBLER: The report that I am speaking of is a power market report.

MR. GILES: When will that be available?

MR. DEBLER: It is substantially completed right now. It will be available in a few months. It has been in progress over a year.

MAJOR WYMAN: (Major Corps of Engineers, War Department, Los Angeles) I was just wondering about the action of the Committee

about information from the Bureau of Reclamation. Does that exclude the War Department from that information?

MR. DEBLER: I think we will have to take each case on its merit when the time comes.

MAJOR WYMAN: I was just wondering if that would exclude the War Department when I desire to ask for information?

MR. DEBLER: I will say this, Major, we are always fair. As far as we are concerned, we are always ready to exchange information.

MAJOR WYMAN: It is my duty to report it to higher authorities if that is the case.

MR. DEBLER: As I understand it, it is the wishes of the Committee of Fourteen that the War Department be excluded from the files of the Reclamation Bureau on information pertinent to problems we may have which is directed by acts of Congress in every case.

CHAIRMAN STONE: Major Wyman, this matter came up rather suddenly and the action taken was very sudden perhaps. Perhaps the Chair was a little bit negligent in not getting the reaction or the opinion of the other Federal agencies who are here. If it is agreeable to the Committee I would like to throw the matter open again because it may be that we are delaying some kind of development in not having a free exchange of information among agencies. If that is going to work to the detriment of the general plan of survey maybe we ought to consider it more fully.

MAJOR WYMAN: Don't you think that it would make for a duplication of effort?

CHAIRMAN STONE: That is the thought that I had in mind. If there is a free exchange among the Federal agencies it might eliminate duplication.

MAJOR WYMAN: I am only speaking of appraising data.

MR. GILES: I would like to have a further explanation from Mr. Debler that gave rise to this discussion.

CHAIRMAN STONE: Let's get the record clear in order that it may be further considered. Maybe we have taken hasty action. Let the record show that the motion taken a few moments ago is stricken from the record and that the matter is open for further consideration, if there is no objection on the part of the Committee.

MR. GILES: I made the motion and I will withdraw it for the time being with the consent of the Committee as they have passed it.

MR. DAVIS: I will also agree to that.

CHAIRMAN STONE: If there is any objection it cannot be done. Does anyone have an objection? (No response) I hear no objection and so such action will be taken. We shall now throw this matter open for further discussion.

MR. KERR: I move that the matter of disclosing this information be left to the discretion of the Bureau of Reclamation.

MR. DAVIS: I would be in accordance. I think the states are entitled to that information but it seems to me that this motion was a little bit too all embracing when we tried to regulate other Federal agencies. That may be a little bit out of our jurisdiction but it seems to me that we could request that the Bureau of Reclamation give that information and then be governed by reviewing those matters.

CHAIRMAN STONE: Would this solve the suggestion which was in line with the motion made by Attorney General Kerr, that this material and information be made available to the state agencies which were named here and that as to whether or not it shall be exchanged among the Federal agencies is a matter to be left to the discretion of the Reclamation Bureau.

MR. GILES: Could we do otherwise?

CHAIRMAN STONE: I do not know that we could but as I understand it the Bureau of Reclamation is trying to cooperate with the states and agree upon a policy and no doubt will follow out that policy. On the question that Major Wyman raised it seems to me that the question of exchange among the Bureau and other agencies of the Government should be left entirely within their own discretion. The only thing we are interested in is that information would be made available to the state agencies that have been named here.

MR. DAVIS: I think the point is that if this information is available we could get it but that it is up to the Bureau to hand it on any further.

MR. McCLURE: Is that going to clutter up the State Engineer's Office with a lot of material every time the Bureau turns around or releases some piece of information to the War Department? In that case are they going to have to send our office a copy of it? I don't want to be filing a lot of stuff that comes in.

MR. JENKINS: I should think it would be better that if this material were turned over to the state agencies that it is to be held there as confidential until released to the public.

MR. HUMPHREYS: Could you hold it as such? As soon as it gets into your hands it is subject to inspection.

MR. JENKINS: Not necessarily.

MR. McCURE: You can get advance copy and you can get them all the time from the Federal agencies on such things as ground water-sheds sheds before it is released to the public. That is advance copy but it is not released until approved by the Washington office. You do not release that information. It is for your information to make your study on or an analysis. Here is the question I brought up. Why have the state agencies asked for any information that they know is automatically coming in every time?

MR. DAVIS: I don't think that is the idea at all.

MR. GILES: There are two separate things.

MR. McCURE: Whenever you release information to the Federal agencies, The Bureau releases it and sends it to the state agencies.

MR. DAVIS: But you have to get the permission of the Bureau.

MR. GILES: That is the other motion.

MR. McCURE: We had two motions. One of them was that before the states release this information that they get a release from the Bureau. That was your last motion. The first one was that when they did release that information they had to get a consent to do it.

MR. GILES: They had to get a consent to release it. As I understand it, it is a matter of law and we would have that consent. If we do that, that is one thing. We should pass a motion to that effect if we want it, but as a matter of law we are not entitled to pass such a motion.

CHAIRMAN STONE: I understand that Mr. Debler is willing to cooperate with the states irrespective of this so-called legal situation.

MR. GILES: What has been the practice?

CHAIRMAN STONE: The reason this comes up is because there has been some confusion in the Colorado Conservation Board. They have been somewhat in doubt as to what we should do or how we should act as to information which was turned over to us and, furthermore, we felt that information should be made available to the Water Boards and it has been. The Bureau has cooperated fully in that respect. Mr. Debler would like to have some procedure agreed upon so that it would be as uniform as possible and he has asked that question.

Mr. Debler, do you have a suggestion or recommendation as to how this thing should be handled. You have asked the question, so what is your recommendation about it?

MR. DEBLER: The procedure as covered by your resolution is satisfactory to me because under that procedure it does place both of us in a position where we are in, what you might call, a bargaining position with the other agencies on the exchange of data. There is another point, and that is that much of this information is provisional. It is being made available to your Committee at times only to expedite your own work. We find it necessary, from time to time, as we cover the ground more thoroughly to make changes in our results and our findings and actions. When we furnish a map of the land classifications of an area to a state agency, for instance, to the Colorado Water Conservation Board, it is only a

very few weeks until a lot of people know about it. We get any number of requests for copies of that map and in each case we turn those people down. They wonder why we are doing it and what we are covering up! It also puts us in a position where we are being asked by Federal agencies for provisional data. We can't very well ask them for data if we cannot in turn give them data. I think the situation is getting rather complex even though we adhere very strictly to the program covered by your resolution for the reason that it is just impossible to keep those things under cover. If you do not do it, then, of course, you are met with all kinds of requests.

An easier procedure and in the end, probably more satisfactory, would be for the Bureau to take the responsibility of determining what information to release and that when it is so released to your state agencies that it goes no further. The state agencies would then refer anyone requesting similar material back to us.

CHAIRMAN STONE: In other words, if the War Department desires an exchange of data, this exchange would be made by a concurrent agreement between the Bureau and the War Department at the discretion of the Bureau.

MR. DEBLER: That will be the simpler way to handle it in the end and I believe that it will be more satisfactory.

MR. GILES: Then I have mistaken the whole thing.

MR. JENKINS: It seems to me that the release of information from one Federal department to another should be left entirely to the Federal departments and the states left out of the question entirely.

MR. GILES: I agree with Mr. Jenkins. I think that is what Mr. Debler said. I think that Mr. Debler said that any Federal agency desiring such information be referred to the Bureau.

CHAIRMAN STONE: The Bureau will release that information but that we cannot release it to a Federal agency. That is left in the discretion of the Bureau.

MR. MCCLURE: This policy would be followed on all information? Is that it?

MR. DEBLER: There has not been a uniform policy.

MR. SMITH: It is entirely a matter of inter-department policy and the states are out entirely. We are dependent on the several state agencies. If we receive information we should receive it under the condition that it is tendered to us regardless of whatever department it is.

MR. HEWES: The agencies that were named here would not necessarily exclude any other agency from receiving information on any project?

MR. DEBLER: Under this plan it is entirely discretionary with us as to who gets the information - the Federal agency or anybody.

CHAIRMAN STONE: I think that clears it all up. That is probably in line with what we have just been talking about. Sometimes we get our ideas a little bit confused but the situation remains the same between the departments and that is, that it is within the discretion of the Reclamation Bureau in this respect but that the Bureau will release this information to the state agencies but

that the state agencies will not release it unless they receive the consent of the Bureau.

MR. DEBLER: That is right. I think it will be simpler in the end and a better way.

CHAIRMAN STONE: Does that meet your situation, Major Wyman?

MAJOR WYMAN: No, not all. We must collect information from every agency that has it regardless of who that may be. Any political unit or any private citizen who may have information which will help us in arriving at a conclusion on any project is expected to give it to us. We do not get all of our information from the Bureau and whether they give it to us or not, we can ask for it. We do get a great amount of information from other agencies, especially the local agencies. Sometimes we get more from the local agencies than we do from the Bureau.

MR. GILES: What power do you have to compel the submission of information?

MAJOR WYMAN: None. Unless the information is furnished the local people or sponsors of a project will not have the legislation pass in Congress and there may never be a project. We cannot arrive at any conclusions without basic data.

MR. HUMPHREYS: Does the Bureau ask the War Department for any information?

MAJOR WYMAN: I will explain that any fact or actual data that is on file in any War Department office is public data and can be had by any citizen or organization. As far as opinions, conclusions or recommendations are concerned, they are confidential

but the basic data is always available to the people that we are trying to serve.

MR. DEBLER: Major Wyman, in those circumstances I can't see any objection to this because we have always exchanged data and are always ready to do so.

MAJOR WYMAN: My personal experience with the Denver Office has always been most satisfactory, especially on the eastern slope, when I was on the other side of the mountains. The Bureau at Denver always gladly furnished us with all information needed. They aided us in the so-called three-way report. This was a study of general character as you probably know. These are special projects ordered by Congress to be investigated by the Secretary of War and Chief of Engineers who in turn delegates that work to the districts and we certainly wish to place in our report all work that has been done by all agencies and all basic data that is possible. We do not wish to overlook anything and it is my experience that when data is not in the reports, the reports are usually pretty sketchy. They usually have very little value and the results are generally negative.

It seems to me that your Committee of Fourteen who are interested in the Colorado Basin should gladly disseminate all information you may have in your possession not only to the states but others as well.

MR. HEWES: I move we take no action on the question.

MR. BISHOP: I would like to make a motion that all this discussion be stricken from the record.

CHAIRMAN STONE: And leave this matter to be worked out with the different states - do you think that the situation would take care of itself?

MR. De ARMAND: I second the motion that all this be stricken from the record.

MAJOR WYMAN: I may have misunderstood the point. It is important, when requested, that we get information from the Bureau of Reclamation. My point is that we might have a particular project that the Bureau is interested in and we may be interested in the same project. Those people may have information and not furnish us with it. Very frequently we find that we get our basic data from the local people which in turn leads us to the Bureau for some report that they turned out a long time ago.

CHAIRMAN STONE: That is what I thought. My understanding is that we would leave it open as far as the present inter-department policy is concerned and as now exists between the Bureau and the War Department or any other agency. We would just leave that alone.

MR. GILES: In other words, the second motion may stand as passed and the first one is off the record?

CHAIRMAN STONE: Yes, it amounts to that. I believe that we agreed that we would not release that information without the consent of the Bureau. That leaves the Bureau free to carry out the policies which now exist.

MR. HEWES: We will not be able to release this information to any other department without going to the Bureau?

CHAIRMAN STONE: Under this plan they will be free, just as they have been in the past, to release this information. Supposing Mr. Debler submits to the State of Colorado some basic information, for instance. He may submit that same information to the War Department. That is entirely in his discretion as it should be and in accordance with the inter-department policy. We, then, cannot release it without his consent.

MR. McCLURE: This is all preliminary data and it is not a final report. When the final report comes out it becomes a public record and I do not see that the states have anything to do with it. It is entirely up to the Bureau.

CHAIRMAN STONE: It all boils down to this proposition that when this basic data is released to the states that they will not release it without the consent of the Bureau.

MR. McCLURE: I find many times that when this information is released that we are told that it is not complete; that it is preliminary and should not be made public without their consent. That has always been the action we have taken. If anyone comes in and asks us for this information we refer them to the Bureau. We tell them to get it from the Bureau.

MR. DEBLER: That is the difficulty and it is universal.

MR. GILES: Now, Mr. Chairman, that policy then is definitely settled in this one motion; that when information is released to the states that they do not pass it on without the consent of the Bureau. The other matter was withdrawn, as I remember the record. It is only for the purpose of clarifying the record so if there are

no further motions to reinstate any policy along that line, it seems to me that that is all there is to the matter.

CHAIRMAN STONE: Mr. Debler is making this request and if it is settled we shall leave it that way. Are there any other questions?

...No further questions...

CHAIRMAN STONE: We shall now take up the resolution prepared by Mr. Shaw. Will you read it.

RESOLUTION ON BRIDGE CANYON MATTER

MR. SHAW: (reading) Resolved, by the official representatives of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, assembled in conference of the interstate Committee of Fourteen at Los Angeles on June 7, 1939,

That, it is desirable that pending discussions among said states should proceed further, upon the question whether said states, other than Arizona, should file protests against Arizona's application to the Federal Power Commission for a permit for a power dam at Bridge Canyon on the Colorado River:

And for that purpose said seven states do unanimously request said Commission to extend time for the filing of such protests by the states of California, Colorado, Nevada, New Mexico, Utah and Wyoming to the blank day of blank, 19 blank.

MR. DAVIS: I would like to ask a point of information. I would like to know whether any of the states were asked by the Federal Power Commission, except the Upper Basin States whether there was any objection?

MR. SHAW: I think the discussion was general as to all six of the states rather than any part of them. I think the states' plan should be general rather than limited to the Upper Basin.

MR. DAVIS: We understood that the Federal Power Commission asked the governors of the Upper Basin states if they had any objection. That has been my impression; in fact, I do not see how California or Nevada, being below, would be affected by it.

MR. JENKINS: Anybody can file an objection that wishes to.

MR. SHAW: I think that the users on the lower part of a stream are always interested in the users upstream.

MR. DAVIS: If you are diverting water that is one thing.

CHAIRMAN STONE: Mr. Davis, what date should we put in here?

MR. GILES: Can't we have a date fixed now. Mr. Davis, you folks are taking three months for your brief and we ought to have some time after that. I think that we ought to have another three months to answer it although we may not need that much time.

MR. DAVIS: That is your suggestion.

MR. GILES: Do you have any objection?

MR. DAVIS: It was your suggestion that we make a brief.

MR. GILES: I would rather not go into that. I move we adopt the resolution that was just read with the date inserted of January 1st, 1940. This means that a protest must be filed within that time. You must file your brief and get it to us so that we may have time to answer.

CHAIRMAN STONE: Mr. Giles, we are proceeding on the basis that a protest is already filed.

MR. DAVIS: As I understand it it means simply that this Committee would report at that time.

MR. GILES: I think we had better read the resolution over again.

...Mr. Giles reread the resolution with the date inserted of January 1, 1940...

MR. GILES: Talking to this resolution, Mr. Chairman and gentlemen, you will recall that we desired in our meeting today that you people would have your brief in to us by September of this year. Naturally, we want some time to consider the brief and prepare our answer and that is the purpose of this resolution.

MR. DAVIS: You are coming now and asking that it be January 1st?

MR. GILES: That is right. That is the date by which we must make our return to the Commission.

CHAIRMAN STONE: You have heard the resolution submitted by Mr. Giles. Is there a second?

MR. McCLURE: I second the motion.

...The motion was put to a vote and was unanimously carried...

CHAIRMAN STONE: Mr. McHendrie, I notice that Mr. Rogers is not here. Will you come and act in his stead; we have one or two other matters to take up.

...Mr. McHendrie then took Mr. Rogers' place at the table...

MR. McHENDRIE: I will be glad to do that.

CHAIRMAN STONE: Now, the next matter to come up on the agenda today is the status of the Boulder Canyon Project Act. We have some questions that we want to act on there. If it is agreeable, we will ask Mr. Errett to make that report.

...A brief recess was then taken after which proceedings were had as follows...

REPORT ON STATUS OF THE BOULDER CANYON
PROJECT ACT

CHAIRMAN STONE: The conference will please come to order.

The remaining item on the agenda today is with respect to the report on the status of the Boulder Canyon Project Act. I say that it is remaining on the agenda today but it was placed on the agenda for the Drainage Basin Meeting but during the course of that meeting it was decided that apparently it was a matter to be worked out by the Committee of Sixteen. That Committee is composed of this Committee with the addition of the representatives of the power interests. Those two representatives are here today. Since the Denver Meeting there has occurred considerable progress on this Act. You will recall that the Committee of Three, consisting of Mr. Robinson, Mr. Smith and myself were designated to work out such changes as to form and not as to substance. That Committee has been in session and done a lot of work. This matter has been discussed with some of the congressional representatives in Washington. Some of us were down there just this last week and while there we had a meeting of the representative Congressmen from the seven states. This matter was discussed with them. In addition to that, other

conferences were held with individual Congressmen. It was agreed that this Act would be introduced by Congressman Skrugum of Nevada and an agreement was reached by the Congressmen themselves. In accordance with that agreement the Act has been introduced in Congress and it has been referred to the Committee on Irrigation and Reclamation. There was some question as to which committee it should be, whether the Rivers and Harbors Committee or the Committee on Irrigation and Reclamation. Because this is more of a western matter the Congressmen thought that it should come under the committee that was more familiar with irrigation and reclamation matters and that the western Congressmen were better acquainted with these matters and that it was better for that committee to handle it.

As to whether or not the Budget Bureau has reported I do not know. Perhaps Mr. Scattergood can tell us something about that. When I left Washington this had not yet been made. The matter had been in the Department of the Interior and from that department went to the Budget Bureau.

Mr. Errett has been in Washington. He is very familiar with the printed Act as it now stands and he will explain the status of it. When he is through there are some suggestions which have been made by the State of Utah which we will consider. Mr. Errent will now proceed with the discussion.

MR. CLYDE ERRETT: (Controller Department of Water and Power, City of Los Angeles) Mr. Chairman and gentlemen: My remarks will have to do primarily with what has occurred with respect to the proposed legislation since the Denver Meeting in March. However, it

might be well to incorporate in the record a brief statement as to the chronological proceedings prior to the Denver Meeting. Following the meeting at Phoenix where the basic principles reflecting the proposed legislation were agreed upon, the power contractors met in several sessions in Los Angeles to attempt to conciliate their position. These meetings were attended by the Solicitor and the Assistant Solicitor of the Department of the Interior and representatives of the Reclamation Bureau. Following those sessions the Solicitor of the Interior Department immediately started the preparation of the report relating to the proposed legislation. The draft commonly referred to as the draft of March 7th was presented to the meeting at Denver. Certain changes were directed to be made in that particular draft.

As Judge Stone has said there was also a committee of three appointed to put this legislation into final form and to handle it in Washington. That committee worked hard not only with the changes that were agreed upon at Denver but there were enumerable other minor changes resulting from further conferences with the Federal organizations. They were finally incorporated in the draft of April 15th. This draft contained as a preliminary a statement respecting the purposes of the Act and just exactly what changes were proposed to be made in the old Act. It included a copy of the resolution that was adopted at Denver.

There was also prepared at that time a statement of some approximately 50 pages going into considerable detail in explaining the changes made from the present Boulder Canyon Act. Many copies

of these were distributed to all the Senators and the Members of Congress from the various states. They were also sent to the representative members of this Committee and others who were interested. I might briefly note the changes that were made in the draft and that were adopted and agreed upon at Denver. I might say that there was a draft which followed this meeting. There was a draft of March 28th which was later considered quite exhaustively by some of the Federal organizations and certain changes in that draft were agreed upon. Wording was included in the Act to make it clear that the transmission lines and other properties owned by the contractors were not to be included in the property of the project.

In that section relating to the determination of rates there was incorporated language as follows:

"Among the things to be considered are the findings as to the anticipated use of energy, other than the quantities of firm energy."

There were innumerable changes of that nature and I find it difficult to pick out the changes. It is not clear to us just exactly what changes do occur. There was a provision respecting the periodic readjustment of rates. It had to do primarily with determination in connection with the use of the secondary energy, that paragraph being made to read as follows:

"As of June 1, 1955 and at ten year intervals thereafter, the rates for firm and secondary energy shall be readjusted by the Secretary of the Interior, either upward or downward, as may be required to reflect correction for any deficiency or excess of revenues accruing prior thereto from the use of falling water for the generation of energy other than the firm energy specified in Section 3 hereof, under or over the estimates of such revenues on which the original determination of rates was based."

Following the submission of that draft the bill was put in shape for introduction. There were only several minor changes that were added in Section 4 which was a clause reading:

"Variations, if any, in the amount payable to the States of Arizona or Nevada or either of them, under Section 9 hereof."

Section 9 hereof carries a new paragraph reading as follows:

"Payments to Arizona and Nevada authorized under this section, when made in amounts as herein provided for, are intended to and shall be in compensation for the natural resources and the power development opportunities along the Colorado River at and in the immediate vicinity of Boulder Dam and the reservoir created thereby taken by the United States solely for the Boulder Dam Project, and in lieu of taxes, license fees, or other charges that otherwise might be levied by or under the authority of the said states, or either of them, upon the project (as herein defined), including the facilities, machinery and equipment which are both owned and operated by the United States or which are owned by the United States and operated under contract with it, for the generation of electrical energy; upon the output thereof; upon the privilege of use thereof, and/or upon the use of falling water for such generation. In the event that, notwithstanding the provisions hereof, any such taxes, license fees, or other charge shall be levied, payable by the allottees of energy, payments made hereunder to the state by or under the authority of which such charge shall be levied, shall be reduced in an equivalent amount."

The two revisions that I read in this draft as presented to Congress have to do entirely with the tax situation respecting levying of taxes by Arizona or Nevada. In the section dealing with the payment into a separate fund there was one primary change made whereby the moneys to be appropriated for surveying during the three year period are to be extended in the states of the upper division. The words added are, "in the states of the upper division."

The form prior to this draft read as follows:

"Receipts of the Colorado River development fund for the years of operation ending in 1940, 1941, and 1942 (or in the event of reduced receipts during any of said years due to adjustments under Section 12 hereof, then the receipts of said fund up to \$1,500,000.00), are authorized to be appropriated only for continuation and extension under the direction of the Secretary of the Interior, of studies and investigations by the Bureau of Reclamation for the formation of a comprehensive plan for the utilization of the waters of the Colorado River System, for irrigation, electrical power, and the other purposes in the states of the upper division and the states of the lower division, including studies of quantity and quality of water and all other relevant factors. The next such receipts up to and including the receipts for the year of operating ending in 1955 are authorized to be appropriated only for the investigation and construction of projects for such utilization in and equitably distributed among the four states of the upper division. Such receipts for the years of operation ending in 1956 to 1987, inclusive, are authorized to be appropriated for the investigation and construction of the projects for such utilization in and equitably distributed among the seven states of the Upper Division and states of the Lower Division."

That is the wording of the proposed Act as it stood prior to the change that was made in the Act and that was introduced in Congress.

ATTORNEY GENERAL KERR: You have changed it to the states of the upper division and states of the lower division.

MR. ERRETT: That change occurs in several places where we speak of it as it read before. If you have the book it is on line 17, page 22. It now reads, "seven states of the upper division and states of the lower division."

CHAIRMAN STONE: This reads the "seven states of the upper

division" but that is probably a typographical error. I suppose it is intended to state the states of the upper division and states of the lower division.

MR. SHAW: Have you any explanation of the changes that have been made?

MR. ERRETT: I have second hand. I think that Judge Stone was there and he can give you a better explanation. That bill has been introduced providing for the changes in connection with the investment of 3 per cent interest. There has been introduced an alternative bill carrying the alternate provisions that were discussed in Denver, placing the interest charges on the basis of the cost of the Government in connection with the bond issue for this project.

MR. GILES: The idea being that Congress can accept one or the other.

MR. ERRETT: That is it. I think that brings it down to date. While I have not discussed all of the changes, I believe that is all of the changes that have occurred between the draft of March 28th and the draft as finally submitted. I think those have been submitted to practically all of the members and I believe that every member here is familiar with the changes that have occurred. If you have received a copy of this draft you have all of those excepting two primary changes and some minor changes that occurred in the bill in its preparation for final submission.

MR. JENKINS: May I ask you what is the standing of the changes from "the states of the upper and lower division" throughout the upper and lower division basin?

MR. ERRETT: Judge Stone was present in Washington at the time these changes were made and he is thoroughly familiar with the background. I believe that he could give you a better explanation of it than I could.

CHAIRMAN STONE: These two major changes have been explained by Mr. Errett. One of these was worked out at the conference between Nevada and Arizona and it has been explained now. The other change seems to be within the province of the Sub-Committee of three in that it does not change the policy adopted by the Committee of Fourteen but the change is merely as to words. These words seem to be more satisfactory to the Congressmen.

In answer to Mr. Jenkins' question and to give you a background for this change, Congressman Murdock raised the point that something should be inserted in this language specifically authorizing the use of these funds for trans-mountain diversions. In other words he suggested that there should be a clause in here which specifically recognizes "trans-mountain diversions." But we took the position that Congress, expressing the Federal power, should so enact such legislation which should be left to the states. It was also explained that the Colorado River Compact controlled many of these matters and that the Act cannot change in any way the Compact. The Compact can only be changed in the same way in which it was made. Furthermore, after discussion, it was agreed that this Act has as one of its purposes, in addition to many other important matters, the setting aside of funds for the so-called development fund and how those funds will be used and utilized under Section 9, subdivision c.

The question then came up as to the changing of the terms "Upper Basin and Lower Basin" as defined by the Compact. There is no question in my mind and I do not assume that there was any question in the minds of any of the members of the Committee but that this money should be used to develop a plan of complete utilization, if possible. So as to avoid any confusion there was substituted the words "in the states of the Upper Division" which means the four states of Utah, Wyoming, New Mexico and Colorado, and the words "we the states of the Lower Division" which are the states of Nevada, Arizona and California. So as to avoid any misunderstanding or any question about what should include the Upper and Lower Basin, this other term was substituted. As far as the Congressmen were concerned this was satisfactory. Does that answer your question?

MR. JENKINS: Well, not exactly, no. What I am trying to get at is this. When you change it to the states of the Upper and the Lower Basin instead of the Basin itself, it opens the way to use these funds in studying development throughout these states.

CHAIRMAN STONE: No.

MR. JENKINS: Why not?

CHAIRMAN STONE: Let me refer you to this change. If you will carefully analyze the language you will find that we cut out the word "throughout" and we put in the states. If you will carefully study the language you will find out that it does not do that. The investigation is to be by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of water of the Colorado River system. You could not use funds to investigate

a project whatsoever in eastern Colorado under this Act because you are not utilizing any of the waters of the Colorado River Basin so when you read this term, "utilization of the water of the Colorado River system" it clears it up. That means that all of this money shall be spent for the utilization of water of the Colorado River system.

MR. JENKINS: Is there anything in there that would preclude transporting water to eastern Colorado if they were in need of transporting water over there?

CHAIRMAN STONE: My understanding is that funds can be used to determine the utilization of the waters of the Colorado River system. If you have a trans-mountain diversion that comes under this term, the money may be used to investigate such a project. My own opinion is that under the Act as it was written it could be used to study such a project.

MR. JENKINS: The original Act says, "for the development of the Colorado River Basin." That is the expressive use in the original Boulder Canyon Project Act.

MR. GILES: Then how is Basin defined?

MR. JENKINS: It is defined by the Colorado River Compact and that is within the Basin. It means the development of the Basin. It says, "the development of the Colorado River Basin." The project Act makes that statement.

MR. GILES: That is the very reason for changing that expression to the, "states of the Upper Division and states of the Lower Division" for the simple reason that in our opinion the

Compact as written and as it defines "Basin" it permits water to be exported out of the Basin to areas to which it may be beneficially applied. Mr. Murdock's point was directed to this very thing and he said that the way we have written this Act that we cannot use any of the receipts in the development fund to make a survey out of the Basin. Therefore, you have not recognized trans-mountain diversion privileges so we changed it to "states of the Upper Division and states of the Lower Division" which take in territory outside of the Basin area as well as in it.

MR. DAVIS: Within the state boundaries?

CHAIRMAN STONE: The Compact states that it shall be in the drainage area together with any area to which the water is exported within the boundaries of those states so that it is strictly in accordance with the Compact and also the Project Act.

MR. JENKINS: Then, it would seem to me that if the power was so directed that it was within the power of Congress or within the power of this Committee or some other like body that they could neglect the Basin's development and give their attention to the improvement of lands without.

CHAIRMAN STONE: How could they do that and have a plan of comprehensive development within the Basin.

MR. JENKINS: As I understand the comprehensive plan according to this language it is for the states.

CHAIRMAN STONE: As I interpret it is for the utilization of water of the Colorado River Basin.

MR. JENKINS: It seems to me that it gives a chance for those desiring the water outside of the Basin to tie up this development of the Colorado River Basin by taking the water away which should be used in the development of this Basin. We in Wyoming notice that there is a tendency to transport that water over to some part of the state that has the larger population and, as Mr. Tipton said the other day, it is a ratio of 80 per cent to 20 per cent. There is a tendency to carry it over there and leave the Basin undeveloped.

CHAIRMAN STONE: Mr. Jenkins, I can cite the State of Colorado to answer your question. The State of Colorado could not get a study of the complete plan of this comprehensive development for the utilization of the Colorado River system without having a study of the trans-mountain diversion. If you confine these studies strictly to the natural basin, then Colorado's interests are very much limited. That same condition is true in Utah.

In fairness to all of these states in the utilization of an equitable share of Colorado River water, the complete plan should not be closed to Utah, Colorado and New Mexico. If you limit the development plans, a very small and minor development will be possible in some of these states. The State of Colorado takes care of its own situation as between the East Slope and the West Slope. I imagine the State of New Mexico and the State of Utah will be the same. You need not think for a minute that the Western Slope, if you know anything about the Colorado history, is going to let a plan be developed and the basin where that water originates be neglected.

These various states take care of that situation.

MR. JENKINS: I understand that Colorado has taken care of that in their declaration of policy.

CHAIRMAN STONE: We have taken care of it.

MR. JENKINS: You have taken care of that so that development may proceed inside the Basin but some of the states have not taken care of it by making an arrangement of policy.

MR. HUMPHREYS: It reaches the point where it is necessary.

MR. E. F. SCATTERGOOD: As a member of the Committee of Sixteen, and I suppose that is what this probably is, this Act does not authorize any trans-mountain diversion or it does not undertake to say that such a thing may be made or not, that is up to the states. Perhaps, it does make it a little bit more clear by this modified language. It simply authorizes that this money may be used to investigate the possibilities of the economics of the trans-mountain diversion. This is simply investigated and whether it should be made or not this Act could not determine. That is left up to the states and the compact. We are simply dealing with some money that comes out of the fund that the contractors pay into the Boulder Canyon fund. That is my understanding of it according to the advice of our attorney to me. It merely results in the same thing. If it satisfied Mr. Murdock better it was all right but as far as it seems to me it does not authorize any trans-mountain diversion or any utilization of water. It simply authorizes the use of this particular money for investigation.

MR. JENKINS: You think this does not apply to the disposal of this money after this investigation has been made?

CHAIRMAN STONE: Mr. Jenkins, I think the point that Mr. Scattergood attempted to make is that the question of trans-mountain diversion is up to the states and that the questions to be determined under the Compact are to be determined under state rights which remain the same whether this Act passes or does not pass. We cannot legislate on this question.

Mr. Murdock made the point that since the Compact provided that the Colorado River Basin shall be the natural basin and any other section of a state to which the water is diverted that provision would apply when the water was actually diverted but might not apply before the water was diverted. It follows, he said, that the \$500,000 a year for surveys could not be used until water was actually diverted. By putting in the term, "in the states of the Upper Division and Lower Division," this objection was overcome to his satisfaction.

I know that it was in my mind and in the mind of nearly everyone of this Committee that we did not contemplate that surveys of trans-mountain diversions should not be included. We certainly did not contemplate that. This makes it clear that it may be used for that purpose and that refers to money and not to rights because these states are pretty jealous of their rights.

MR. JENKINS: We have more or less followed the suggestions and we have relied and placed faith in the suggestions that have been made before this Committee that this comprehensive survey will determine or will provide that the plan be taken care of within the

Basin first and if there is a surplusage of water then it can go on the outside. I think that Mr. Debler expressed that at one time.

CHAIRMAN STONE: There is no question about that.

MR. SCATTERGOOD: However, that may be, this Act does not influence it or alter it or determine that question. I think that if the surveys can be made and these studies can be made that the trans-mountain diversions under the terms of the Compact as between the states can then be determined upon. Some of this money can then be used in connection with the preliminary construction which I presume is somewhat answering your question but it cannot be used and no division can be made because of this wording. That is another matter entirely way beyond the scope of this Act. I do not see how it affects it.

CHAIRMAN STONE: Judge McHendrie, I have gone over this thing with you. What is your understanding?

JUDGE A. W. McHENDRIE: I am in accord with Mr. Scattergood in the advice of the attorney that this change was not necessary but probably to meet with Congressman Murdock's suggestion it might clear it up a little. Of course, I understand Mr. Jenkins' position. As far as Colorado is concerned we have adopted the policy and the Bureau of Reclamation is proceeding upon that policy that the area within the Colorado Basin must be protected as to its vested rights and its potential rights. It has been the policy of the State of Colorado to make an exportation of water into the eastern slope. When development in the western slope is protected by compensatory reservoirs and other measures and only the surplus diverted over onto

the eastern slope. The question raised by Mr. Jenkins is a vital question in Colorado. I do not think that the change in the wording of the Act has anything to do with the whole situation. It merely possibly clarifies a possible controversy in the future and makes a little clearer the provision for these surveys; that the money expended for this investigation may include the plans for the utilization of the surplus water for exportation as well as for utilization within the Basin. That is all there is to it.

MR. MCCLURE: Why not put it in there? What difference does it make if it does establish it?

CHAIRMAN STONE: It seems to me entirely fair in carrying out the intention of this Committee and fair to all of the states. It also removed the fear on the part of Congressman Murdock.

MR. JENKINS: Well, gentlemen, there is no such provision in Wyoming. There is in Colorado. I know you are protected but we have this situation that a goodly share of the water of Wyoming may be transported over into communities that place a bigger vote. By transporting that water we are taking it away from the land included within the Basin and for which the Lord Almighty provided that water to be used. When we drain it into the basin that large portion of that land would be left undeveloped and the community would be practically doomed in the future. I understood the purpose of the Federal Government was to develop the Colorado River Basin somewhat like the development in the Tennessee Basin and I feel that in my part of the country I would like to see us protected in some way.

CHAIRMAN STONE: Are you protected in no way? Mr. Debler,

may I ask you this question? Is it not the plan to completely survey everything that Mr. Jenkins wants in the Colorado River Basin?

MR. DEBLER: I think we are understood that that is being done. I think that Mr. Jenkins will bear me out in this statement. I have already gotten myself out on a limb several times by saying that there is not a lot of exportable water in the upper part of the Green River Basin in Wyoming but the only exportable water there would be is the water which is near the Green River Basin and you could not use it.

JUDGE McHENDRIE: May I suggest that the situation in Colorado is not unlike the situation in the majority of the other states. The eastern slope of Colorado could not control the situation within the state even if they saw fit to do so. We have a certain civic pride in the development of the State. I am a resident of the eastern slope and we have recognized that the western slope needs recognition in their development and we have gone on record in every way that it is possible to go on record that we shall not take any water from the Colorado River Basin to the detriment of utilization in the Colorado River Basin. The Bureau of Reclamation and Mr. Debler will bear me out in that. They did it in the Colorado-Big Thompson and they are considering it in the Gunnison-Arkansas. I think that this is a matter within the state. If you people want to go to war over something of that sort that is your right to fight for it but we in Colorado propose to work it out along different lines. I think that Utah is working along the same line with you. Certainly the development of the state should not be retarded or

handicapped by any suggestion that you have got to utilize all that water within a limited area in Colorado on the Western area. Colorado on the eastern slope has the largest percentage of fertile land and a very limited supply of water. On the western slope we have an abundant supply of water and a comparatively limited area of land but we are going to work that out and develop both sides of the Continental Divide.

MR. GILES: We are committed to that, are we not, Mr. Jenkins?

MR. JENKINS: If you can tell me what the courts are committed to I will delay any contempt.

CHAIRMAN STONE: Mr. Jenkins, in that change here in line with this discussion, do you see any other way it can be done and satisfy all of the states and that is what we are trying to do. I cannot see that it hurts Wyoming. It leaves you in the same position that you have been before.

MR. ERRETT: If we can move along a little there is one thing I might add to that which I have already reported. That is the bill that has been before the Bureau of the Budget. Several conferences have been held with them. It is before the Secretary of the Interior. He has not yet given his approval and we don't know when we may expect it from him, of course. We can only guess but he did approve the idea of going ahead with the introduction of the bill as it stood. We are hopeful that the Bureau of the Budget will make a favorable report. The indications are that that may be expected. The last word I have received in respect to the

bill was on Friday Evening but I am sure that nothing of importance happened since then or I would have been informed.

MR. SCATTERGOOD: The Bureau of the Budget referred it to the Treasury Department and the Treasury Department did make their report back to the Bureau of the Budget. The Bureau of the Budget said on Monday of this week that within two or three days they would make their report to the Secretary of the Interior. The Secretary of the Interior has been asked for his recommendation by the Congressmen. It will all be before the committee in Congress very shortly.

CHAIRMAN STONE: Is there any further discussion on that change which we have made. Attorney General Kerr, do you have any discussion or any comment that you would like to make?

ATTORNEY GENERAL KERR: I do not believe that I do.

CHAIRMAN STONE: Is there any further discussion?

...No response...

CHAIRMAN STONE: That will explain all of these changes unless there is further question.

MR. SCATTERGOOD: Speaking of these changes, these changes are merely changes in phraseology. Judge Stone, as a member of the Committee, will explain this to you. This is only a change in phraseology without changing the meaning of it.

CHAIRMAN STONE: That is correct. This Committee of Three has gone over these changes and these changes are in phraseology and not changes as to form. They are not changes as to substance.

MR. HAUSER: Does the Committee recommend these changes?

CHAIRMAN STONE: We have recommended these changes; as a matter of fact this Committee agreed to all of these changes which have been explained here.

JUDGE McHENDRIE: I move that the bill as amended be approved by this Committee.

MR. DAVIS: I second it.

CHAIRMAN STONE: It has been moved and seconded that the bill as amended and as approved by this Committee be adopted. Is there any further discussion?

...The motion was put to a vote and it was unanimously carried...

CHAIRMAN STONE: Since we came down to Los Angeles there has been another change which did not come up in Washington but which has been suggested here at Los Angeles. This change is suggested by the Utah interests. I believe that it is in line with what the Committee has thought the bill now carries out. However, if the language is not clear as to that and there should be further clarification necessary, no doubt, it would seem that this proposed change should be considered seriously.

The change is at the end of the section which says:

"Such projects shall be only such as are found by the Secretary of the Interior to be physically feasible, economically justified and consistent with said comprehensive plan as formulated or as may be modified from time to time. Nothing in this Act shall be construed as limiting the right of any state to proceed independently of this Act or its provisions with the investigation or construction of any project or projects."

The reason for this change is primarily or principally this. As I understand it, there is a fear that some state or some governmental department may take the position that under the present wording a project cannot proceed to investigation or construction unless a plan of comprehensive development is completed. To obviate that fear and to clear that question this amendment has been suggested.

Mr. Giles may want to make some further suggestion or statement on that.

MR. GILES: I think that the Chairman has clearly stated the position. I now move that such an amendment be made to this bill.

MR. HEWES: I second the motion.

MR. JENKINS: I would like to ask a question now that this has come up for discussion. I would like to ask whether an appropriation of funds out of the separate fund as we have provided here can be applied to such a project that has not been approved by the Federal agency.

CHAIRMAN STONE: It merely says that it shall not limit the right of any state to proceed independently of this Act or its provision with the investigation or construction of any project or projects. I think that answers your question.

MR. JENKINS: Well, I wanted to have that understanding that it would not affect our fund.

CHAIRMAN STONE: Is there any further discussion on the motion which has just been made by Mr. Giles, and seconded by Mr. Hewes.

... There being no further discussion, the question was called for, the motion put to a vote and it was unanimously carried...

CHAIRMAN STONE: The motion is carried. I understand that this will be submitted to the Committee that has this bill under consideration. Is there any further discussion on this Act?

...No response...

CHAIRMAN STONE: If not, we have reached the end of our agenda today and there is nothing more to come before this committee unless someone has some suggestion.

MR. SCATTERGOOD: I don't know whether this is the Committee of Fourteen or the Committee of Sixteen and I don't know that it makes any particular difference because the two power contractors are represented and the Committee of Sixteen are agreeable to what you are doing. I just thought that I might make this of record.

MR. GILES: Thank you, Mr. Scattergood, for that expression.

MR. GAYLORD: In talking to our chief counsel who is working on this bill he suggested that it would be very helpful if the individual states and organizations represented here would get after their congressional delegations and see that they are fully acquainted with this bill and with the benefits which it will give the organizations and the states. We should see that they are all for it and that they will promote it.

CHAIRMAN STONE: I am glad you brought that up, Mr. Gaylord. I almost let it slide. I hope we will have the understand-

ing that those who are here representing the seven states will get in touch with their congressional delegates. When I was in Washington I was somewhat in a bad position in that although I could contact the representatives of Colorado, I did not want to do anything that would in any way jeopardize the position of the members of this Committee. If the members of this Committee will communicate with their Congressmen, explaining the bill to them and the action taken by this Committee, which action is the result of many conferences and after much controversy, it will be of great help. It seems to me that this should be done. Here is what we found. We found some of the Congressmen saying that they had not heard from their state representatives on this Committee. If you will do that it will help us out later in Washington. It will help us to clear this thing up and iron these questions out. Will you please communicate with your Congressman, and it should be done as quickly as possible.

MR. SCATTERGOOD: Judge, may I interrupt just a moment? The Committee of Three that was commissioned by this Committee of Sixteen to put this bill through Congress has left Mr. Robinson there for the time being to follow it up. Mr. Howard is there and the others are there but they are embarrassed in following it up with the Congressmen who have not heard from their representatives on this Committee. They are very desirous that they should be communicated with and we should follow this up. Some of the Congressmen feel that they are neglected by their representatives on this Committee because they have not been communicated with by

representatives of the states on this Committee. Perhaps they are justified in feeling neglected. When the Committee that you have ordered to take this up with them gets to the members of Congress and approaches them on it, they find the Congressmen in this state of mind which is unfortunate.

CHAIRMAN STONE: Can we have this understanding that all of you will attend to this matter?

MR. De ARMOND: Have you the number of the bill so that it can be referred to?

MR. BUNDY: It is HR6629.

May I say to the group from Utah who presented this resolution and who did object to the wording, the phraseology of the bill as it first came out, that they should see that word goes back to our delegation tonight so that it will help the bill.

MR. GILES: I want to make the record clear that as far as conferring with the Senators and Representatives from Utah, I have never failed to call on them when at Washington, D. C. with respect to our committee work. I have recently received some unfavorable publicity through the press in our State from certain of our Congressional delegation who assert that they have not been consulted during the progress of the work. There is no foundation for such accusation.

MR. SMITH: Mr. Chairman, I would like to say that I have been in constant contact, both in person, recently, and telegraphic and telephonic communication with our Senators and our Congressmen back there. We are also maintaining a representative

back there, Professor J. A. Carpenter who is using his best efforts to disseminate information in regard to the bill. He has expressed the same thing that has been expressed here, that some of the Congressmen, possibly, also some of the Senators have not been fully acquainted by their state representatives as to the real meaning of some of the portions of this proposed bill. It would be a good thing and a very desirable thing that members of the Committee here follow out this suggestion and communicate with their Congressmen and with their Senators urging the passage of the bill and explaining any points that may yet be somewhat cloudy to them.

CHAIRMAN STONE: I know of nothing more to come before the meeting unless there is some statement or suggestion to be made.

MR. HEWES: I would like to ask one question. Mr. Chariman, in contacting our representatives are the members of this Committee in a position at the present time to state that the Committee of Fourteen have unanimously endorsed the bill with that amendment. In the event that this amendment was not accepted what would be our position then?

CHAIRMAN STONE: I anticipate that the amendment will be accepted. I don't believe there is any occasion to borrow trouble on it. I believe that it will be accepted and I cannot see why there should be any objection to it.

MR. HEWES: I cannot help but feel the same way you do as far as the amendment is concerned. It does not change the status of the bill in any way.

CHAIRMAN STONE: It clarifies and surely carries out the intent.

I feel that we could meet that situation when it arises, should it arise.

MR. JENKINS: I think my conscience is clear. I can write to my Congressman and we will admit of the change. I wrote to our Congressman and said that the Committee had acted upon certain amendments to the Colorado River Compact and that we should stand pat by those amendments until the Committee changed their opinion.

CHAIRMAN STONE: You feel now, Mr. Jenkins, that you can write to your Congressman?

MR. JENKINS: I do not feel any load lifted but I do feel that I can conscientiously write and tell them about the changes.

CHAIRMAN STONE: I think all of these matters have been cleared up. I want to express the appreciation of the Chair for the patience of all of you. I suppose that the next meeting will be subject to the call of the Chair and that arrangements as to the record will be as before. If there is no objection to that then the meeting will be held at a time and place when it seems necessary to hold such a meeting and after I have conferred with the states to determine whether a meeting is agreeable at a specified time and place. With that understanding, gentlemen, the conference will come to a close.

...The meeting of the Committee of Fourteen adjourned at 5:30 P. M....