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OFFICIAL REPORT  
of the  
PROCEEDINGS  
of the  
COLORADO RIVER  
CONFERENCE

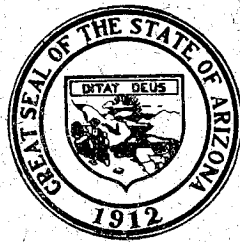
Between delegates  
representing California,  
Nevada and Arizona.

Phoenix, Arizona,  
Aug.17,1925.



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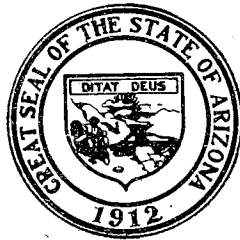
*Between Delegates Representing California, Nevada  
and Arizona*



*At The State Capitol,  
Phoenix, Arizona,  
Monday, August 17th, 1925*

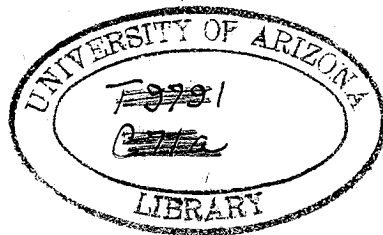
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PHOENIX, ARIZONA



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*Proceedings of the*  
**Colorado River Conference**  
*Held in the Senate Chambers, State Capitol Building*  
*Phoenix, Arizona, August 17th, 1925*

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**COLORADO RIVER CONFERENCE**  
Delegates

**CALIFORNIA:**

Senator Ralph E. Swing, of San Bernardino, Chairman;  
Assemblyman A. C. Finney, of Brawley, Secretary;  
Senator L. L. Dennett, of Modesto;  
Assemblyman Walter J. Little, of Los Angeles;  
Arthur P. Davis, Oakland, California, Engineer.

**NEVADA:**

Charles P. Squires, Las Vegas, Chairman;  
George A. Cole, Carson City;  
George W. Borden, Carson City;  
Levi Syphers, St. Thomas.

**ARIZONA:**

Cleve W. Van Dyke, of Miami, Chairman;  
H. S. McCluskey, of Phoenix, Secretary;  
Thomas Maddock, of Phoenix;  
F. A. Reid, of Phoenix;  
A. G. McGregor, of Warren.

John B. Ryan                      S. R. Criswell  
E. W. Powers  
Official Reporters.

10:45 o'Clock A. M.

CHAIRMAN VAN DYKE (of Arizona): Gentlemen, if you will take seats we will proceed with our business in hand. I wish to state for Arizona that we are glad to meet the delegates from the other states. I hope that we will be able to accomplish something for the mutual welfare of the Southwest. We have with us this morning our governor, and I take great pleasure in introducing our governor to you, who has a few remarks to make. (Applause.)

Gentlemen:

You meet here today in conference in an endeavor to find a remedy for, and to reconcile some of the defects contained in, the Colorado River Compact, which was negotiated at Santa Fe, New Mexico. This Compact purports to allocate the waters of the Colorado River in accordance with the terms of a uniform law passed by Congress and the seven states in the Colorado River basin. By referring to the law you will ascertain the fact that it authorizes a compact apportioning the water of the Colorado River "between the states."

The first fundamental error in the Compact is that it does not apportion the water as authorized by law "between the states," but between arbitrary divisions called basins, the "upper" and the "lower" basins, and this was done without consideration of conditions existing in the two arbitrary basins created. Under the arbitrary conditions established for the division of the water, Arizona, due to economic conditions, is subject to the same difficulties as the upper basin states and by signing the Compact would, in competition with California, be signing away all her rights and hopes for future development.

The second fundamental error in the Compact is that all of the water that the upper basin states can ever use (and some eminent engineers claim more water than they can ever use) has been apportioned to them, while insufficient water was allocated to the lower basin to irrigate all of the lands susceptible to feasible development and in return for this advantage in allocation of water they give nothing to the lower basin either in recognition of rights, of storage facilities or otherwise, unless we except possible freedom from legislative and

departmental coercion and threatened law suits.

The third defect in the Compact is that no provision is made to prevent water stored in the United States, when it is released and the low water flow increased from being applied to Mexican lands and possible water rights acquired in that country.

The fourth defect is that in the allocation of water the upper basin states will be served from the normal flow of the river, while the lower basin must depend on storage and no allowance is made for evaporation losses which will result to the lower basin from the stored water.

Other defects exist which I shall touch on later.

What is the reason for any compact being negotiated which sets aside the present well established and defined water laws which govern the utilization of water in all of the states of the basin and the principles of which were held by the United States Supreme Court to govern as between the states in the basin? The only answer that can be made, logically and truthfully, is that it is dictated by the farsighted business acumen of some of the states in the basin who are endeavoring to secure for use in the distant future rights which they do not now possess under the law. The upper basin states are manifesting no altruism in demanding a compact. They do not take the position that it is immaterial where development is undertaken so long as it is in the United States. They are demanding all that they can get for their political subdivisions or states. Why should we not do likewise?

Economic law may be harsh, but it is the only law that governs. We are told by eminent authorities that \$150,000,000 in unearned increment will become attached to the lands of the Imperial Valley as soon as adequate storage facilities are provided to insure a steady supply of water for irrigation and flood control; and that additional hundreds of millions or perhaps billions of value in unearned increment will accrue to southern California municipalities and lands when

an abundance of electrical energy is made available. Thus, under the terms of the Colorado River Compact the four upper basin states and California achieve wealth, economic security and the assurance of the continuation of these benefits in perpetuity.

What of Arizona and Nevada, the remaining two states in the basin? We are told, quoting ex-governor Boyle, that Nevada can possibly utilize 10,000 horse power from the Colorado River at this time; that they may eventually utilize 100,000 horse power and that they may irrigate not to exceed 80,000 acres of land. Mr. Weymouth and Mr. Davis, former engineers of the United States Bureau of Reclamation state 3,000 and 4,000 respectively.

You ask about Arizona? What does she want from the Colorado River? I say to you gentlemen, frankly, that at this time all we ask for, if the economic laws are to be set aside and a treaty negotiated, is that Arizona receive protection of her rights including her future development. If you ask me specifically what we want, I reply to you frankly, without any apology, that we do not know because we have not sufficient data available to determine what is practicable to develop.

Arizona is in the position, if the present water laws remain undisturbed and unimpaired, of asking nothing. We are fully satisfied with the present laws as interpreted by the United States Supreme Court. We are fully able, under present laws, to protect our interests from all of the other six states in the basin and from Mexico. We do not fear development in California or in the upper basin if the law, of priorities based upon appropriation for beneficial use, remains in full effect. But if that law is to be disturbed, modified or set aside, we have immediate cause for alarm. The proposal to set the law aside does not come from us.

We had not been particularly interested in the immediate development of the Colorado River up to the time the Compact was discussed. It is

only 13 years ago since we obtained statehood. We have been developing our resources within the interior of this State. We think we have made tremendous strides since 1912, considering our small population and taxable wealth; in that our percentage of increase in population exceeded that of any other state in the Union during that period. We were satisfied to permit the Colorado River to remain a potential asset until we were ready to utilize the same.

I have said to you that we do not know in detail what Arizona wants from the Colorado River. We do not know because we have very few facts. Under the Kincaid Act, passed by Congress, the United States spent over \$2,000,000 in the vicinity of Boulder Canyon and practically none elsewhere on the River. There is some testimony that the Imperial Valley Irrigation District has spent half a million dollars in connection with the proposed Boulder Canyon project and we have no information as to how much money Southern California municipalities and the State of Nevada and others interested have spent in this connection. The lack of information and data in regard to any other portion of the river, other than at Boulder Canyon, is very succinctly stated by Colonel William Kelley, Chief Engineer of the United States Federal Power Commission, as follows:

"The need for more facts is the rather astounding conclusion one must reach from study of the data at hand. While hundreds of thousands of dollars have been expended on intensive investigation at Boulder and Black Canyons, the various damsites between Boulder and Diamond Creek are untested, as is also the site at Mohave Canyon. Drilling at these sites and sufficient investigation and study to permit estimates of comparable accuracy to be made for each are necessary before a satisfactory conclusion can be reached."

When the Colorado River Compact was negotiated the representatives of the State of Arizona had not material

facts as to the possibilities of development in this State, unless the information as contained in the report of Mr. Arthur P. Davis is to be accepted by Arizona as accurate—something we are not willing to accept.

The question may be raised that it is not the fault of the other states that Arizona is not in possession of the facts. Our reply is that Arizona is not asking that the law of priorities based upon appropriation for beneficial use, be set aside. Arizona is fully content with that law. We think it is fair, equitable and just. Under the provisions of that law there has been no need for Arizona to be in any hurry about spending money for Colorado River surveys or to fear early development of the Colorado River from any other source, as we spent our money elsewhere where there was more need of it.

Since the Colorado River Compact was negotiated, engineers tell us that it is possible to develop additionally from 700,000 to 3,000,000 acres of land in Arizona from the Colorado River. Other engineers accept the data of Mr. Arthur P. Davis which states that it is only practicable to irrigate some 280,000 acres of land, which includes the Yuma Project, in Arizona from the Colorado River. We think we have secured sufficient information in the past two years to justify the belief that a considerably greater area in this state can be irrigated from the Colorado River and we want the water to do it, if further surveys prove it practicable.

In negotiating a treaty concerning the Colorado River, we do not see our way clear to allocate, by treaty, any of the waters from Arizona streams as a portion of the main Colorado River. We insist that the laws of Arizona shall govern on the basis of prior appropriation for beneficial use and remain undisturbed on Arizona streams. We grant the same right to Nevada and to California to utilize the waters of all of the streams that originate in their territory but we decline to dispose of, to other states, by treaty, rights in Arizona streams, that can be acquired in no other way.

Economic law and self-preservation dictate our policy in this matter.

I think I appreciate fully that you gentlemen did not come to Arizona looking for charity. If Arizona signed the Colorado River Compact in its present form we would be signing away our future right to utilize the resources of the river without recompense. If we have something you want and can utilize, economic justice dictates that it be paid for. I believe Arizona and Nevada have a definite interest in the Colorado River that received no consideration in the Compact and little consideration in the discussion concerning it; and that is the right to derive revenue from the power developed by the harnessing of the river within our borders.

I am not fully informed as to how Nevada feels about the matter; but the State of Arizona expects to derive revenue from every unit of electrical energy generated in this State that is utilized in other states. The Colorado River Compact does not deal with this question, but the State Engineer of California, in a communication addressed to the Governor of California, states that the upper basin states have some claim on power that may be developed in the lower basin. I deny that any such right exists. I repudiate such doctrine. The Colorado River Compact gives to the upper basin states rights which they cannot acquire under the law except by putting the water to beneficial use before it is utilized in the lower basin. What do they give in return? Whether the water be apportioned under existing law, or by treaty, when it comes to the Arizona line the upper basin states have lost all title and right to it and Arizona will conclude no treaty unless that right be fully recognized and established.

Something has been said, from time to time, about the nationalization of the river; that Arizona is said to have forfeited her rights under the terms of the Enabling Act granting statehood to this State; efforts have been made to distort the law as it relates to navigation and alleged rights the federal government might have in a navigable

river are used as a basis for discussing nationalization of the river; In this connection I say to you that so long as the courts of this land remain open, Arizona anticipates no menace from that direction. We would expect to get from the courts the same rights that New York might.

Arizona asserts that she is a sovereign state, with rights equal to those of any other state. That she has jurisdiction over the bed of the streams from high water mark to high water mark within this State and all of the water that flows therein except as title has been acquired under existing law, and that between the States of Nevada and California, where the stream is a border stream, that the sovereign rights lay between those two states and Arizona and that any rights as to power sites that the federal government may have in the stream are the rights of a proprietor only, and I hope that some day that usurped right of the United States will be challenged and that Arizona may have the opportunity to show in the Supreme Court that when the Congress of the United States made the reservations as to power sites, that it exceeded its authority in denying admittance to the Territory of Arizona to the Union of the states, which comprise the United States, on an equal basis with all of the other states.

Arizona asserts that, while the federal government as a proprietor may own the lands abutting the dam sites and the lands that will be overflowed, the State of Arizona, as a sovereign, owns the land in the bed of the stream, upon which the dam will be erected and the water in the stream and that it reserves the right to tax and derive revenue from any development in the river in whatever manner the laws of this State may devise.

In conclusion, gentlemen, I believe that any decisions you may reach should first of all stipulate that no treaty allocating the waters of the Colorado River shall be effective until it is fully established between the United States government and the Mexican government, that no water rights will accrue to Mexican lands



resulting from any storage facilities provided on the Colorado River or any of its tributaries. Second, I believe that all the water that may remain unappropriated for beneficial use, under the terms of the Colorado River Compact, by the upper basin, should be the basis of apportionment in the lower basin rather than that the allocation be limited to 8½ million acre feet appropriated by the Compact.

At this time Arizona is asked to negotiate and distribute resources from the biggest asset she has because some other sections of the country assert that immediate development of this asset is imperative to their welfare. We are unprepared to negotiate but if an adjudication can be worked out that sounds anywhere near fair and equitable to this State, I shall be very glad of the same. I stand ready to cooperate with you and to make available any information we possess. I trust that your labors may prove successful. (Applause.)

CHAIRMAN VAN DYKE: Now, gentlemen, the next procedure will be the determination on your part as to what your permanent organization shall be like, and how the proceedings shall be conducted. It has been suggested by representatives from California and Nevada that our procedure will be along informal lines, more of a symposium than a debating society, and I would like to hear from Senator Swing of California as to his suggestion along that line.

SENATOR SWING: Mr. Van Dyke and Members of the Committee: This thought has occurred to me that perhaps we could get further if we would just turn this desk around so the California Committee could all sit together, and the Nevada Committee could all sit together and the Arizona Committee. I take it there may be one or two questions we would like to ask after we get in that position, before we proceed. If we could do that we could address one another back and forth as though we were sitting, each as a separate unit.

CHAIRMAN VAN DYKE: Your idea is not to have any formal organiza-

tion or any chairman or anything of that sort; just a symposium of delegates representing the different states?

SENATOR SWING: I am inclined to think we may ask a little further along that line. We are not an organization; we are each here as a separate unit. I think we ought to maintain that.

CHAIRMAN VAN DYKE: Would your suggestion be that each state speak through individual representatives?

SENATOR SWING: Yes, I presume through the chairman.

CHAIRMAN VAN DYKE: You wouldn't limit the representation of the state to the chairman? The chairman may select any one of his delegation to discuss any particular topic?

SENATOR SWING: That is up to the state.

CHAIRMAN VAN DYKE: Now, Mr. Squires, of Nevada, have you any suggestion to make?

MR. SQUIRES (of Nevada): Mr. Van Dyke and Gentlemen of the Conference: I think that Senator Swing's suggestion is a good one; that we meet in the form of a round table discussion and that each state, being a unit, speak through its chairman or member designated by its delegation, and I think we can do no better at this time than to resolve ourselves into such a body.

CHAIRMAN VAN DYKE: Is there any suggestion on the part of the Arizona delegation in reference to that procedure. Is there any objection on the part of any delegate to that procedure?

MR. REID (of Arizona): Mr. Chairman: It seems to me like we could get further if we would at least organize ourselves into a temporary organization with a chairman, and have the same purpose in mind that these gentlemen have, but I believe our proceeding would be more orderly if we should select a chairman from one of the other states to act as a chairman of the whole committee and then carry out their ideas. It seems we would get further and would be able to work in a more orderly

manner in that method than we could by not having some definite line or program; that's just a suggestion.

MR. MADDOCK (of Arizona): Mr. Chairman, I take the same viewpoint I believe we could work out the symposium all together. At the same time it might be better to have a chairman. I believe we can dispense with a sargeant at arms, but I believe it would be better to have a chairman, so if we did slip or numerous people got to talking at the same time we could have a check on it. In order to get at this I suggest the name of Mr. Squires of Nevada as chairman.

SENATOR SWING: We have not acquiesced in any such program and I know it is not the sense of the California committee to acquiesce in that program, because the minute you organize into an organization then you lose your identity as units, and you cannot progress, I don't think, along that line. I know that is the sense of the California delegation. This is not an organization. We are simply here as independent units just as though each were single persons sitting down to discuss this problem.

CHAIRMAN VAN DYKE: Any further suggestion in reference to this matter; how will we determine what our organization will be, gentlemen? Would it be wise to appoint first a credentials committee, Mr. Swing, to report as to who are the authorized delegates?

SENATOR SWING: I apprehend that we have notice of that. We have official notice through our governor of the representatives of Nevada and Arizona and I apprehend you have a similar one. Governor Richardson stated to me he had forwarded them to Governor Hunt.

MR. McCLUSKEY (of Arizona): We have never received them.

CHAIRMAN VAN DYKE: How would it be to permit each state to be the judge of its own delegation?

SENATOR SWING: That would answer the purpose.

CHAIRMAN VAN DYKE: This organization is suggested, it seems to me, to be an organization which is an organization of states with a spokes-

man, and we would resolve ourselves into a sort of symposium where the spokesman could speak for his state. Is that the idea?

SENATOR SWING: That was the thought of the California committee.

MR. MCGREGOR (of Arizona): That also seems to be the thought of the Nevada committee. It seems that it would only be proper to yield to the majority and get together.

CHAIRMAN VAN DYKE: Any further discussion on this question? If there is no objection on the part of any of the delegation it will be so ordered by the chair that the organization will be one of state units and that each state will be represented through a spokesman, either the chairman or some one selected by the delegation to represent their discussion.

SENATOR SWING: Before we proceed with that may I make inquiry about the official report of the proceedings. I notice these gentlemen here (the reporters) and we would like to know that such report will be available at the conclusion of the meeting.

CHAIRMAN VAN DYKE: The Corporation Commission of the State of Arizona has kindly loaned to us their official reporter—

SENATOR SWING: Thank you.

CHAIRMAN VAN DYKE: That is our report. I understand that California has made other arrangements.

SENATOR SWING: I think this would be a good time to discuss the matter. I received a letter from a court reporter out here; is this the gentleman (to Mr. Ryan)?

REPORTER RYAN: Yes, sir.

SENATOR SWING: That is all right.

CHAIRMAN VAN DYKE: Is there anything else to come before this temporary organization? We have with us the President of the Water Users' Association who would like to make an announcement at this time, and I take pleasure in introducing the president of our Water Users' Association.

MR. REID (of Arizona): Mr. Chairman, I just had to step out on a phone call. Did you perfect a temporary organization?

CHAIRMAN VAN DYKE: We decided to go into a state organization with the chairman representing each state or a spokesman from each state to represent its organization, and resolve itself into an informal commission which will discuss the matter along symposium lines.

MR. REID: I see. The thing I would like to say to you gentlemen this morning who have come over on this Colorado River thing, is that irrigation has a great deal to do with that. We feel that we have a very successful project here in the Salt River valley and one that is worth your time to look it over, and I want to extend to you an invitation on behalf of the Association, to spend a day with us and go over the project. We would like to show you how we have carried on our development here, and we feel in a small way it is the same thing that can be carried on in the Colorado River. We also feel that we might show you something that would be of interest to you, something that you might take back home with you, and we would be more than glad for the committee to spare the time to go over the project with us and look it over. We will furnish you facilities for transportation and everything, to show you as easily as we can the project. If that invitation be accepted we will be glad to make arrangements whenever convenient to you gentlemen as our visitors to take you out on this trip. (Applause.)

SENATOR SWING: About how long will it take?

MR. REID: Well, if we went to the dams it would take us probably the afternoon to drive up there. They have nice accommodations up there at the Apache Lodge where we could stay all night and come back in the morning; drive through a very large section of the valley on the way up and also on the way back. About a day or a day and a half, we can show you the high points of the whole project. We feel it will be worth your while.

CHAIRMAN VAN DYKE: I would like to add to President Reid's invitation, that inasmuch as we have or-

ganized on the symposium basis that I can see no reason why we cannot have informal discussions while en route both ways and will give us, if accepted, an opportunity to get acquainted and get our ideas together, so when we come back we will know more or less what our program will be. At the same time we will have an object lesson before us, in a measure, of what the general situation will be like.

(At this point J. K. Doolittle, a person interested in some irrigation project attempted to make a statement but was informed by the chairman that he would recognize only delegates at this time.)

SENATOR SWING: Is it your idea we go up before we attempt to—

MR. REID (interposing): My idea, gentlemen, would be that we make this trip first and give us all a chance to get acquainted and give us a chance to visualize some things which we think are possible on the Colorado river; and give you some new ideas to take back home with you gentlemen on your project; give us an opportunity to discuss these things in rather an informal way and we felt it might make for speed in this conference.

SENATOR SWING: It is suggested by some of the members of the California Committee that they are anxious to get away. Personally I would like to take the trip and at least one other member of the California Committee is very anxious to take the trip. Two of them are quite anxious to complete their work and get away. So couldn't we at least get started and then try to complete our work or get started on it any way and then arrange some time to go up. As I say, speaking personally, I want to accept the invitation.

MR. REID: I will say this, gentlemen, we would be very glad to have you arrange that according to your own program. If you accept it now we will be glad to arrange it now. If you feel that some of the members are in such a hurry they haven't the time to spare, and later on some of the members might lay over and make the

trip we will be glad to extend the invitation that way. We felt this would perhaps give us some ideas in working out the proposed agreement, if any, between the states as to the Colorado River. In other words, we thought it might help by getting first-hand view of a picture of our project here. Maybe it wouldn't.

SENATOR SWING: Then may we proceed with the discussion here with the understanding we may take this up later?

MR. REID: At any time. It is suggested we proceed with the understanding we can take it up at any time and accept this invitation.

CHAIRMAN VAN DYKE: What is your position with regard to Nevada?

MR. SQUIRES: That is very satisfactory to us.

CHAIRMAN VAN DYKE: What is next in order of procedure?

SENATOR SWING: Mr. Van Dyke, may we not move the desks so we can get California around here and Nevada there and Arizona there, and the reporters can sit there?

CHAIRMAN VAN DYKE: All right, we will proceed to organize on that basis.

(At this time the desks are moved around in the form of a circle and closer together.)

SENATOR SWING: Mr. Van Dyke, as chairman of the Arizona Committee, I would like to ask whether or not the address of Governor Hunt expresses the sentiment of the committee. First, for the purpose of the record, the California committee is composed of Senator L. L. Dennett, Assemblyman Walter J. Little, Assemblyman A. C. Finney and Ralph E. Swing. Mr. McClure, state engineer, is not a member of the committee, but an advisor of the committee.

MR. MCCLUSKEY: The Arizona list is composed of C. W. Van Dyke, chairman, F. A. Reid, A. G. McGregor, Thomas Maddock and H. S. McCluskey.

MR. SQUIRES: Nevada representatives, George W. Borden, George A. Cole, Levi Syphers and C. B. Squires.

CHAIRMAN VAN DYKE: Now, Mr. Swing, did you have a question you

wished to ask of the Arizona delegation?

SENATOR SWING: Yes, does this speech of Governor Hunt here express the sentiments of the committee representing Arizona as far as these negotiations are concerned?

CHAIRMAN VAN DYKE: The committee has been authorized by the governor to use its own discretion in all matters as they may develop without any restrictive instructions whatsoever.

SENATOR SWING: That isn't quite an answer to the question. I was trying to get at whether that expresses the sentiment of the Committee.

CHAIRMAN VAN DYKE: I don't see, senator, just what bearing that would have on the matter. I presume our policy will develop as we go along. We would have a right to develop our policy as to Arizona the same as you would have a right to develop your policy.

SENATOR SWING: I assume perhaps the speech would neither have been made nor distributed had it not been for some purpose. Otherwise it would be entirely foreign to any discussion. Now, if it is foreign to the discussion, of course, it is no part of these proceedings.

MR. SQUIRES: Gentlemen of California and Arizona: In behalf of the Nevada delegation, I wish to express our appreciation of your invitation to meet in this conference, and our pleasure at meeting with you today. In view of the fact that in a measure the address of Governor Hunt seems to state the position of Arizona, and with the idea of placing the other states perhaps on record as to what their position may be in this conference, I will speak now for Nevada. Nevada comes to this conference with the hope she may be helpful in bringing about a better understanding between the three states of the lower basin of the Colorado, and that she may lend her co-operation and assistance to her sister states in settling the more apparent than real conflict of interests which have involved previous discussions of the Colorado River prob-

lem.

The question of the development of the Colorado River, as it seems to us, advanced through various stages of sentiment and politics until it has now, we think, been crystalized by the pressing necessities of the present into a practical economic problem from which immediate relief must be found.

Therefore I will state that the basis of all negotiations in this conference as far as Nevada is concerned must be the recognition of the immediate necessity for a dam at or near Black or Boulder Canyon on the Colorado River. That, gentlemen, is the position which Nevada takes in this matter.

CHAIRMAN VAN DYKE: Now, your position there is that the basis of negotiations must be what?

MR. SQUIRES: Must be the recognition by this conference that that is the thing to do.

CHAIRMAN VAN DYKE: Shall be the recognition of the construction of—

MR. SQUIRES: Shall be the recognition of the necessity for a dam at Boulder or Black Canyon.

SENATOR SWING: May I ask a question? As I understand the condition precedent to a discussion and further proceeding in this matter, you think that question should be disposed of?

MR. SQUIRES: So far as the interests of Nevada are concerned that is the primary question. If we cannot determine on that policy there is no use of Nevada going any further with the discussion.

CHAIRMAN VAN DYKE: Would Nevada insist upon a determination of that before we have any further discussion or would you permit us to discuss the general phases of the situation leading up to the ultimate, adequate and proper solution?

MR. BORDEN (of Nevada): With the consent of the chairman, I wish to state that our interests lie entirely where our boundary is and if there is no location of the dam along our boundary we cannot very logically come to any point in your territory

and tell you what to do with water at that point, or that we had a part in the solution of that question. We have, as we believe, certain rights along the Colorado, and the major portion or practically all of those rights lie in the Boulder Canyon or vicinity. For a basis of determination of any other situation which may arise, Boulder Canyon is the logical point for us to start from; we would be on foreign ground any other place and that is the reason for our stand in that respect.

MR. MADDOCK: If the desires of Nevada could be covered in a general proposition that would include the entire question, you wouldn't desire to have this determination first, or to make any discussion of any other question predicated upon a previous discussion of one particular subject, will you?

MR. SQUIRES: I think we are justified in assuming from this address of the governor that such a direct solution of the question would not be favorably received by Arizona. Therefore, I think we might as well decide that question first before we go any further.

SENATOR SWING: California, of course, is already on record in what is known as the Finney Resolution adopted by the California legislature, ratifying the Colorado River Compact, in which the ratification is made dependent upon that, so our position is in accord with yours, I think, at least to some extent. It is perfectly agreeable to us, I think, to concede the position taken by you, as stated by the Nevada delegation, and determine that question first.

MR. REID: Mr. Squires, may I ask a question: Wouldn't it be logical for the Nevada representatives here to undertake to work it out in a broad way, leading up perhaps to what you want, rather than to start in the other end to? It seems to me like if there is any development made where we are all going to be jointly interested in it, we have got to have some agreement worked out. Now, if, as the thing progresses and as things develop, then the position which you

stated in the beginning, might be very well taken in the end, provided you are not satisfied with the negotiations. It seems to me like it puts Arizona in rather a wrong position to start in with the idea that "Now, we have come over here to negotiate the building of the Black Canyon Dam" or any other dam. "Otherwise, we are not ready to proceed with this conference." I don't hardly think you gentlemen want to put us in that position, where we have got to take it or leave it. I don't assume that is the idea of this delegation coming over here.

SENATOR SWING: Haven't we been pretty near put in that position by this statement of Governor Hunt?

MR. REID: I don't think so, Mr. Swing. Governor Hunt appointed a committee here without any instructions whatsoever. The committee representing Arizona is open to undertake to negotiate some kind of a satisfactory agreement with the three states at interest here, and there is no reason why we can't proceed along that line. I would assume that if we negotiate something here that Governor Hunt would not agree to he would tell us so. Until then we are going to assume we have a perfect right to go ahead with the conference and work out a solution of this problem. But up to this time we haven't been told that.

MR. BORDEN: We understand from Governor Hunt's statement there's certain things he won't approve. He has definitely placed out of consideration certain things, because his approval is necessary as we look at it, and at the same time, while he has definitely stated these things, we have a definite statement which Mr. Squires has given which we think is not in accord at this time with the statement already made by the governor, and if we can't get together on his statement then we are in a position that is not altogether satisfactory, so with that thought in mind we have presented the statement as given by Mr. Squires.

CHAIRMAN VAN DYKE: Suppose

we proceed to a general discussion of the problem and see if we haven't some common ground upon which we can stand and work toward that end. I don't think you will find Arizona opposing any legitimate construction development of the dam at the earliest moment possible. Now, as to what the position of the Arizona delegation will be, I don't think it ought to be stated before the discussion is made. I think it is only fair that we discuss the general situation first and find out if we haven't some common ground on which we can stand. I don't think we ought to, in a commission of this kind, make a final statement. It is true if we are going to get together we have got to have a general discussion of an informal nature and find out first what we have in common. Second, build from that. My opinion is this: I don't think that the governor's statement is one which he restricts this committee to follow. His instructions to this committee are to go ahead and see if we can't work out some solution of this problem and present the findings of the committee and we have authority to negotiate with you on that basis.

SENATOR SWING: May I inquire on that basis, what I deem now to be quite important, what are we to understand is the authority of this committee of Arizona? How far can you go in binding the state and disregarding the governor's statement?

CHAIRMAN VAN DYKE: I will ask Mr. McCluskey to answer the question for the Arizona delegation.

MR. McCLUSKEY: There is really no authority in law for an official Arizona committee. The authority that was granted for the negotiation on the compact itself is granted by an act passed in 1921, which authorizes the appointment of an official negotiator for the State of Arizona. As matters stand now that law is dead; that is the work for which that law was passed has been accomplished. The compact has been negotiated. Resolutions and bills were introduced to create other official negotiations in the last session of the legislature, none of which became laws. I take

it that this committee is unofficial, that is as far as the law is concerned, but it has been designated by the governor to try to work out some proposal that might be submitted, or might be agreeable to the other two states, and that might be submitted to other legislatures or to the people of the state as a possible solution of the whole question. We are not bound by any instructions whatsoever; we are free to act.

SENATOR SWING: Have you authority to enter into a compact on behalf of your state?

MR. McCLUSKEY: No, sir.

MR. MADDOCK: May I say this: The constitution of the State of Arizona provides that the governor has the authority to handle business between states, to negotiate. We feel that we are working under that, but we feel that we have no more authority than any other delegation here; that we cannot bind our state and neither can any other delegation bind the states; that the only thing that can bind the states are the respective legislatures of the states. We feel that the various states have different ideas. Various legislatures have certainly shown that they had various ideas, and we proposed if we could get together some two years or more after the last time that there were any delegates together, we may iron out some of these difficulties or at least understand one another, but we don't feel we can bind the State of Arizona, nor do we feel that you can bind California, nor the Nevada delegation bind their state.

SENATOR SWING: The California delegation, of course, has authority to act.

MR. MADDOCK: Has the legislature of California the right to delegate legislative authority to your committee, and have they done so?

SENATOR SWING: Not legislative authority. Authority to enter into this conference.

MR. MADDOCK: And anything you would agree to would not bind the State of California?

SENATOR SWING: No, would be subject to confirmation.

MR. MADDOCK: We feel the same way.

SENATOR SWING: Assuming now that you are acting under the constitutional authority and the governor has the authority in the matter, then don't that dignify his remarks here to such an extent that we have to accept them as being the position of Arizona, the governor being the person, which under your constitution is the only one authorized to negotiate? He has stated to us the position of Arizona. Assuming he is acting under that constitutional authority we are justified in assuming that this is the position of Arizona, which, taking it a little further, is directly in conflict with the position stated by Nevada that they wish to assume.

CHAIRMAN VAN DYKE: Well, we take it for granted, Mr. Swing, that the purpose of this conference is to discuss the fundamental relationship that exists on the Colorado River looking toward a solution of the problem where we can make progress. I take it for granted that this is Governor Hunt's opinion. He has appointed a committee here to represent Arizona and if we go into a discussion of the details of this problem in a general way we might find some common ground upon which we may stand, and it seems the logical thing to do when we are gathered together here, to begin to discuss the merits and demerits of the various positions we have here. There may be some things upon which we can get together, and if there are I believe the people of our respective states expect us to do that. We are here ready for progress; ready to do something. We want to co-operate with you in every way we can. You can justify your position and we can justify our position, and we can't get anywhere by stating ultimatums. We don't presume to state we have put in an ultimatum here. We are anxious to negotiate with you and to do something for the development and progress of this problem at this time. I think that is our position. It seems to me there's certain general things we can discuss here leading up to

this as we go along and perhaps we can find a common ground upon which we can stand. It may be we are prepared to give you people everything you want when we know what you want, and the only way to find that out is to discuss it and to proceed. I cannot see that the speech made by the governor is any deterrent to a discussion of the situation in detail.

SENATOR SWING: We came out here with the same thought in mind. California's only purpose is to attempt to arrive at an equitable solution of this question. California wants nothing that is unfair; California wants nothing that she is not willing to accede to every other state, but we did not anticipate when we came that the supreme power of the State of Arizona was going to make a statement that is practically—it is almost an ultimatum, gentlemen. I don't see how you can view it any other way.

CHAIRMAN VAN DYKE: Well, we will concede at first that Arizona has some equities in the Colorado River, isn't that true? We will all concede Arizona has some equities. We are willing to concede that California has some equities and we are willing to concede that Nevada has some equities. That's our first concession. Now, let us proceed to a determination of what those equities are.

MR. SYPHERS (of Nevada): Gentlemen, you will excuse me for standing on my feet while I speak. I was very much interested in the very able way in which Governor Hunt presented what he deems to be the claims of Arizona. Governor Hunt, being the administrative authority of the state has done us the courtesy of appointing a committee to confer with us in this matter. Yet, his speech, as chief administrative authority of the state has been so emphatic upon some points, practically saying that, "come what will, certain phases of the question we are going to take to the supreme court of the United States if decided against us." Then, under that, he says in the concluding paragraph of his speech: "At this time Arizona is asked to negotiate and distribute resources from the biggest

asset she has because some other sections of the country assert that the immediate development of this asset is imperative to their welfare. We are unprepared to negotiate but if an adjudication can be worked out that sounds anywhere near fair and equitable to this state, I shall be very glad of the same. I stand ready to co-operate with you and to make available any information we possess. I trust that your labors may prove successful."

Now, on the face of it that seems very fair, but by some declarations made by the governor most emphatically we cannot infer anything else than that if Arizona does not get that the matter is going to be taken into court. So far as I can perceive the situation, we other states are not in a position to yield those things which the governor makes imperative, and on the face of the thing it seems to me that Nevada is not taking any logical position, in the light of the governor's statement as chief authority of the state, when we do say we have a foundation on which to negotiate. If this committee is in position to say that, whether or not Arizona can carry these matters into the supreme court that the governor has stated emphatically must be done, if you are prepared to say that is not so, then there might be some profit in discussion, but unless you are prepared to say that, it seems to me it is a loss of time as far as Nevada is concerned.

MR. MCGREGOR: I was wondering if you would make progress if you would point out to us what is so objectionable in the statement made by the governor.

MR. FINNEY: Is that assuming that this is your statement and that you commend everything here? We ought not to be required to point out objections. If you are putting it forward as a platform, then of course, it is the subject of discussion.

MR. MADDOCK: May I say this—I am only speaking for myself; I cannot speak for any one else.—For myself, for my conscience and for my citizenship to the State of Arizona, I



am here absolutely independent, and before I was appointed I made no pledges, nor was I required any by the governor. At no time — I am speaking frankly and openly—have I been asked to state my position. The only thing that binds me to any arrangement is my conscience and my desire to help my state, and I think the other members of our committee are the same way.

SENATOR SWING: What is your answer to Nevada's position?

MR. MADDOCK: My Answer to Nevada would be that the part is not greater than the whole, and I don't think our entire discussion should be limited to one part of a great big proposition.

SENATOR SWING: I concede that, but assuming now that their position has been made clear, is it as was stated by one of their delegates, worth while to take up the rest of the discussion?

CHAIRMAN VAN DYKE: We believe it is, Mr. Swing.

MR. BORDEN: As I understand it, I think your constitution is similar to ours, and we looked into that as far as our own constitution is concerned before we came down, and I don't know that California is that way, but I think Arizona's is, that the matters between states must be handled through their governors and consequently this statement comes to us out of rather a clear sky and as more of an ultimatum, in fact more of an ultimatum, I think, than ours was, that there were certain things that the governor wouldn't stand for, and regardless of what was done here it couldn't be carried on in that way; that he would oppose it, and under your constitution we think that he is the last line on the subject unless it goes to the Supreme Court. Consequently we felt we should put forth a proposition and find out whether or not the Boulder or Black Canyon dam can be a method of consideration and a basis by which, if it was constructed, then the division and everything else could be worked out accordingly. That does not, to our way of thinking, interfere seriously with such power projects that you may have up

the river, but it does vitally interest us, and it interests us all the more in view of your constitutional authority making the statement he has made this morning.

MR. MCGREGOR: He hasn't said anything about the location of any dam.

MR. BORDEN: No, only by inference.

MR. FINNEY: Does Arizona consider that Nevada's request conflicts with the statement of the governor?

MR. MCCLUSKEY: I don't see where it does. I think that the speech of the governor must be taken as a whole and considered as a whole, and that the speech must be predicated on a discussion of the Colorado River Compact as drawn at Santa Fe. He points out what he summarizes as defects in the compact and objects to those defects in the compact, and suggests that those ought to be remedied as a basis for any adoption of the compact as such, and he lays the basis for what might be considered reservations or limitations on the compact and discusses in general the relationships that exist between the three states in the lower basin, and their relationship to the compact.

Now, if the compact is eliminated from the discussion entirely; considered as a dead proposition, the matter then becomes a question, I would take it, of what the economic interests of the three states are in the lower basin; what the three states' economic interests may be at Boulder Canyon, if you care to discuss Boulder Canyon. Arizona has an interest at Boulder Canyon equal to any of the three other states. At least an equal interest with Nevada. The damsite would be between those two states; the stream is a border stream there. It might be that our interests, granting certain qualifications, might be advanced further at this time by the building of Boulder Canyon Dam, I don't know. That is a matter for subject of discussion. It may be that California's interests as stated in your resolution and stated by Mr. Swing, is predicated wholly upon a discussion of the proposition and the building at Boulder Canyon.

But, I think, as the governor has

pointed out, that Arizona has other interests as well as the interests at Boulder Canyon; interests above Boulder Canyon and interests below Boulder Canyon where the river becomes a border stream between California and Arizona, and in the consideration of an agreement there is something to be decided between California and Arizona as well as between California and Nevada. I take it this speech of the governor must be taken, as I said as a premise, as discussing the compact as written. I concede and I contend, and I think the Arizona delegation concedes and contends that there is an identity of interests in the building of a storage reservoir, flood control, water for irrigation, and power, and all three states have an interest in that being accomplished at an early date.

The question of division of the benefits that might accrue from that development, I think is of interest to the three states. I feel confident that neither Nevada nor California would assert that Arizona would have no interest in the dam at Boulder Canyon. I know that Arizona has no such idea in mind. It is certain that Nevada has interests at Boulder Canyon, California has interests at Boulder Canyon. I take it that the governor's statement in connection with the benefits that would accrue from development at Boulder Canyon is suggestive of why Arizona needs some further agreement than the Colorado River Compact—as a basis—some other basis than the Colorado River Compact, to be arrived at before Arizona agrees to the proposition of giving a permit for the development from our State Water Commissioner and under our state law. And, I take it, when reference was made to the courts that he answers the arguments or the statements and the proposals—going so strong as that—as advanced by, I will say representatives, of the states at interest, in pending legislation, in stating that Arizona would resist development until an agreement was made defining her equities.

I see no reason to take it or to state that the governor's remarks are an ultimatum. I take it he expresses his viewpoint as to what he thinks

the situation should be. He has stated to this commission or to his delegates that they are absolutely free, untrammelled and unbound and I do not believe he knows the sentiment or the beliefs of the delegates that are on this commission. I know that I do not know what the views of this delegation are on all subjects or what this conference might result in. It might be satisfactory to the governor and it might not. It might be satisfactory to the governor and not to the people of the State of Arizona, through its legislature.

The only thing I can say to you as one member of the delegation and a member who does not expect to have very much to say beyond what I have already said, that I think we are all prepared to go to work and try to work something out here to find where the identity of interests lie and arrive at some basis where we can settle upon an equitable apportionment of these benefits.

MR. MADDOCK: I would like to add a little aside that we have been two days trying to find out what our own opinions are.

MR. SYPHERS: I am seeking information in regard to some questions I asked. Take on page two of the governor's statement, paragraph three: "You ask about Arizona? What does she want from the Colorado River? I say to you gentlemen, frankly, that at this time all we ask for, if the economic laws are to be set aside and a treaty negotiated, is that Arizona receive protection of her rights including her future development. If you ask me specifically what we want, I reply to you frankly, without any apology, that we do not know because we have not sufficient data available to determine what it is practicable to develop." Now, if this honorable committee has data to clearly define the position or basis on which we can negotiate we would be very glad to know that, but in the face of the governor's statement that you haven't, it seems to me it would be rather difficult to get it.

MR. REID: Mr. Chariman, I want to say this on my own account, that my appointment on this committee was made by Governor Hunt without

any restrictions whatsoever. There's been no time since we have been in conference that he has imposed any restrictions on us. In fact we have never discussed this matter with Governor Hunt; the committee has not, and as far as the governor knowing the ideas of this committee, he don't know it any more than you do. I think this committee has ideas of its own as to the way this development should be made. Whether those ideas are in accord with the ideas of you gentlemen we don't know until we get into the discussion of it. I feel certain that each member of the committee is in the same position I am in. I do not feel that this committee is bound by any instructions whatsoever. I think Governor Hunt's speech here this morning was made, as Mr. McCluskey says, as a whole to the proposition, without any reference to details. I do not think there is any question but what we have got enough information; I think this committee feels we have got enough information to work out an agreement here to be submitted to the legislators of the State of Arizona or to the people to work out a satisfactory development on the Colorado River. I believe if you people take the same attitude we will get somewhere on it.

If we are coming in here, each making ultimatums, saying we are going to have this or are going to have that before we get anywhere, all I can say on my own part is that my feeling is that all that Arizona is going to ask for is what is right and fair and just. We are ready to go ahead; ready to proceed with this development just as fast as we can get it in shape without delay any further than is necessary to have these things put in legal shape, and if the delegations from Nevada and California can take the same position I think we have got some common ground to start from.

MR. BORDEN: There is one thing that has been mentioned that we feel is entirely out of our jurisdiction; that is the Santa Fe Compact. Our state, through the legislature and the governor has approved the Santa Fe Compact, and we can begin from

there and go ahead, but to go back of it we have no authority.

MR. MCGREGOR: Does your state have any objection to the substitution of prior protection rather than the compact?

MR. BORDEN: Our legislature has answered that for us.

MR. MADDOCK: Could we say this: That the Compact has been before the people of the various states for more than two years. This state twice has had the matter up for the solution of the legislature; the legislature has twice refused to solve the problem. Since California approved it they have turned it down. The Compact, having apparently been unable to be adopted, what we would like to do is to find out what can be approved.

MR. BORDEN: Our legislature has taken definite action on that. The fact is we are not a legislative committee or body such as would have any authority to go back of their action.

MR. REID: Then are we to assume that your authority has been entirely taken away from you by the action of the legislature, and that you came down here to do one thing, and that is to have Arizona ratify the Compact?

MR. BORDEN: No.

MR. REID: What did you come down here for?

MR. BORDEN: We came down here with the idea of settling the lower basin question if we could all three get together on it, but you gentlemen, the minute we state the lower basin question, consider it as a question that is predicated upon the Compact—

MR. REID: Not as far as Arizona is concerned.

MR. BORDEN: No, but it is with us.

MR. REID: Not necessarily. The Compact has not been ratified. It isn't legal and isn't binding upon the State of Nevada until the other states ratify it.

MR. BORDEN: We have ratified it and it is binding upon us to that extent.

MR. REID: Not until ratified by all seven states and approved by Congress.

MR. SWING: California ratified it.

MR. REID: Didn't ratify the six-states compact?

MR. SWING: Yes.

MR. REID: Indeed they didn't, not according to the dope we have; we have the proceedings.

MR. SWING: We ratified it.

MR. REID: With reservations.

MR. SWING: Yes; have to be accepted by all the rest of them.

MR. MADDOCK: We think there is a lot of misconception here simply because we are each figuring for our own states. Some one is carrying the worst things in each state. What we would like to do is to try to get, at a joint meeting, some suggestion we can offer to the legislatures of the three states that will be approved by them.

MR. SWING: We came here in that spirit, as I anticipate Nevada did also, but the minute we come in we are confronted with an ultimatum almost, containing things that certainly, from Nevada's standpoint, puts them out of the running, and I am not sure but what it does California, and while you say you are not bound by the governor, you are here representing the governor because you are the governor's committee, appointed under that constitutional authority, and whatever you may say you are necessarily, under the law, the governor's representatives here today, and when the governor speaks he necessarily speaks for you, perhaps not individually but collectively, but when he speaks as he did this morning, as Nevada says, that cuts them out.

MR. REID: I am sure he is not speaking for this committee.

MR. SWING: Not individually but collectively. You are his committee and he is the only authority there is.

MR. REID: That is all right.

CHAIRMAN VAN DYKE: Mr. McCluskey would like to ask a question.

MR. McCLUSKEY: I would like to ask a question of Nevada, wherein the governor's remarks lets them out of the picture.

MR. BORDEN: You are asking a question with regard to us that you just answered California and my answer would be the same as yours that

the general policy there is such we do not understand it exactly; but he has outlined definitely what he calls his policy. Now, I think you fellows can better give us an idea of what his policy is. As we see it, from the words that's been read here, I don't think it is necessary to repeat them, that we are more or less out of the picture; in the first place with regards to the Santa Fe Compact.

MR. MCGREGOR: Would you like us folks to repudiate what the governor says and start from there?

MR. SWING: I don't see how you can.

CHAIRMAN VAN DYKE: Arizona is ready and willing at this time to enter into a negotiation and discussion relative to the merits of this situation covering the entire subject and we would like to proceed with that, with the hopes that something can be accomplished for the welfare of the three states. There's no definite action taken as yet. Nothing has really happened yet concerning the merits of the situation. I can see no objection inasmuch as we are here, to going ahead and discussing the relative positions of the three states on this matter in the hope that we can arrive at some conclusion which will be beneficial to all. I don't think Arizona is opposed to your wishes. I think probably we can work out something here which will be satisfactory to all concerned, so that you will all get just what you want. Certainly we can't determine that by refusing to discuss the problem. We are here and we are ready to discuss, ready to proceed. We believe we can work out an understanding here which will be fair and just to all interests. Mr. McCluskey would like to ask Nevada a question.

MR. McCLUSKEY: Is it the idea of the Nevada delegation, based upon the statement that you were bound by the compact, that Arizona should be restricted in her development in terms of the Colorado River Compact?

MR. BORDEN: We undertook to make no statement with regard to Arizona. We are stating our own limitations.

MR. REID: Gentlemen, I make this suggestion: I think it is about

the noon hour and I think it would be well to adjourn this meeting until about one-thirty or two o'clock and then you gentlemen get together and discuss this problem between yourselves. Our position is as the Chairman stated. We are ready to go ahead with this thing. We are ready to enter into negotiations to see what we can work out. I don't see any reason why the other delegations can't take the same position, even though it was unofficial. We don't expect that all the things or acts or agreements made here by this conference are going to be binding upon the states. We feel if you gentlemen entered into an agreement here you would have to refer it back to your legislature anyhow, so if we could get something we could all agree on and refer it to these different legislative bodies it seems to me like we would be getting somewhere, rather than taking the position we are only willing to negotiate when this is done or something else is done. I suggest we adjourn until 1:30 o'clock.

CHAIRMAN VAN DYKE: The suggestion is made that we adjourn until two o'clock.

SENATOR SWING: Don't forget we are living by a different hour than you. Consequently we eat an hour later and get up an hour later.

CHAIRMAN VAN DYKE: I take it our time now says twelve thirty.

SENATOR SWING: If the position is as stated I see no use of further discussion.

MR. SQUIRES: It seems to the Nevada delegation that the whole discussion of the Colorado River problem from our standpoint and probably from the standpoint of the California delegation as well, is based upon the question of whether or not Arizona is prepared to withdraw its opposition, if any it has, to a project at Boulder Canyon, and the details of that being worked out to some extent in a way that may be found satisfactory to Arizona, if they are then prepared to work in favor of such construction. It seems to me from the standpoint of Nevada that is the only point at issue, and if we can assume that there is no objection on the part of Arizona to what we consider the essential fea-

tures of this development then it seems to me we can go ahead with other discussion and details and discuss other questions appertaining to the subject, and I would suggest that at the close of this recess Arizona, if she may and is able, give us an answer on that one particular question. Then we can know whether we are able to proceed with further discussion.

CHAIRMAN VAN DYKE: Would it be all right to adjourn to two o'clock and give us an opportunity at that time to answer the question?

MR. McCLUSKEY: Let me put a question first. Mr. Squires, are we to understand that the only discussion or only understanding that is possible to arrive at here must be predicated upon the acceptance by Arizona of the Colorado Compact?

MR. SQUIRES: Not necessarily.

SENATOR SWING: I don't understand that that question is involved in this.

MR. McCLUSKEY: Let us say for the sake of argument or for the sake of developing the idea, that development cannot proceed at Boulder Canyon without a permit from the State of Arizona; let us assume that, and that as a precedent to obtaining that permit Arizona demands further protection than that given to her in the Colorado Compact. Let us assume that Arizona wants to see a dam constructed immediately at Boulder Canyon or anywhere, are we to assume that Nevada and California will not undertake to co-operate with Arizona in trying to find a basis for giving Arizona the protection that she thinks she ought to have, as a basis to the discussion of a development at Boulder Canyon? Assuming that the Imperial Valley needs flood protection immediately, a regulated water supply, and Nevada places her entire stake or interest in this pot at Boulder Canyon, Arizona having an interest there I would like to know if Nevada and California are willing to discuss some further protection for Arizona than the Colorado River Compact gives her, precedent to a discussion of the development at Boulder Canyon?

MR. FINNEY: In other words you wouldn't be prepared to go on and

further negotiate unless these other delegates are prepared to negotiate to change the terms of the Colorado River Compact?

MR. McCLUSKEY: We would like to know whether or not Nevada and California, through their delegations here, as a basis for negotiations, are going to hold Arizona to the terms of the Colorado River Compact?

MR. FINNEY: Wouldn't it be fair for us to ask you whether you will negotiate further unless we are prepared to change the terms of the Colorado River Compact?

SENATOR SWING: I don't think the Colorado River Compact is involved in the present discussion.

MR. FINNEY: It has been brought in.

SENATOR SWING: I don't think it is involved.

MR. McCLUSKEY: Then if the Colorado River Compact is not involved I would say that Nevada and California have no cause to take any exception to the statements contained in the governor's speech, inasmuch as his whole speech is predicated upon the Colorado River Compact being a portion of this discussion.

SENATOR SWING: You understood the question as asked by the Nevada delegation?

MR. McCLUSKEY: I am trying to get a basis wherein we can consider an answer to their question.

MR. MCGREGOR: It seems that it is not out of the way for the Nevada delegation to point out specifically what they are objecting to.

SENATOR SWING: Let us see if we understand Nevada. As I understand Nevada's position is this, they are prepared to go ahead and negotiate with reference to the various matters provided Arizona will agree to withdraw all objections to the construction of the dam at or near Boulder Canyon.

MR. REID: I didn't understand it that way.

SENATOR SWING: Let's see if I correctly stated it, and if you will cooperate in the construction.

MR. MADDOCK: Personally I am perfectly prepared. I think I am prepared to enter into any discussion, and in that sum total everything that

Nevada wants at Boulder Canyon is subject to discussion.

SENATOR SWING: That may be, but from their standpoint, as I get their remarks, it would be a waste of time to take up the other matter if we are going to break on this eventually.

MR. MADDOCK: The objection of the upper basin states to any construction in the lower basin is to preserve their rights. That is why the compact was entered into. You cannot do anything in the Colorado in one place without inadvertently doing something somewhere else. All we would like to do would be to have all the various phases of the matters discussed openly and frankly.

MR. SYPHERS: Mr. McCluskey, do I understand it to be your position, and I seem to get that idea from your remarks, that in order for your committee to accede or agree to the construction of a dam at Boulder Canyon that there must be an agreement for further protection for Arizona than the seven states compact at present provides?

MR. McCLUSKEY: I would answer that this way: The Arizona legislature has twice considered the Colorado River Compact, for 120 days, 60 days at each session. The Colorado River Compact hasn't had a chance to receive the approval of the Arizona legislature as written. The almost unanimous sentiment of the last legislature was to require reservations. I think that the overwhelming sentiment of the people of the State of Arizona at this time is against the Colorado River Compact without reservations being made to give us further protection.

Now, if Nevada puts us in the position, and California puts us in the position, of saying to you that we have to withdraw all objections to Boulder Canyon as a precedent to further discussion here, that simply means that we have got to put ourselves in the position of saying to you that we have got to accept the Colorado River Compact, something we cannot do.

Now, what we thought we might be able to do here is to discuss our identity of interests; what our in-

terests were and what your interests were and what California's interests were at Boulder Canyon. I think you are all agreed we all have some interest there; is that agreed?

MR. SYPHERS: I understand your position to be this, that because of the history of the Compact before the legislature you wouldn't like to go back to the legislature and ask that it be accepted?

MR. McCLUSKEY: I don't think they would do it.

MR. SYPHERS: We are in the same position on the other side of the line. The Nevada Legislature has ratified the compact, and while, as you say, we are not bound by it until all have approved it, yet our committee would feel rather delicate about going to our legislature and saying "You fellows have made a mistake." We are in the same position only on the opposite side of the line.

CHAIRMAN VAN DYKE: That is the reason for the conference, is it not?

SENATOR SWING: Did I correctly state Nevada's position, Mr. Squires?

MR. SQUIRES: I think so.

CHAIRMAN VAN DYKE: We all understand that position. Suppose we adjourn. Let us adjourn then until two o'clock.

(Whereupon the conference adjourned until two o'clock, Monday afternoon, August 17, 1925.)

2 o'clock P. M., August 17, 1925.

All parties being present, as heretofore noted, the proceedings of the Colorado River Conference were resumed as follows:

CHAIRMAN VAN DYKE: Are we ready to proceed, gentlemen? I have asked the reporter to give us in writing the question propounded by Mr. Squires just before we adjourned; and we have prepared an answer by the Arizona delegation. Mr. Squires' question was: "It seems to the Nevada delegation that the whole discussion of the Colorado River problem from our standpoint and probably from the standpoint of the California delegation as well, is based upon the question of whether or not

Arizona is prepared to withdraw its opposition, if any it has, to a project at Boulder Canyon, and the details of that being worked out to some extent in a way that may be found satisfactory to Arizona, if they are then prepared to work in favor of such construction. It seems to me from the standpoint of Nevada that is the only point at issue, and if we can assume that there is no objection on the part of Arizona to what we consider the essential features of this development then it seems to me we can go ahead with other discussion and details and discuss other questions appertaining to the subject, and I would suggest that at the close of this recess Arizona, if she may and is able, give us an answer on that one particular question. Then we can know whether we are able to proceed with further discussion."

Arizona offers this in reply: "The Arizona Committee would reply to Mr. Squires that it is ready to negotiate with reference to the project at Boulder Canyon or any other site, provided the details with reference to that development can be worked out in a manner satisfactory to Arizona, and in the event we can arrive at an agreement the Arizona Committee is fully prepared to urge co-operation to the fullest extent in such development."

MR. SWING: Could we have that read again, please?

CHAIRMAN VAN DYKE: Yes, I will read it. (Typewritten copies of the reply were handed to the Nevada delegation and to the California delegation.)

MR. SWING: May I make this inquiry from the Arizona Committee? I just wrote this down hurriedly a minute ago after I came in after lunch. I think it expresses what we were trying to arrive at, and I submitted it to Mr. Squires a moment ago. I will just read it. I think this really expresses the California thought, I know on the subject. It would have to be in some such form in substance as this: It is agreed between the various representatives of

the states here assembled that any agreement entered into shall contain in substance a proviso that the State of Arizona shall immediately withdraw its opposition to the construction of a dam at Boulder Canyon, at or near Boulder Canyon, a dam in the Colorado river at or near Boulder Canyon, and will urge immediate development of such project in order that the said states and the people jointly may utilize at the earliest possible moment the resources of this great river now being wasted. If we can agree on that I think we can proceed.

MR. REID: Mr. Chariman, may I ask Mr. Swing a question?

CHIRMAN VAN DYKE: Yes.

MR. REID: Is that in the form of an ultimatum to the committee, to the Arizona committee, that we must agree on something like that in order to proceed?

SENATOR SWING: Oh no. I tried to express in here what I understood was the question we were discussing just before noon and the form in which some action should be taken.

MR. REID: In other words, you want us to enter into an agreement to do certain things even before we discuss it, is that the idea?

SENATOR SWING: No.

MR. REID: What is the object of that resolution then?

SENATOR SWING: It is not in the nature of a resolution. In following up the Nevada representative's statement then of course if we are going to go ahead we want to decide this question and get it out of our way. We dispose of it in this way, that in any agreement that we may enter into in the future between us here that agreement shall contain a proviso in substance along the lines I have read.

MR. REID: Well, Mr. Swing, you are not in a position now, nor prepared to state at this time just what Nevada wants in that agreement are you?

SENATOR SWING: No, I am not in a position to state anything in re-

gard to what Nevada wants insofar as Nevada goes.

MR. REID: Are you in a position to state just what California wants in that agreement?

MR. SWING: Not entirely, no.

MR. REID: Is Mr. Squires, for Nevada?

MR. SWING: You will have to address that remark to him.

MR. REID: Are you, Mr. Squires, in a position to state definitely what Nevada wants in this particular development?

MR. SQUIRES: I think so. Our position is quite clear, that assuming that opposition to the construction of a dam at Boulder Canyon is withdrawn by Arizona—

MR. MADDOCK: (Interrupting) Just a moment. For my particular, personal privilege and benefit, what objection has there been on the part of Arizona to the construction of a dam at Boulder that must be withdrawn?

MR. SQUIRES: I can't say definitely except it has been generally understood that your governor had the dam at Glen Canyon or some other place up the river.

MR. MADDOCK: That is why we thought this morning that we ought to enter into a general discussion in order that we could dissipate some of the general misunderstandings which were not real misunderstandings and don't exist.

SENATOR SWING: Then, if there is no opposition, why can't we say there isn't any? Then that is easy.

MR. MADDOCK: We have submitted the answer.

MR. SQUIRES: With reservations, however.

MR. REID: The question which Mr. Squires asked this morning if Arizona would withdraw its opposition, if any it had, to the project at Boulder Canyon, as far as I am concerned, I never heard that Arizona had any objections to a dam at Boulder Canyon.

SENATOR SWING: Then there would not be any serious objection to such an agreement on your part?

MR. REID: Not at all if we had



a clear understanding of what that development was going to be. We don't want to agree to do something until we know how the details of that is going to work out. You say you are not in a position to submit at this time just what California wants in that.

SENATOR SWING: On that particular?

MR. REID: On that particular, are you?

SENATOR SWING: I think sufficiently.

MR. REID: If you will just submit that we will surely try to work it out.

MR. SWING: You know what the construction at Boulder Canyon is. There isn't anybody in this room that don't know that.

MR. REID: We don't know what California wants out of that. You haven't stated; neither has Nevada stated what they want out of it. If you will state that we are prepared to enter into a discussion of it with you.

SENATOR SWING: Have you ever heard of the construction of a dam in Boulder Canyon?

MR. REID: Yes.

SENATOR SWING: Are you in favor or opposed to the construction of a dam in Boulder Canyon?

MR. REID: That depends on this agreement entirely.

SENATOR SWING: What do you mean by agreement?

MR. REID: What kind of an agreement we would come to. Assuming every detail was worked out to our satisfaction I would be in favor of it.

SENATOR SWING: That isn't what the governor says.

MR. REID: We are not talking about what the governor says: we are trying to negotiate something through this committee.

SENATOR SWING: I think you would have to go back to your principal.

MR. REID: I don't think we do. I don't think, I don't believe that needs to enter into this agreement at all.

MR. MADDOCK: Will you allow us to seek our own peace with our governor?

SENATOR SWING: I haven't any objection to that. That might be done by a withdrawal of this statement.

MR. REID: I can't see any necessity for the governor to withdraw any statement. If we are going into a parley here to come to an agreement, we are going into it with open minds. This committee, is I am sure to try to work out something for the benefit of California, Arizona and Nevada. I am sure Arizona is just as much interested in that development as any of you gentlemen here. I feel we are ready and willing to go ahead with it. We want to see it go ahead. Now you come in here and say that we have to agree to something before you work out the details; we have to agree to a contract before we understand what the nature of that contract is. You are asking too much. Be moderate in your request and we will grant it.

SENATOR SWING: All we ask is that you withdraw your opposition.

MR. REID: We haven't offered any. We never had any opposition.

SENATOR SWING: Then if you hadn't any it is easy to agree to the balance of it.

MR. REID: We can't withdraw something that has never been expressed.

SENATOR SWING: It has been expressed.

MR. McCLUSKEY: Mr. Swing, there are discussed in connection with Boulder Canyon a Clark dam, a Los Angeles project, a Southern California Edison project, an Arthur P. Davis, the high dam project, a lower dam project and a Kelley project, and Boulder project and Black Canyon project, all with several different heights of dams and several different methods of financing them and several different methods of control. We are particularly interested in the details of affecting those various propositions. We have three or four dam-sites in Arizona that one or two of those dams propose to flood out. We are interested in that detail among many other details. The proposition of a general statement—I don't know of any particular objection in Arizona to

development at Boulder Canyon. There may be objection to certain developments at Boulder Canyon. That is only one of the details that must be ironed out by a discussion and worked out.

MR. MCGREGOR: There is lots of objection in California to Boulder Canyon also.

MR. REID: May I ask you another question? Haven't you some idea on the part of the California delegation as to the method of controlling the appropriated and flood waters which might be stored in any reservoir which we would build on the river?

SENATOR SWING: Ask that question again.

MR. REID: Haven't you some idea, or your committee, of the method of control which might be used on any reservoir that might be built in the river, whether at Boulder Canyon or Black Canyon or whatever it may be?

SENATOR SWING: I can't answer that question. In fact I don't think so.

MR. REID: You don't think you would be interested in the control feature of it at all?

SENATOR SWING: I didn't say that. That isn't what you asked me.

MR. REID: You haven't any definite plan on it?

SENATOR SWING: We haven't any definite plan on it.

MR. FINNEY: Do you mean between private or government control?

MR. REID: I mean a division of waters and a control of your normal flows which is appropriated in the State of Arizona and California today. It seems to me like there are a lot of things to enter into the question of any construction, not only from Nevada's viewpoint but from California's, that you are just as interested in it as we are.

SENATOR SWING: There is one thing that Nevada wishes to know, and that is that the construction of this dam will be at or near a certain location.

MR. REID: Let me ask you this in that connection—

MR. MADDOCK: I don't quite understand our parliamentary procedure. I have never participated in this par-

ticular arrangement, but an orderly procedure would be, having replied to Nevada that Nevada would tell us whether or not our reply is satisfactory, and I think we ought to settle that before we proceed to the next step.

MR. REID: Probably would, but the idea I had in mind was that Mr. Swing's proposal there—

SENATOR SWING: I thought I stated at the time my own thoughts upon the subject.

MR. REID: I was trying to find out whether the California delegation was in a position to accept in its entirety the proposition that the reservoir might be built at Boulder Canyon without any reservations.

SENATOR SWING: That question has not been addressed to us directly yet. The question now to be answered is—

MR. REID: We tried to answer that and if it is satisfactory—

SENATOR SWING: We will wait until Nevada replies to you.

MR. REID: If it is satisfactory we are ready to proceed. If it isn't satisfactory it may be we can give you a better answer.

MR. MADDOCK: I think if we had gone on that trip we would break down this reserve and get a little better acquainted and would not be so scared of one another. It looks like a lot of preliminary hours are being wasted by feeling the other fellow out.

MR. BORDEN: Well, gentlemen, we consider this an answer in generalization with reservations similar to the speech made to us this morning. As far as the governor is concerned we can see no difference in this and the general trend of that talk. But the meeting was started off laying those premises and we feel that this answer is in that same line, a generalization without any definite statement as to action except with reservations.

MR. REID: Well, have you gentlemen got any specific proposal that you want to make to have us give you a specific answer on in reference to that development?

MR. BORDEN: A dam at Black of

Boulder Canyon.

MR. REED: You have made it two now instead of one.

MR. BORDEN: The Boulder Canyon is a long one. The upper end is the Boulder site and the lower end is the Black Canyon site. They are about fifty miles apart.

MR. SQUIRES: Twenty miles.

MR. REID: Just how do you want to make that development so we can give you a specific answer: at which point do you want to make it and what is the height of your dam and what do you want to use it for, power or irrigation or regulation of flood control?

MR. BORDEN: We want to put the dam in there and begin its development.

MR. REID: For what purpose are you going to put it in?

MR. BORDEN: Any useful development we can get in our state. We can get the same possibly in a different manner than you people can, and we are willing to arbitrate those rights as far as they are concerned; but you have to start with something. You can't start all over the state of Arizona or Nevada and say "now some place up here we are going to put in a dam." Now what are the rights? We want to confine it to a location which is in the Boulder Canyon, either at the upper end at the Boulder Canyon site or at the lower end where the Black Canyon site is. Put in something. Start with a dam and then begin to develop the use of the waters.

MR. REID: You ask us to make you a definite, specific statement with reference to this development and now I say on the part of the committee I think the committee can answer you just as definitely if you will give us definitely just what you want to do and how you want to do it. I don't think we could do that until we know just what you want the committee to do, whether you want the dam for a power dam, or whether you want the dam for a flood control dam or whether for storage of the normal flow or a combination power dam or what.

MR. BORDEN: All four.

MR. REID: Just how do you want

to make that?

MR. BORDEN: Any time you get water up above its normal flow so you can develop a head you can develop all four of them. Suppose it is only ten feet—

MR. REID: (Interrupting) How do you want to do that and how do you want to divide that water stored there?

SENATOR SWING: Unless we get rid of the first question it is no use discussing the second one.

MR. REID: If we are going to agree we are going to build a dam we ought to know how it is going to be built.

MR. SWING: The latter part is how it is going to be built, whether with cement or—

MR. REID: (Interrupting) No, I don't mean the type of construction. I mean whether it is going to be built for a power dam or whether it is going to be built for flood control or whether it is for a storage reservoir or whether it is going to be a combination dam to develop power and store those waters and how we are going to divide the water and the power.

SENATOR SWING: Well, the question is one of construction.

MR. REID: Leave that out.

SENATOR SWING: Even the size of it is a matter for the government; it isn't a matter for our determination, but whatever dam is constructed there should be constructed immediately and it should be constructed at or near this point. That is all we are concerned in.

MR. REID: Would you be in favor of constructing a dam at Boulder Canyon which would be a power dam alone?

SENATOR SWING: That isn't a question for me to determine. That isn't a question which this delegation will have to determine.

MR. REID: I mean would your delegation be in favor of that?

SENATOR SWING: That isn't a question that this delegation will have to determine.

MR. REID: It seems to me you would have some influence in that.

SENATOR SWING: Whatever dam is constructed Nevada wants it constructed at once at that point at the earliest possible opportunity and we agree on that.

MR. REID: As I understand Nevada has two points instead of one.

MR. BORDEN: It is all the same.

MR. REID: That is two damsites you have in mind?

MR. SQUIRES: It is all the same. Perhaps they have made examinations at three or four or half a dozen different sites in the same general canyon, in the same locality with a view of getting the best foundation conditions and ascertaining where is the most feasible site. It is all the same thing.

MR. REID: Why, Mr. Squires, you say—you didn't, but the other gentleman there did state our answer wasn't specific enough. Just in what respect isn't our answer specific enough?

MR. SQUIRES: It says you are ready to negotiate with regard to the construction of a dam at Boulder Canyon or some other site.

MR. REID: We have stated we are ready to negotiate with regard to the construction of a dam on the river anywhere which might be beneficial to the parties interested. We don't care where the place is. If it is found it is most feasible there I assume we would all be for it. I don't see any reason why we should not.

MR. MADDOCK: May I ask this question, Mr. Swing, suppose the engineers of the government that are now engaged by the government were not for Boulder Canyon as an initial development but for some other point, do you think in our acquiescence to withdrawing all objection, which we do not admit exists, we should also say we should do everything we can to overcome present governmental engineers' opinions of some other point? We are about in the same position as you would if we should ask you, California and Nevada, to withdraw all objections to Diamond Creek site and immediately you would feel up in the air, I presume.

MR. SWING: No. I don't think we would be up in the air. We know ex-

actly what we mean. I assume you know pretty well what this other subject means.

MR. REID: We think we do and that is the reason we want to find out what he wants us to answer specifically.

MR. FINNEY: May I make an inquiry here? Suppose you define a little more definitely the construction and the manner of building and the control.

MR. REID: That is the point exactly.

MR. FINNEY: Just supposing we say, and perhaps it may be agreeable to Nevada that you should favor the construction of a dam at or near Boulder Canyon, that is the way the engineers have expressed it, and that is a matter that we, you, nor I can determine in this negotiation, but the general location that you would be satisfied to support a dam at or near Boulder Canyon would confine 25,000,000 acre feet of water, which would be constructed by government influence, owned and controlled by the government. Would not that be a definite proposition?

MR. REID: It would be quite definite and I think the committee would be in favor of construction at Boulder Canyon if after we work out the details—

MR. FINNEY: What details? Nevada has asked you simply to agree to that in principle, not as to how wide or thick the walls should be or just where the abutment should be placed, but just asking an agreement in principle.

MR. REID: No, I think not, because an agreement in principle would involve an agreement in detail, because if we agree to go into an agreement to build a reservoir at Boulder Canyon we might be ready to do that provided we knew how the water was going to be distributed, and provided we knew how the power was going to be distributed and the control over that dam.

MR. FINNEY: I suggested a government control and that would suggest a manner of working out the division of the water, the allocation of the

water and the development of power and also the division of power.

MR. REID: We could agree whether we wanted government control or whether we didn't want government control.

MR. FINNEY: I have suggested what California really wanted with reference to that when it undertook—

MR. REID: Now, isn't it a fact that the thing that California is interested in in any construction on the river up there is flood control; second, regulation of water supply; and third, division of such flood water as that dam may store; and fourth, the division of the power, or the allocation of the power as it might be developed. Aren't those the things that you are interested in?

MR. FINNEY: Yes.

MR. REID: Now the means that you arrive at that—

MR. FINNEY (interrupting): The distribution of water would have to be controlled by a division of the water in the lower basin.

MR. REID: That is all we ask you gentlemen to do, is to say specifically how you want that done and we will give you a definite answer.

MR. FINNEY: That can't be done until we dispose of all other questions, like first claim upon the water—

MR. REID (interrupting): That is the way we feel about it.

MR. FINNEY: But they say you can't do it unless you are willing to agree, in principle at least, that there shall be a dam constructed at or near Boulder Canyon, something in the nature we have described.

MR. MADDOCK: One point here: You made the statement the dam at Boulder Canyon of 25,000,000 acre feet.

MR. FINNEY: Yes sir.

MR. MADDOCK: As I remember it the copy I saw of the California bill said 20,000,000.

MR. FINNEY: Yes, it did. That was my bill.

MR. MADDOCK: You have raised the figure five million.

MR. FINNEY: Well, the height of the dam, we always concluded is 505 feet, I believe. I don't remember the exact amount that would be stored,

actually 26,000,000 acre feet, and if you allow for evaporation, and to allow for variation we named 20,000,000 acre feet. That is the real basis claimed but we gave the specific million feet.

MR. MADDOCK: I was just wondering about the increase and whether you weren't in close accord with your own legislature which said twenty million if I remember it.

MR. REID: I Want to ask Mr. Squires one more question over there to try to clear up this Boulder Canyon thing. Mr. Squires, on the part of the Nevada delegation, isn't it you thought that any development made in the canyon should, whether it is Boulder Canyon or Black Canyon, inure to the benefit of Nevada to such an extent as you would work out by an agreement with the other three states?

MR. SQUIRES: Oh, yes, certainly.

MR. REID: Now, if you could not get a satisfactory agreement where you weren't going to get any advantages out of Boulder Canyon you would not be very much in favor of it, would you?

MR. SQUIRES: I think we are in much the same position as California is in that respect. The question has been discussed in its various phases for five or six years and the best information seems to be that the way to utilize the river to the greatest advantage of the three southern states is for construction at Boulder Canyon.

MR. REID: Well, you can all say that might be true. On the other hand if you arrive at any agreement as to the division of water and the power that that dam would develop—

MR. SQUIRES (interposing): We have not arrived at any agreement as to the division, but we have asked that as a preliminary to attempt to arrive at such an agreement that you concede, at least in principle, that that is the proper place for the construction, that that is a suitable place.

MR. REID: Would not you insist on the part of Nevada that a satisfactory agreement to that effect be negotiated before you would enter into an

agreement to build a dam at Boulder Canyon?

MR. SQUIRES: We would certainly insist that we should receive such protection and such benefits as we consider essential before we could enter into a final agreement.

MR. REID: Just what are those?

MR. SQUIRES: Oh, I think that this matter is simply preliminary to the discussion of the other problems. If we can arrive now at an agreement similar to what Senator Swing read, why I think then we are in a position to go on and discuss the various details and phases of the division of those benefits.

MR. REID: I think the Arizona Commission's position is very clear that we have no objection to a dam at Boulder Canyon or any other place, providing you can show us that that is the feasible place to put it.

MR. SQUIRES: Of course we don't assume that any proposal you might make for a dam there would be the final and binding decision of this conference necessarily, if the details could not be worked out in a manner satisfactory to California, Arizona and Nevada.

MR. REID: Your interests are just the same as ours in the Boulder Canyon, aren't they. You have half on your side and half on the Arizona side.

MR. SQUIRES: Much the same.

MR. REID: You would want those interests protected before you would enter into an agreement to allow anybody to build a dam?

MR. SQUIRES: Certainly.

MR. REID: All we want to find out is that—is just what that is, and we may be with you one hundred per cent.

MR. SQUIRES: Having assumed that that is a proper place to begin this development, then it seems we are on ground for discussion of these other details; but, it seems to me that first we should have a clear understanding, expressed in about the words of Senator Swing, that that is the general project.

MR. REID: Could you assume this—could you assume that you would

very likely come to an agreement with all parties concerned if it developed that all those things could be taken care of, and which Arizona wants taken care of, and which I am pretty sure California wants taken care of, could be worked out in detail, that then we might all agree on building a dam at Boulder Canyon?

MR. SWING: I think that would be a violent assumption in view of your Governor's statement here.

MR. MADDOCK: Just what was the Governor's statement about Boulder Canyon? I have been looking for it, and I do not find it.

MR. SWING: The entire tone of it.

MR. MADDOCK: But what is the statement?

MR. SWING: You have the statement.

MR. MADDOCK: I can't find it. Will you point it out?

MR. SWING: The only thing we want—

MR. MADDOCK: If you make it plain, we will answer you.

MR. SWING: If we enter into an agreement at all, if we come to an agreement, then that the agreement, when reduced to writing, shall contain a proviso in substance as I read a moment ago. If we don't enter into an agreement, we can throw it in the waste basket.

MR. REID: Why not work out these details and then do that?

MR. SWING: We came here to do that, but when I heard this speech this morning—

MR. REID (interrupting) I want to state again on the part of the Committee of Arizona that we are ready and willing and anxious to go ahead with these negotiations, and work out a satisfactory agreement if one can be reached.

MR. SWING: Perhaps you are. I am not questioning your sincerity at all.

MR. REID: If you people are not willing to do that, we are sorry, but we can't help it.

MR. SWING: If you will agree any

agreement we enter into shall contain a provision, a stipulation in substance as I read, we can go ahead. Without such an agreement, I don't see the use of taking up the discussion of any other question at all.

MR. REID: What do you mean? We will agree to what, now?

MR. SWING: Do you want me to read it again?

MR. REID: Yes, read it again.

MR. SWING: Well, it is in substance—

MR. REID: Make it specific.

MR. SWING: Well, I did. Enter into an agreement between the various representatives of Arizona, Nevada and California, here assembled, that any agreement entered into shall contain in substance a proviso that the State of Arizona shall immediately withdraw its opposition, if any it has, to the construction of a dam in the Colorado river at or near Boulder Canyon, and will urge the immediate development of such project in order that the said states and the people generally may utilize at the earliest possible moment the resources of this great river now being wasted.

MR. REID: Well, I think, Mr. Swing, that you could very well add to that, and I think we could agree to it, that if any agreement is entered into, the objection to any particular development will be withdrawn upon the part of Arizona.

MR. SWING: I don't think we want to ask that.

MR. REID: I think our committee would be willing to make that agreement by adding that to it.

MR. MCGREGOR: I would like to know if Mr. Swing is asking us to approve the Swing-Johnson Bill, as it is now?

MR. SWING: I haven't asked any such thing; haven't even mentioned it.

MR. MADDOCK: Well, you insist vigorously upon our supporting Boulder Canyon. Supposing that the Government should go in at Mohave or Topock or Needles, whatever you call it, one place having three names.

MR. SWING: I don't think that question is before us. We are dealing with a condition which does not contemplate such a report, because there isn't any.

MR. MADDOCK: Beg your pardon?

MR. MCGREGOR: I personally have always assumed that whoever puts up that money will put it up wherever they want to; either private capital or government money, or whatever agency puts it up should have the privilege of selecting the site, as a business proposition.

MR. SWING: May we confer for a moment? Is this room vacant (indicating an ante-room)?

(The California and Nevada delegations retire to the ante-room and confer for five minutes and return).

MR. SWING: California has nothing further to add.

MR. SQUIRES: Nevada has nothing further to add.

MR. REID: So, Mr. Squires, your idea is that our answer in replying to this question is not definite enough?

MR. SQUIRES: No. Our idea is that it is not definite; does not accept the Boulder Canyon project in principle, and leaves us with no basis for discussion that I can see.

MR. REID: Let us suppose for a minute that we are willing to concede in principle that we were willing to build a dam at Boulder Canyon, then how would you want the division of the profits derived from that dam, either from water or from power?

MR. SQUIRES: I presume those questions would be a matter for further discussion.

MR. REID: If we can agree on those points, I think we might agree on Boulder Canyon. I might say for myself personally I think Boulder Canyon is one of the most feasible sites upon the river, and perhaps could be quicker developed than any other project on the river. On the other hand, I would want to know just what we were going into when we went into it, whether it was Boulder Canyon or some other damsite. I think you people

ple are in the same position as we are. If this dam is built up there, you want to derive some revenue from it.

MR. SQUIRES: We want to derive some benefits, naturally.

MR. REID: Now you want to derive the most benefits possible to get from the development that is made?

MR. SQUIRES: All we want is what the State is entitled to, and we want the State to derive that, naturally.

MR. REID: How is the best way you think to get those revenues? By having the Government go in there and build that dam, and allocating you a certain block of power; or, having the State go in there and build that dam and reserve to itself a certain block of power and allocate to you a certain block of power? Which is your thought on that?

MR. SQUIRES: I don't think any of the states are in a position to go in there and do that construction.

MR. REID: Well, let us assume for a minute that they could.

MR. SQUIRES: I don't think it would be a fair assumption at least in so far as Nevada is concerned.

MR. REID: Then it is your idea that the government go in there, if the government should go in there and build it that you would be allocated a block of power or allowed to tax that development a certain amount?

MR. SQUIRES: That, doubtless, would be a matter for our legislatures to determine, as to whether they would tax the development of power there. It is not for us perhaps to determine.

MR. REID: Then again I will ask you how would you allocate the waters which were stored in that reservoir built at Boulder Canyon?

MR. SQUIRES: That would be by such an agreement as might be arrived at by the delegations of the three states here.

MR. REID: Aren't you willing to go on and thrash out these things in order to arrive at this agreement?

MR. SQUIRES: Not unless the proposition of the Boulder Canyon

project is generally understood is first agreed to.

MR. MADDOCK: Mr. Squires, is it the desire of the Nevada Committee to negotiate with reference to Boulder Canyon between the two states involved without regard to the rights of the remaining states in the Colorado basin?

MR. SQUIRES: Not at all.

MR. SWING: What do you mean by "remaining states"; all seven?

MR. MADDOCK: Yes sir.

MR. SQUIRES: So far as this conference is concerned it has to do, I take it, with the division of benefits accruing to the states of the lower basin. I don't think—

MR. REID: (interposing) Well, if we can agree on the benefits I think we might very well agree on your damsite.

MR. SQUIRES: Well, if we can agree on that damsite tentatively, then we are in a position to go ahead and negotiate and see what further we can agree on in the matter of details.

MR. REID: I will say this, I think this committee, gentlemen, this Arizona Committee, is absolutely open-minded in this thing and we don't want to be technical on any one particular point. On the other hand, I don't think that either one of you gentlemen representing your committees from California or Nevada want to say that you, pertinent to this incident, that you have to build a dam at Parker first. You would not want to go into that kind of an agreement, would you?

MR. SQUIRES: I didn't get that question.

MR. REID: I say you would not, as representing the Nevada delegation, you would not want—supposing you were to take the position that you wanted to build a dam at Parker? rather than Boulder Canyon? Would it not be just as tenable for California to take the position or for Arizona to take the position that you have to build a dam down there first?

MR. SWING: I don't believe we are getting any place, and I can't



avoid the conclusion that we arrived at this morning with the statement here issued by the governor and printed and passed around to us correctly expresses the sentiment of Arizona. It might not express the sentiment of the individual members of the committee, yet one very pertinent remark which at least seems to express the opinion of the chief executive of this state—

MR. MADDOCK: (interposing) Is this the remark about Boulder? I want you to find me the one about Boulder.

MR. SWING: I want to complete this. We have a right to assume this correctly expresses his views, and being a committee appointed by him we must assume to some extent it expresses the views of the committee.

MR. REID: You underestimate this committee, sir.

MR. SWING: Well, you are to represent the governor.

MR. MADDOCK: We are representing the State of Arizona, sir.

MR. SWING: Well, through the governor. When he says: "we."

MR. FINNEY: What page is that?

MR. SWING: "We are satisfied to permit the Colorado River to remain a potential asset until we were ready to utilize the same." That appears to be his attitude and I don't see where we are getting anywhere with this discussion.

MR. McCLUSKEY: He speaks in the past tense.

MR. SWING: He don't suggest anything else.

MR. McCLUSKEY: He says: "We were," which is the past tense.

MR. REID: The object and purpose of this committee meeting with the representatives here was to try to work out something.

MR. SWING: I know, but the very first question that comes up simply prolongs the discussion with apparently no intention to accede to his request, and I don't see where we are getting anywhere, and speaking for the California Committee, as far as it is concerned, I don't see that

there is any use of us attempting to proceed any further.

MR. REID: Then it is your idea, even though you came over here to try to work out something, you refuse to go into it, to work out a satisfactory agreement?

MR. SWING: No, we came over here with open minds, with the intent and with the purpose of attempting to arrive at something. We came here and we were confronted the very first thing with the statement of your governor which makes it impossible for us to ever arrive at any place where we can agree on anything, and I think that it is a waste of time to attempt to negotiate any further.

MR. MCGREGOR: You want us to sign on the dotted line, do you?

MR. SWING: No, I don't want you to sign anything.

MR. MADDOCK: Is it possible that we might make one between two states; is that possible?

MR. SWING: I don't believe so.

MR. MADDOCK: Does Nevada feel the same way; if it is not possible for the three of us to get together, do you think it is possible at this time for us to at least discuss some method between two of the states that control possibly the best water dam sites in the entire river, as we are all here?

MR. BORDEN: It is very difficult for any two states to settle their own rights without knowing what the rights of the third state are. We are all too close knit for that, and it isn't hardly a question for two states, any two states could settle.

MR. MADDOCK: Well, if we have now come to the parting of the ways—

MR. BORDEN: Just before you go ahead I wish to finish that statement. Our plan was we would meet on a common ground for the three states, and a common ground for the three states, literally speaking, is the Boulder Canyon Dam that we mentioned.

MR. REID: We haven't denied

that.

MR. FINNEY: You haven't admitted it.

MR. REID: We haven't denied it providing the details were worked out.

MR. FINNEY: You haven't admitted it at all. You have admitted it with the condition if something else happened.

MR. MADDOCK: We admit Boulder Canyon Dam providing it does not hurt our own development, providing the government engineers would approve it and providing an arrangement is made to take care of and utilize power and water which is developed by it.

MR. FINNEY: May I ask you a question?

MR. REID: Certainly. I wish you would stay here and ask us a lot of questions.

MR. FINNEY: Do you think we would have a right to divide the power generated at the Boulder Dam between these states without consultation with the other states?

MR. MADDOCK: I think the upper basin states can divide the water in the upper states, and I think those things that are wholly within our states we can handle, and that the three states can parley.

MR. FINNEY: You think we can divide the power generated at Boulder Canyon without consulting anybody else except the government?

MR. MADDOCK: Under the Constitution of the United States it provides that states can execute treaties between themselves, and I think if we can agree on something here and get the approval of the Federal Government that we can ignore the upper basin states on things that are entirely within our own states.

I want to say this, I want to say it because we have got quite a lot of differences of opinions and because we are apparently not getting this ironed out. I want to start off with this: I do not belong to the same political party that the governor of this state does; I have never supported him. I make that statement

so that you will probably see that I am speaking as a citizen and not for any political party. We wanted to get together with you; we wanted to bind you with inseparable bonds of mutual interest; perhaps against Mexico; perhaps against some outside interest. We wanted the protection that you people are willing to give the upper basin and that is an opportunity for their slow development. We wanted your help to get the assent of the federal government to the construction in here. We want your help in order to get capital to develop here our natural resources. We need your help. We need your help because you people will have to use more of our resources if they are developed, and we would like to get together with you.

Now, I am going to tell you something frankly along political lines. When this compact came up—and this is only my opinion—the State of Arizona would have accepted it by a ten to one vote. The opinion changed in this state and it changed so much that in the last political campaign there wasn't a man running for the office of governor that was willing to run on a straight acceptance-of-the-pact platform, despite the fact that some of them had advocated it for some time before then. And there were some men who were out open for the compact that didn't run because the best advice they could get was that they could not make it. Another thing, it was proposed in this state that they would put over the pact by initiative. The people that believed in it after looking over this state became of the opinion that they could not do it and they ceased in their efforts. Now the opinion in this state has changed. In my honest opinion the majority of the people in this state today are against the compact unless it is changed to protect Arizona. Everything that is being done is anticipating that position. Had you gentlemen come over here two years ago we probably could have settled this thing easy, but since the last two years has elapsed more land has been farmed; three times as much land presumably in Arizona than when

they met and made the Santa Fe Compact. And another big thing, there is less water now according to the best engineering advises than there was at the time of the Santa Fe Compact. That means that this question is getting increasingly hard to answer. Hatred is being engendered and we are getting further and further apart. Now, I want to say this, looking at this frankly, the governor of this state, whether or not you like his message will be the governor of this state for a year and a half. He has a constitutional right to call or not to call our legislature. That means that if you gentlemen do not agree to negotiate that you are probably up against a year and a half of delay. Now, the last legislature that had this question up voted in the senate fifteen to four and in the house 31 to 16. This compact or any compact is a higher law than the laws passed by the legislature, because it takes on the same force as a treaty. It is absolutely subordinate to the veto of the governor and to the right of the people of this state to impose a referendum against it, and a referendum might be invoked even in the event the legislature could pass something that might satisfy you. And unless something is done and this matter is settled, you will undoubtedly find in the State of Arizona enough people that will inaugurate a referendum. That would mean under our law that you would have to wait another two years with bitterness and delay going on, with development going on in the upper basin and the Colorado River Compact only inaugurated because they wanted their slow development protected and our inactivity is protecting their slow development because it is all going on right now. It only takes seven senators according to our constitution to block any compact or any arrangement with you. I am just looking at this thing practically from your standpoint, trying to get this over in the State of Arizona. Seven senators can block it; sixteen members of the House can block it. If the next governor of this state happens to be of

the same mind it only takes five senators and twelve members of the House to block it. Everything here means delay. The whole thing is pointing to delay. The first suggestion was one of unit rule and we acquiesced in it. We haven't had any secret caucuses but that is all right.

Now, here is one point, I want to say to you, we believe we can give you everything that you want or need in both California and Nevada, but we are not willing to do this: We are not willing to let the sheep of flood protection cover up the wolf of power and water greed. (Applause.) We will not allow you to get away with our resources just simply because you need protection. We want to give you that protection. We would be glad to. We would be glad to help you in any way to get the Imperial Valley away from the menace of the Mexican control. We are glad to help you that way and if the people of this state feel that way I will tell you that our representatives and senators will be that way or we will change them. (Applause.) Now then, I want to say one thing and just this in closing, if this delay that I prophesy does occur, and if finally you do start something, but the engineering estimate is from ten to twenty years, you run up against the inevitable breaking of the Colorado River back into the Imperial Valley. If this two or three years' delay, added to the construction period, so delays that you get a big flood there and forever drowns out your valley, I say to you gentlemen that the blood of that valley is upon your own heads. (Applause.)

MR. SWING: I take it from the applause and so forth—

MR. SWING: It would not hardly be proper for us to make any political speeches today, but I want to say this: We did come here with the hope of accomplishing something. We have realized for some time past that Arizona has been the blocking stone in the development of the Colorado River. We feel that the development of the State of Arizona is of as much importance in the state of California as to the people of Arizona them-

selves, and that is one of the reasons why we were willing to leave our homes and our business to come here at our own expense to meet and attempt to accomplish something. We did know in advance that your governor was not in favor—that is we knew it by past acts. We were told however by the press reports and by a letter through Governor Richardson as I recall it that the governor had kept entirely out, that he had appointed a disinterested committee to meet with us to try and solve these problems, and yet when we arrive here the first thing we are confronted with is what appears to be an ultimatum by the only authority in the state that has any authority to act in this matter. It is true you gentlemen say you are not bound by the governor nor by his statements, but how can you say that in view of the fact that you turn right around and in the next breath say that he is the only one that can negotiate in behalf of this state. I don't know; I don't see how your two positions are consistent. If you are right in that the governor is the only one that can negotiate on behalf of the state, then it must be that your governor has the right to state the conditions under which he will negotiate, and when he states those conditions certainly the committee which he appoints must at least give them consideration and to some extent be bound by them. The first question that came up was one propounded by Nevada and it seemed to us that it was only a fair question, that if we did arrive at a conclusion and agree on the development and distribution of the waters and the rights of the various people then that the opposition, if any, you have,—I don't know that you have any—but any opposition that you may have would be withdrawn to the immediate development, because this immediate development is what we are concerned in. You know, of course you know, because it is common knowledge, that the thing, one of the principle things that has prevented the government from taking action is the fact that the compact has not been ratified by Ari-

zona. We don't ask you to ratify the compact. That is not what we are doing. We are not asking you to tie to any particular plan; but there was one thing that Nevada insisted upon—and that we could not agree upon. So as long as that is true, we just as well quit good friends, without getting into a further discussion which might, perhaps, the longer we discuss these things, sometimes like the weather they don't cool off any; and while the weather is still at least pleasant, I think it is a good time to terminate further negotiations.

MR. McCLUSKEY: What I want to say, what I wanted to do was to ask you three or four simple questions.

MR. SWING: Do you want to ask them now?

MR. McCLUSKEY: I don't want to interrupt your speech.

MR. SWING: I wasn't making a speech. I knew better after Mr. Maddock getting all the applause he did. When I make a speech I like to have some applause too. (Applause.)

MR. SWING: It is with sincere regret, I want you all to know it, it is with sincere regret that we feel confronted with this proposition; but honest, fellows, I don't see where, in view of the situation, as it now confronts us, I don't see where a further discussion of the other matters that are involved would get us any place.

MR. McCLUSKEY: Mr. Swing, you say you want "immediate development." Indirectly what you want from that immediate development is first flood control? Is that right?

MR. SWING: Well, one follows the other. What we want, what we are after is this: to utilize this now wasted energy, whatever way you are a mind to put it, we want to utilize it and not allow it to go to waste.

MR. McCLUSKEY: We are agreed on that. What you want first is flood control.

MR. SWING: What do you mean, "first?"

MR. McCLUSKEY: The four questions I have in mind.

MR. SWING: I can't answer that affirmatively, if that is what you want.

me to do.

MR. McCLUSKEY: Assume that the order in which the questions are asked having no bearing as to their relative importance.

MR. SWING: We wish flood control.

MR. McCLUSKEY: You wish regulated flow of the water for irrigation?

MR. SWING: That follows, yes.

MR. McCLUSKEY: You wish power.

MR. SWING: We wish storage.

MR. McCLUSKEY: You wish storage to insure the regulated flow of the water for irrigation. You wish power?

MR. SWING: Power is an incident that this committee, speaking for California, has not any authority to act upon. I think that is purely governmental.

MR. McCLUSKEY: Assuming a great many arguments placed on the record in the Swing-Johnson bill hearings from California are correct, that Los Angeles says she is in the market for power, and needs power urgently at the present time, and needed it particularly last year.

MR. SWING: Perhaps, but we are not representing Los Angeles. We are representing the state of California.

MR. McCLUSKEY: A portion of California needs power, and wants power from the Colorado river.

MR. SWING: I presume they could utilize it.

MR. McCLUSKEY: Assuming California wants flood protection, regulation of the flow of the river for irrigation, and for bringing in more lands; for taking water over into the Coastal planes, and that power for Los Angeles—if the State of Arizona is willing to negotiate and give you all that you are asking for on that basis, what particular concern is it of California whether or not the dam and the dams that give them are to be located at any given point?

MR. SWING: That is not particular—your question there involves things that—a condition that don't exist. You base it on a hypothesis that does not exist because the minute you do that

you ignore your Governor's statement. Necessarily you do, because it is impossible to negotiate on the basis set out in the Governor's statement, and that is what we have to look at.

MR. McCLUSKEY: That is an evasion.

MR. SWING: It has never been withdrawn.

MR. McCLUSKEY: I cited you a hypothetical question.

MR. MADDOCK: We are not the governor. I tried to be.

MR. McCLUSKEY: I cited you an hypothetical condition: if we are able to negotiate an agreement with the people of Arizona will accept,— why should you make the basis of us giving you that precedent to giving it to you from a certain designated point.

MR. SWING: That came from Nevada.

MR. McCLUSKEY: I am talking to California now.

MR. SWING: We joined in with Nevada because that is the most practical place for development of the Colorado river.

MR. McCLUSKEY: Assuming for the sake of this discussion we might be able to get together with Nevada—

MR. SWING: Let us get back to the prior question. It was put to you in a very few words and you understood it because you had it typewritten, and you came back and evaded the question. The only effect that can have is a political effect, and we don't care to be a party to your political troubles out here, and I am not going to become involved in them.

MR. McCLUSKEY: This is not political in any way whatever; it is just an attempt to try to get in contact with your minds, and see what you are after, to see what you are thinking. What I am trying to get at is what line of march you are traveling on.

MR. SWING: We are not traveling along the lines outlined by the Governor.

MR. McCLUSKEY: We want to see wherein you differ with him.

MR. SWING: I am satisfied there is no use of it, Mr. McCluskey; and I

think you are too. I think you realize yourself, as we realized the minute we heard that speech that our cake was dough.

MR. MADDOCK: I am still of the opinion that if that invitation of Mr. Reid's was adopted and we had gone out and seen our development and given you a picture of what we have done, we would have gotten better acquainted and we would have had less fencing.

MR. SWING: Perhaps we made a mistake in not taking that ride.

MR. REID: I will renew that invitation and give you an opportunity to still have that ride. We will be glad to have you.

MR. MADDOCK: And without obligating you to any further negotiation.

MR. FINNEY: (Addressing Mr. McCluskey) Do you have a site on the Colorado river?

MR. McCLUSKEY: I have no particular site on the Colorado river. I don't know. I want to leave that to the engineers.

MR. FINNEY: They have been studying it for twenty-five or fifty years.

MR. MADDOCK: And they don't agree on it yet.

MR. McCLUSKEY: Some of the engineers.

MR. SWING: There is quite a number of us that would like to take that trip.

MR. REID: I will say this: that we will renew that invitation and be glad to have all of you gentlemen go with us, and take the trip, and adjourn this meeting until we get back, and then break—and then if you want to break it up in a row, all right.

MR. SWING: We don't want to break it up in a row. There isn't any way you can get any row with California.

MR. REID: As I say it looks to me like if you people are open-minded in this matter, and you want to be open-minded in this matter, that we have some common grounds to get together on and work out an agreement. Of course, if you people don't want to and refuse to enter into negotiations, as I stated before, we are very sorry. I just want to say one more thing before you gentlemen leave. I see some of you going—and that is this that if you care to accept that invitation, we would be very glad indeed, and I say this without any reservations, to take you over this trip and show you our development here, and as I say, if you care to, we would be glad to adjourn this meeting until you get back; and if you want to come in again, and endeavor to work out some amicable agreement of this thing, or some settlement of this thing, we would be glad to stay in here as long as you gentlemen want us to. All of the members of this Committee are very busy men. I am myself, but we are willing to give our time, and what ability we have in order to try to work out this problem. The only thing we ask is that we get the co-operation of California and Nevada, and if we can get that we can work it out. If we cannot get it we can't go very far towards working it out.

MR. FINNEY: Some of our committee cannot accept, and some can accept your invitation.

MR. REID: We would be glad to know the number who can accept and would like to make the trip.