Note:
Materials in this file previously marked confidential are open to researchers.

Please consult staff with any questions.
Dear Mr. Carpenter,

Am very much obliged for your letter of September 29th. I have been away on a trip in the northern part of the State in connection with some legislative work or would have answered sooner, but today I have had a chance to talk for a few minutes with Mr. Hollingsworth who is chairman of the California Real Estate Association's Committee on the Colorado River matters. He appreciates the Colorado situation, although he has never had full details of what you have been up against.

I will be glad to have your consent to let Mr. Heard know just how you feel about the matter as expressed in your letter. If satisfactory to let us forward a copy of your letter to him or extracts from same or another letter from you covering the vital points, it may do some good.

I enclose a statement from him which appeared in his paper, The Arizona Republican, a couple of days ago in which you note he says "The Heard plan proposes the early ratification by Arizona of the Colorado compact; it proposes no amendment of the contract which will bring it to the consideration of the State which has already ratified it. It simply withholds the operation of the compact until California, Nevada and Arizona have entered into an agreement among themselves and until that agreement has been approved by Congress as all inter-agreement must be to be binding."
Mr. Carpenter

I also enclose an editorial from today's Los Angeles Examiner referring to the plan that is now actively under way in Southern California to provide for the construction of the gigantic aqueduct for domestic purposes in Southern California.

There are so many complications now that I have no idea that any quick action will be secured. The advocates of the All-American Canal connected with the Boulder Dam project, as represented by the Swing-Johnson Bill are so confident that they will succeed in getting the bill through Congress that they will oppose anything else until they get completely bumped as they will of course, be. There is an initiative amendment to be voted on in Arizona on November 4th providing for $100,000 to be expended in the new investigation of Arizona's possibilities in connection with the Colorado work, etc.

Something startling has got to be sprung to wake up a good many interests so that they will realize the futility of trying to get anywhere under present plans. As soon as the election is over some of us are going to make another attempt to try to get something started which may help a little.

Yours hastily,

[Signature]

[Name]
A man’s true value can only be measured by the standard of his contributions to the world, not by the money he accumulates.
—Anonymous

The Heard Plan and The Republicans

We have written, with very few people to us, interesting problem, and the next few years have been no exception. The most that can be said about the Republican Party at this time is that it remains somewhat the same, but with a few notable exceptions.

The H. H. Hunt Plan

The H. H. Hunt Plan is of little importance to us, but it is an important plan for the development of the country. It is a well thought out plan, and it is well worth considering.

The Government

The Government has been very active in recent years, and it has been very successful. It has done a great deal of good, and it has done a great deal of harm. It has been a mixed blessing.

The Republicans

The Republicans have been very active in recent years, and they have been very successful. They have done a great deal of good, and they have done a great deal of harm. They have been a mixed blessing.

The Problem

The problem that faces us today is the problem of how to make the best use of our resources. This is a problem that must be faced by all of us, and it is a problem that must be solved.

The Solution

The solution to this problem is the solution of how to make the best use of our resources. This is a solution that must be faced by all of us, and it is a solution that must be solved.
December 22, 1924.

Hon. J.O. Seth,
Santa Fe, New Mexico.

My Dear Mr. Seth:

I am enclosing herewith a carbon copy of my letter of this date to Mr. McKissick, the legal advisor for the California Commissioner for the Colorado River Commission, which will be self-explanatory. The more I have considered this matter, the more I am convinced that with six states and Congress approving the compact Arizona will be largely quarantined and that her future action must ultimately result in the approval of the compact. It will leave Arizona to come in at her leisure and yet so tie up the river that Congress may proceed with corrective measures in the matter of the control of the flood menace of the Imperial Valley.

May I suggest that you give this matter your thoughtful consideration and advise me of any amendments or corrections of the enclosed draft of resolution. We will all appreciate any suggestion you have to make and would like very much if you prepare an independent draft of resolution more to your liking.

Yours very truly.

Delph E. Carpenter
Commissioner for Colorado.

DEC:BB
December 23, 1924.

Governor J.G. Scrugham,
Carson City, Nevada.

My Dear Governor:

I enclose herewith a copy of my letter of this date to Mr. McKisick, which will be self-explanatory. I wish you would give this matter your thorough consideration, pending my anticipated arrival which I hope will be somewhere around the first. I hope to leave here the evening of the 26th and am thinking of stopping at Salt Lake on my way out if I can make satisfactory dating. I must make a hurried trip, my presence being required here on the evening of the fifth. Will keep in touch with you.

Very truly yours,

[Signature]

Commissioner for Colorado.
December 23, 1924.

Governor Charles R. Mabey,
Salt Lake City, Utah.

My Dear Governor Mabey:

I enclose herewith a copy of my letter of this date to Mr. McKissick of California, which will be self-explanatory.

While of course, a full ratification by the seven states is preferable, in view of all the conditions it would appear that if the six states adopted a compact as binding upon them and Congress followed with like action, leaving the door open to Arizona to come in at her leisure, a compact can be sufficiently impressed upon the river to generally serve the purposes desired. It is not thought to coerce or embarrass Arizona but to simply proceed without her, leaving the door open for her entry at some later date.

I hope to leave here for your city on the evening of the 26th and would like very much to meet both you and the newly elected Governor, also the proper legal advisors. I have been informed that Mr. Caldwell is not in Salt Lake, but trust that this information is erroneous and that I may have the privilege of talking over the matter with him at the time of my visit.

With compliments of the season, I am,

Very truly yours,

Commissioner for Colorado.

DEC:BB
December 23, 1924.

R.E. Caldwell,
Salt Lake City, Utah.

My Dear Caldwell:

I enclose herewith a copy of my letter of this date to Mr. McKisick, which will be self-explanatory. I have also sent a copy to the Governor.

I hope to be out your way right after the 26th. I understand you are no longer officiating at the State House but wish you would leave word at the office of the Governor advising me where you may be found.

With compliments of the season, I am

Very truly yours.
December 23, 1924.

Hon. W.F. McClure,
State Engineer,
Sacramento, Calif.

My Dear Mr. McClure:

Replying to your telegram of the 20th inst. I am forwarding herewith a copy of my letter and enclosures of this date to Mr. McKisick, which will be self-explanatory. I am presuming that Mr. McKisick is still Deputy Attorney General. If he is not, will you kindly call at the Attorney General's office and intercept the letter addressed to him unless he is still available for counsel. We all have great respect for Mr. McKisick's judgment and his gift in the art of phrasing.

While it is the ardent desire of all of us that the Colorado River Compact be ratified in the regular manner by all seven of the states, it looks as though we would be disappointed. The matter is of too great importance to be allowed to die by lapse of time. The homes of the people of the Imperial Valley are in danger and they are justly calling for relief. If the six states ratify the compact, leaving the door open to Arizona to come in at her leisure, and if Congress follows the same procedure and also makes the compact the law of the river for government purposes, it will be much better than to leave the matter stand as it is. Even if Arizona were to ratify upon condition of a three-state agreement, her ratification could take effect at some future date when the condition had been complied with. In the meantime her boundary river would be impressed with the compact and the great canon in her territory similarly impressed to the extent of the interests of the United States.

I still hope that I will be able to get out to see you even if for but a few hours. I anticipate leaving here the night of the 26th. I shall probably stop at Salt Lake if satisfactory dating can be made and will stop to see Governor Scrugham on my return trip unless I find train connections better on the way out to California. I must be here by the night of the 5th so that my time will be limited. Kindly give this matter your thorough consideration and I believe it would be a good idea to talk over the
matter with the Governor before I arrive.

With compliments of the season, I am,

Very truly yours,

Commissioner for Colorado.

DEC:BB
December 23, 1924.

Governor Wm. E. Sweet,
Denver, Colo.

My Dear Governor Sweet:

I herewith place in your hands copy of my letter of this date to Mr. McKissick covering the matter of a six-state and Congressional procedure with respect to the Colorado River Compact, leaving the door open to Arizona to enter at her leisure. The communication with the accompanying memoranda will be self-explanatory.

It is not the thought to coerce Arizona, but to proceed in such a manner as to make the compact the law of the river as between the six ratifying states and United States. Arizona may then come in in due season or the six states may take such measures as may be advisable to determine their relations with Arizona. It is most important that the compact be adopted by Congress during the present favorable administration. You will recall that Mr. McKissick was a member of the drafting committee at Santa Fe and was considered to be a man of rare judgment and skill. I have accordingly written him to get his reaction. It is Mr. Hoover's urgent request that I proceed west at the earliest possible date so that if the program is satisfactory the six state Legislatures may act immediately in order that the Congressional action may be consummated before March 4th asthere is danger of some development on the lower river if the matter is too long delayed.

Very truly yours,

[Signature]

DEC:BB
December 23, 1924.

Hon. Clarence J. Morley,  
Denver, Colo.  

My Dear Governor:

I herewith enclose copy of suggestion for paragraph on interstate rivers for your message. I had thought to make it much shorter but fear that the irrigation interests of the state will look to you for rather a full expression on this their most important topic. Practically every river flowing out of this state is more or less involved with the Arkansas Valley now engaged in the taking of testimony in litigation pending before the Federal Courts. When you stop to consider that our rivers are the principal source of all our wealth and that the integrity of the right to the use of their waters is in question it will be apparent that this is probably the most important subject of the day.

I also enclose for your consideration a copy of my letter of this date to Mr. McKissick, legal advisor to the Commissioner for California in re the Colorado River compact. Mr. McKissick was a member of the drafting committee at Santa Fe and is a man of rare judgment and skill.

Very truly yours,  

[Signature]

Commissioner for Colorado.

DEC:BB
The work of negotiating treaties with our neighboring states respecting the future use of the waters of our rivers should proceed with all convenient dispatch. Our agriculture and institutions depend upon the use of the waters of the streams which rise within our borders. All our streams are interstate and increasing development is hastening conflict. If the rights of the interested States are not determined by compacts, the increasing development may result in general interstate litigation.

The compact executed April 27, 1923, between Commissioners for the States of Colorado and Nebraska and hereafter ratified by the Legislature of Nebraska should receive the prompt and favorable consideration of the General Assembly. It is important that the rights of the two States should be settled.

Arizona has failed to ratify the Colorado River Compact. Six of the signatory states have ratified. It is proposed that by concurrent legislation by the six ratifying states, the provisions of the first paragraph of Article IX of the compact be waived and that said compact shall become effective as between the states which have ratified or may hereafter ratify the compact. By this method the compact may become effective between all the ratifying states and submitted to Congress for its consent and approval without further delay. Such will not prevent subsequent approval by Arizona and will make the compact sufficiently effective to remove objections to construction necessary for the flood protection along the lower Colorado River.

Liberal appropriations should be provided to carry on the expense attendant upon the negotiations of river treaties and to aid in the defense of the litigation now pending upon the Arkansas river which threatens to result in permanent destruction or irreparable injury to a considerable part of the extensive agricultural development in that region.
December 23, 1924.

Hon. R.T. McKissick,
Deputy Attorney General,
Sacramento, Calif.

My Dear McKissick:

From present information it appears that the results of the recent election in Arizona indicate that the Legislature of that State (including the Governor) will not ratify the Colorado River Compact, and, at most, that the Legislature may pass some bill or resolution conditionally approving the compact on the basis of some prior interstate arrangement between Arizona, California and Nevada. I think we all agree that such a ratification might impair or destroy the compact.

I recently spent two weeks in Washington in connection with the argument of the New Mexico-Colorado boundary case before the Supreme Court. During that time Frank C. Emerson of Wyoming and S.G. Hopkins, present Interstate River Commissioner for Wyoming, were there and we enjoyed a series of interviews with Judge Davis, Mr. Hoover and other interested parties.

I am convinced that, while we would prefer that the compact be ratified by all seven of the states, in the first instance, physical, geographical and political conditions are such that, if, for the present the compact were agreed to as binding upon the United States and the six states which have already ratified, it would in large measure serve the desired purposes, particularly in view of the fact that the entire canon in Arizona is one great Federal Power Reserve and the river forms the boundary between Arizona, California and Nevada.

We talked this matter over at considerable length and came to the conclusion that it would be wise for the legislatures of the six states which have already ratified to pass additional and supplemental legislation at their coming sessions for the purpose of making the compact effective as between the six States, at the same time leaving the door open to Arizona to ratify at her leisure. The compact could then be submitted for approval by Congress and in the congressional legislation provision could be made to the effect that all future governmental activities upon the river or all construction proceeding under government authority should be subject to the terms of the compact.
We accordingly prepared the memorandum draft of resolution, a copy of which I enclose herewith for your scrutiny and suggestion. You will note that it has been attempted to so phrase the resolution that subsequent ratification by Arizona will not require further action by the other six states or by Congress in order to make the Arizona ratification effective.

I have also prepared a draft of a bill along the same line, a copy of which I likewise enclose.

It is the desire that I go to California, Nevada and Utah for the purpose of conferring with the Governors and other interested parties respecting the proposed action by the six ratifying states. I hope to leave immediately after Christmas, but may be delayed or even prevented from going. I am therefore taking the liberty of writing you asking your consideration of the pending proposition and, if it meets with your approval, for any suggestion or amendments you may have to offer in the proposed legislation.

Might I suggest that you confer with Mr. McClure and others prior to my arrival. If I am unable to come I will wire Mr. McClure. I am sending a copy of this letter to Commissioner J.C. Seth, of New Mexico, Governor Scrugeham of Nevada, the Governor of Utah and Mr. McClure.

Very truly yours,

[Signature]
Commissioner for Colorado.

DEC:BB
JOINT RESOLUTION.

WHEREAS, the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved The Colorado River Compact, signed by the Commissioners for said States and the State of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922, (Chap. 189, pp. 684–693, Sess. Laws, Colo., 1923 etc.) and notice of the approval by the Legislature of each of said approving States has been given by the Governor to the Governors of the other signatory States and to the President of the United States, as required by Article XI of said compact; now therefore,

BE IT RESOLVED, by the General Assembly of the State of Colorado:

That the provisions of the first paragraph of Article XI of the Colorado River Compact, making said compact effective when it shall have been approved by the Legislature of each of the signatory States, are hereby waived and said compact shall become binding and obligatory upon the State of Colorado and upon the other signatory States, which have ratified or may hereafter ratify it, whenever at least six of the signatory states shall have consented thereto and the Congress of the United States shall have given its consent and approval.

Provided, however, that this resolution shall be of no force or effect until this or a similar act or resolution shall have been passed or adopted by the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming.

That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of Colorado to the President of the United States, the Secretary of State of the United States, and the Governors of the States of California, Nevada, New Mexico, Utah and Wyoming.
A BILL
for
AN ACT

RELATING TO THE COLORADO RIVER COMPACT.

WHEREAS, the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved The Colorado River Compact, signed by the commissioners for said States and the State of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922, (Chap. 189, pp. 684-693, Sess. Laws, Colo., 1923, etc.) and notice of the approval by the Legislature of each of said approving States has been given by the Governor to the Governors of the other signatory States and to the President of the United States, as required by Article XI of said compact; now therefore,

Be It Enacted By the General Assembly of the State of Colorado:

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

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

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

Sec. 4- In the opinion of the General Assembly an emergency exists, therefore, subject to the provisions of Section 1 hereof, this Act shall take effect and be in force from and after its passage.
A BILL
for
AN ACT

RELATING TO THE COLORADO RIVER COMPACT.

WHEREAS, the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved The Colorado River Compact, signed by the commissioners for said States and the State of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922, and notice of the approval by the Legislature of each of said approving States has been given by the Governor to the Governors of the other signatory States and to the President of the United States, as required by Article XI of said compact; now therefore

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

Section 1. That the provisions of the first paragraph of Article XI of The Colorado River Compact, making said compact effective when it shall have been approved by the Legislature of each of the signatory States, are hereby waived and said compact shall become binding and obligatory upon the State of Nevada and upon the other signatory States, which have ratified or may hereafter ratify it, whenever at least (6) six of the signatory states shall have consented thereto and the Congress of the United States shall have given its consent and approval. Provided, however, that this Act shall be of no force or effect until this or a similar act or resolution shall have been passed or adopted by the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming.

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

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

Section 4. In the opinion of the General Assembly an emergency exists, therefore, subject to the provisions of Section 1 hereof, this Act shall take effect and be in force from and after its passage.
Greeley, Colo. Dec. 28, 1924

Hcn Arthur P. Davis,
505 17th St.
Oakland, Calif.

Am leaving here today enroute Sacramento to consult Tuesday with McClure and McKisick regarding Colorado river and thought you might like to join us as matters to be considered will deeply interest you and I want to consult with you before returning

Carpenter
Greeley Dec. 28, 1924

Governor J.G. Scruggs,
Carson City, Nevada.

Have decided to go straight thru to Sacramento to first consult with McKisick and will stop Carson City and Salt Lake return trip stop I leave here today will arrive Sacramento Tuesday morning and will wire you before return. I rather wish you McClure McKisick and I could consult together Tuesday stop if you are free to go to Sacramento wire McKisick

Delph E. Carpenter
Greeley, Dec. 28, 1924

Governor Charles R. Mabey,
Salt Lake City, Utah.

Have decided to go directly thru to Sacramento to consult McKisick then see you and Governor Scrugham on return trip stop kindly advise Caldwell stop I leave today arrive Ogden tomorrow morning and Sacramento Tuesday morning stop will wire you before I return east.

Delph E. Carpenter
COPY OF
WESTERN UNION TELEGRAM

Greeley, Colo., Dec 28, 1924

R.T. McKisick,
Deputy Attorney General,
Sacramento, California.

Am leaving here today to go direct thru to Sacramento
will arrive Tuesday morning stop have suggested Scrugham he
always join us and McClure stop kindly advise McClure

Delph E. Carpenter
December 29, 1924

Mr. Delph E. Carpenter,
Sacramento, California

Dear Carpenter:

Replying to your wire of this date it will be impossible for me to be in Sacramento on Tuesday, December 30th. However, it is possible that I may come down on either the 5th or 6th of January if deemed necessary. My present impression is not favorable to a compact with six states omitting the state of Arizona, as I fail to see where anything can be gained by it. It is my intention to have a conference with Governor Hunt and endeavor to see if we have any common ground under which the pact can be ratified.

Yours truly,

JGS:LB
Governor

P.S. I will expect you in Carson City on Tuesday, January 6th.

JGS
Mr. Delph E. Carpenter,  
Sacramento, California

Dear Carpenter:

Relying to your wire of this date it will be impossible for me to be in Sacramento on Tuesday, December 30th. However, it is possible that I may come down on either the 5th or 6th of January if deemed necessary. My present impression is not favorable to a compact with six states omitting the state of Arizona, as I fail to see where anything can be gained by it. It is my intention to have a conference with Governor Hunt and endeavor to see if we have any common ground under which the pact can be ratified.

Yours truly,

JGS:LB

Governor

P.S. I will expect you in Carson City on Tuesday, January 6th.

JGS
You never saw a
TELEGRAM
pigeon holed
but a letter
may be left
for to-morrow.

32F CH 55 NL 1 EXTRA

SALT LAKE CITY UTAH DEC 30 1924

DELPH E CARPENTER 361

CARE R. T. MCKISICK DEPUTY ATTORNEY GENERAL

SACRAMENTO CALIF

RE YOUR WIRE DECEMBER 28 I APPREHEND YOU ARE NOT AWARE THAT I RETIRE
FROM OFFICE JANUARY FIFTH TO BE SUCCEEDED BY GEORGE H. DERN STOP
SUGGEST THEREFORE YOU CONFERENCE WITH HIM AND LLOYD GARRISON STATE
ENGINEER STOP MR. CALDWELL NOW IN CALIFORNIA ADDRESS 1010 WRIGHT AND
CALLENDER BUILDING LOS ANGELES

CHARLES R. MABEY GOVERNOR

129A DEC 31
RECEIVED AT FORUM BLDG., 1109-9TH ST., SACRAMENTO, CALIF. ALWAYS OPEN
205F RB 68 BLUE 1 EXTRA

CARSON NEV 1100A DEC 31 1924

DELPHE CARPENTER CARE R T MCKISICK ASSISTANT ATTORNEY

101 GENERAL OF CALIF SACRAMENTO CALIF

RE TEL SUGGEST YOU COME RENO TONIGHT OVERLAND LIMITED LEAVING SACRAMENTO TWO THIRTY THIS AFTERNOON STOP YOU CAN LEAVE TOMORROW MORNING ARRIVING SALT LAKE FOLLOWING MORNING STOP CAN HAVE CAR MEET YOU STOP SEE DOCTOR HECKE DIRECTOR DEPARTMENT AGRICULTURE STATE CALIFORNIA WHO IS COMING RENO SAME TRAIN HE CAN OBTAIN SPECIAL PERMIT FOR YOU TO RIDE OVERLAND LIMITED TO RENO STOP IF ARRANGEMENT NOT SATISFACTORY CAN MEET YOU FRIDAY

J G SCRUGHAM GOVERNOR

1131A
Dec 28

Enabling act

Arizona

Revised Stats, Ariz., Vol. I, p. 105

Act 7, Cong

June 20, 1910
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1924
1-6-24
Estimated future water requirements, Acre Feet
  Lower Basin .................................. 4,000,000
  (Includes Gila)
Estimated future water requirements .................................. 9,000,000
Approximate surplus ................................................. 4,500,000

| Table 4 |
|-----------------|----------------|
| Estimated average annual water supply | 20,500,000 |

Acre Feet
Upper Division Allocation, includes present consumption 7,500,000
Lower Division Allocation, includes present consumption 7,500,000
Lower Division permissible increase in water consumption 1,000,000

Total allocated or permitted .................................. 16,000,000
Unallotted surplus ................................................. 4,500,000

| Table 5 |
|-----------------|----------------|
| Upper Basin water allotment | 7,500,000 |

Acre Feet
Estimated present consumption,
  Upper Basin .................................. 2,500,000
Estimated future water requirements, Upper Basin, including trans-mountain diversions 5,000,000

7,500,000 7,500,000

| Table 6 |
|-----------------|----------------|
| COLORADO RIVER AREA IN THE STATE OF COLORADO (WESTERN SLOPE). Acre-Feet |
Estimated average yearly water supply, Western Slope 12,100,000
Estimates present consumptive use per year on 859,000 acres irrigated land 1,100,000
Unused water passing out of Colorado, average yearly flow 11,000,000
Estimates future requirements all new lands Western Slope (1,500,000 acres) and future transmountain diversions 2,600,000
Average annual surplus water to main Colorado River 8,400,000
COLORADO RIVER COMPACT

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, having resolved to enter into a compact under the Act of the Congress of the United States of America, approved August 19, 1921 (42 Statutes at Large, page 171), and the Acts of the Legislatures of the said States, have through their Governors appointed as their Commissioners:

W. S. Norviel, for the State of Arizona;
W. F. McClure, for the State of California;
Delph E. Carpenter, for the State of Colorado;
J. G. Scrugham, for the State of Nevada;
Stephen B. Davis, Jr., for the State of New Mexico;
R. E. Caldwell, for the State of Utah;

Frank C. Emerson, for the State of Wyoming;

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

ARTICLE I

The major purposes of this contract are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies, and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters and the protection of life and property from floods. To these ends the Colorado Basin is divided into two Basins, and an apportionment of the use of part of the water of the Colorado River System is made to each of them with the provision that further equitable apportionment may be made.

ARTICLE II

As used in this compact:

(a) The term “Colorado River System” means that portion of the Colorado River and its tributaries within the United States of America.

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

(c) The term “States of the Upper Division” means the States of Colorado, New Mexico, Utah and Wyoming.
(d) The term "States of the Lower Division" means the States of Arizona, California and Nevada.

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

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

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

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial and other like purposes, but shall exclude the generation of electrical power.

ARTICLE III

(a) There is hereby apportioned from the Colorado River System in perpetuity to the Upper Basin and to the Lower Basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the Lower Basin is hereby given the right to increase its beneficial consumptive use of such waters by one million acre-feet per annum.

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

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

(e) The States of the Upper Division shall not withhold water, and the States of the Lower Division shall not require the delivery of water, which cannot reasonably be applied to domestic and agricultural uses.

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

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

ARTICLE IV

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

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

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

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey shall co-operate, ex officio:

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

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

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

ARTICLE VI

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

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

ARTICLE VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian Tribes.

ARTICLE VIII

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

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

ARTICLE IX

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

ARTICLE X

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

ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the Legislature of each of the signatory States and by the Congress of the United States.

Notice of approval by the Legislatures shall be given by the Governor of each signatory State to the Governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the signatory States of approval by the Congress of the United States.

In Witness Whereof, the Commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

Done at the City of Santa Fe, New Mexico, this twenty-fourth day of November, A. D. One Thousand Nine Hundred and Twenty-two.

(Signed) W. S. NORVIEL
(Signed) W. F. McCLURE
(Signed) DELPH E. CARPENTER
(Signed) J. G. SCRUGHAM
(Signed) STEPHEN B. DAVIS, JR.
(Signed) R. E. CALDWELL
(Signed) FRANK C. EMERSON

Approved:

(Signed) HERBERT HOOVER.
FEDERAL ACT AUTHORIZING COLORADO RIVER COMPACT

An Act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes.

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

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

WHEREAS the governors of said several States have named and appointed their respective commissioners for the purposes aforesaid, and have presented their resolution to the President of the United States requesting the appointment of a representative on behalf of the United States to participate in said negotiations and to represent the interests of the United States; Now, therefore,

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1923, providing for an equitable division and apportionment among said States of the water supply of the Colorado River and of the streams tributary thereto, upon condition that a suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations, as the representative of and for the protection of the interests of the United States, and shall make report to Congress of the proceedings and of any compact or agreement entered into, and the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated to pay the salary and expenses of the representative of the United States appointed hereunder; PROVIDED, That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.
Sec. 2. That the right to alter, amend, or repeal this Act is herewith expressly reserved.

Approved, August 19, 1921.

HISTORICAL MEMORANDUM IN RE COLORADO RIVER, AND BRIEF OF LAW OF INTERSTATE COMPACTS.

Submitted by Delph E. Carpenter to Judiciary Committee House of Representatives 67th Congress 1st Session, on June 4, 1921, at hearing in re H. R. 6821.

HISTORICAL MEMORANDUM

The object of the pending legislation is to permit a settlement respecting the future utilization and disposition of the waters of the Colorado River, and of the streams tributary thereto, by compact between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

The object is to determine the respective rights of the States to the use and disposition of the waters of this great river prior to any further large construction or extensive utilization of these waters, in order that the rights of the States and the Government may be settled and determined in advance of construction and before interstate or other controversies may arise.

The pending bill was introduced pursuant to resolution adopted and signed by the governors of the seven States above named at Denver, Colo., May 10, 1921, wherein it is recited that each of the seven States, whose territory includes in part the drainage of the Colorado River, has already provided for adjustment respecting the future utilization and disposition of the waters of the stream and has appointed its commissioner to serve with commissioners from other interested States and with a commissioner to be appointed for the United States for this general purpose.

The resolution reads as follows:

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

"Whereas the governors of said several States have named and
JOINT RESOLUTION.

WHEREAS, the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming have heretofore approved the Colorado River Compact, signed by Commissioners for said States, and the State of Arizona, and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922; and notice of the approval by the Legislature of each of said approving States has been given by the Governor to the Governors of the other signatory States and to the President of the United States, as required by Article XI of said compact; Now Therefore

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF COLORADO; of the first paragraph
that, notwithstanding the provisions of Article XI of The Colorado River Compact, said compact shall be binding and obligatory upon those of the signatory States which have approved or may hereafter approve said compact, when it shall have been approved by the Congress of the United States; provided however, that this resolution shall not be effective until a similar act or resolution shall have been passed by the Legislature of each of States of California, Nevada, New Mexico, Utah and Wyoming.
The said compact shall become binding and obligatory, as between the States ratifying it, whenever at least six of the signatory states shall have so ratified, and the Congress of the United States has consented thereto.
BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF COLORADO:
that the provisions of the first paragraph of Article XI of the Colorado River Compact, making said compact effective when it shall have been approved by the Legislature of each of the signatory States, are hereby waived and said compact shall become binding and obligatory upon the State of Colorado and upon the other signatory States which have ratified or may ratify it, whenever at least six of the signatory States shall have consented thereto and the Congress of the United States shall have given its consent and approval.

[Signature]
Jan. 3, 1925,

Hon. Geo. S. Green,
Mack & Green,
Attorneys at Law,
Reno, Nevada.

Dear George:

On New Year's day the Hon. Delph E. Carpenter, Greeley, Colorado, called at the Governor's office to discuss certain matters relating to the Colorado River Compact, which, as you know, is held up by the refusal of the Legislature of Arizona thus far, to ratify and approve the document negotiated at Santa Fe, New Mexico, November 24, 1922. Both Mr. Carpenter and Governor Seraphum were signatories to that compact, one representing Colorado and the other Nevada.

In general conversation Senator Carpenter talked of the position of the Federal government respecting the ownership of waters. He pointed out that the Federal position is constantly enlarging to the point where soon the states will be absolutely frozen out of all title and control to the waters within their respective boundaries. This innovation is being set up by decision, regardless of the fact that new states are admitted "on an equal footing" with the other states of the union, who, of course, retain the ownership of their waters.

Carpenter has represented his state in the formation of four separate interstate compacts or treaties; also in the Supreme Court of the United States in all the big water cases. He is anxious that certain doctrines encouraged by the district and circuit courts in Nebraska, Wyoming and Idaho, shall not be fortified by their adoption in Nevada.

This brings me to the point. In the case of U.S. vs. Orr Water Ditch Company, Judge Talbot's findings, I understand, are based on a theory of the paramount sovereignty of the Federal Government, which is inimical to Nevada's position and to that of the entire West. Carpenter said that if he can be of any assistance in combating this position he will be glad to do so. I would suggest that he will be glad to write you fully and perhaps send you some of his briefs on these points if you ask him.

The particular point that Senator Carpenter mentioned was a theory out of which the Government claims the right to "reappraise" seepage water in proximate or remote situations, but that is not the whole story of course.

I spoke to W. H. Kearney, attorney for other objectors also. I understand the objections will be disposed of tentatively by Judge Talbot as a Master, before the matter is subject for the attention of District Judge E. S. Farrington at Carson City.

Yours very truly,

[Signature]

Secretary to Governor
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY

EXTRACT FROM THE ENABLING ACT FOR ARIZONA (Rev. Stats. Az.1913p105)
(Act of June 20, 1910)

"Sec. 28. -x-x-x-x-x-x-x-

There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed state all land actually or prospectively valuable for the development of water-power or power for hydro-electric use or transmission and which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the state; and no land so reserved and excepted shall be subject to any disposition whatsoever of said state, and any conveyance or transfer of such land by said state or any officer thereof shall be absolutely null and void within the period above named; and in lieu of the land so reserved to the United States and excepted from the operation of any of said grants thereof and is hereby granted to the proposed state an equal quantity of land to be selected from land of the character named and in the manner prescribed in section twenty-four of this act."

-----O-----

Sec. 24 is standard provision respecting selections.

-----O-----
ASSEMBLY BILL

RELATING TO THE COLORADO RIVER COMPACT; WAIVING CERTAIN PROVISIONS OF
ARTICLE XI THEREOF; AGREING TO AND ENTERING INTO SAID COLORADO RIVER
COMPACT AS SO MODIFIED AND PROVIDING FOR THE RATIFICATION AND GOING
INTO EFFECT OF SAID COMPACT AS SO MODIFIED

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

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

Section 1. That the provisions of the first paragraph of Article XI of the Colorado River Compact, making said compact effective when it shall have been approved by the Legislature of each of the signatory States, are hereby waived and said compact shall become binding and obligatory upon the State of Nevada and upon the other signatory States which have ratified or may hereafter ratify it, whenever at least (6) six of the signatory States shall have consented thereto and the Congress of the United States shall have given its consent and approval, Provided, however, that this act shall be of no force or effect until this or a similar act or resolution shall have been passed or adopted by the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming.

Sec. 2. That certified copies of this act be forwarded by the Governor of the State of Nevada to the President of the United States, the Secretary of State of the United States, and the Governors of the States of Arizona, California, Colorado, New Mexico, Utah and Wyoming.
January 7, 1925

Mr. Delph Carpenter,
Greeley, Colorado.

Dear Mr. Carpenter:

On my arrival here yesterday I received your telegram of December 28 desiring to consult with me before you return to Colorado. I called up the state engineer at Sacramento, who said you had come and gone. I am very sorry indeed to have missed you and hope to have an opportunity of talking this matter over with you at an early date.

I have been studying the papers sent me by Mr. Meeker and find them very interesting. I find little, if anything, to criticize but some of the things upon which I want to ask questions. I will write you again later on the subject, and will probably write also to Mr. Meeker.

With kind personal regards, I remain

Yours truly,

A. P. Davis
Dear Mr. Carpenter,

What do you think of a Six State Conference?

I am leaving D. 5 R. G. now. Write me so that I will get it Sat. or Mon.

Sincerely,

Garrison
January 9, 1924.

Lloyd Garrison,
State Engineer,
Salt Lake City, Utah.

My Dear Garrison:

I am in receipt of yours of the 8th and am of the present opinion that little would be gained by a six state conference. The same objects can be attained by making the compact effective on the ratification of six or more states, through concurrent legislation by the six ratifying states. This can be accomplished in a quiet and inoffensive manner while if a six state conference were called it might give rise to a number of false impressions which in turn might widen the breach already existing in Arizona. As explained, the object of the suggested legislation is not to ignore, offend or prejudice Arizona and in my judgment the whole attitude should be that we are all expecting Arizona to arrive in due course of time but because of the flood menace in Southern California, it is imperative that the decks be cleared so as to permit flood control construction at an early a date as possible.

I am informed from various sources that the majority of the people of Arizona rally want the compact and if such is the case, every precaution must be taken to avoid offense and any appearance of hostility. A six state conference would probably be interpreted adversely and a seven-state conference would result in no good to any one. We talked this over in Washington and came to the conclusion that the best thing to do would be to proceed quietly along definite lines in such a manner that the six state movement could become effective without in any way offending Arizona or interfering with her right to ratify in due course of time.

The only good that might come from a six state conference would be to leave a favorable impression upon our own legislatures but the evil that would come from such publicity would far offset any good that might be accomplished. I would far rather inconvenience myself to the extent of traveling back and forth and spending considerable time in interviewing proper people than I would to jeopardize the welfare of the whole undertaking and participate in something that might result in the undoing of the work.
already accomplished. Anyone who was present during the deliberations of the commission must recognize that there is about one chance in ten of ever getting together on any common position because of the divergent interests of the states etc. Now that we have arrived at a common understanding it is best to hold fast and simply use such measures as may be essential to making the compact effective.

I regret that my engagements in Court at Fort Collins prevented my getting to Denver yesterday or the day previous. We were engaged in closing some long pending litigation respecting the Greeley-Poudre Irrigation District and it was imperative to the interests of the farmers of the district that I actively participate. I called you last evening but found you had departed.

Very truly yours,

[Signature]

DEC:BB
Jan. 9th, 1925

Herewith find copy of memo covering conference with Gov. Hunt and myself which is self-explanatory. Will write you more in detail regarding the matter after my return to Carson City on Monday. There is a possibility that the pact may be ratified by Arizona, but some provision for further operation will be required. With personal regards, I am, yours truly,

J. H. Beaucham
MEMORANDUM OF DISCUSSION

Between
GOVERNOR JAMES G. SCRUGHAM, of NEVADA
and
GOVERNOR GEORGE W. P. HUNT, of ARIZONA
With Reference to
COLORADO RIVER PROBLEMS

Attending Conference Were -

George W. Borden,
Highway Engineer,
State of Nevada.

H. S. McCluskey,
Secretary, Governor Hunt.

Conference Confidential.

The conference was called at the suggestion of Governor Scrugham, who outlined the proposal emanating from Senator Delph Carpenter, of Colorado, who proposes, with the co-operation and consent of Secretary Work and Secretary Hoover, that the six states in the Colorado River Basin that have already approved the Santa Fe Compact, make a new compact between themselves, leaving Arizona to come in at a later date if she so desires, and that development be undertaken on the river by the Federal Government and the six interested states, irrespective of such claims as Arizona may have, the contention being that Arizona had waived all her claims in the enabling act, giving her statehood.

The various conflicting interests in California interested in Colorado River development were dis-
cussed and were listed under the following classifications:

1- Imperial Valley interests.
2- Mexican Land interests.
3- Electric Power interests.
4- The Municipality of Los Angeles.
5- The League of Southern California Municipalities.

It was agreed that Nevada and Arizona held a mutual interest in the Colorado River through their ownership of not only the stream beds below high water marks, but also through their jurisdiction of the waters flowing within their respective boundaries, subject, however, to the navigation rights of the Federal Government.

It was further agreed that these rights have definite values which should ultimately accrue to the financial benefit of the respective states.

The Governors of both states recognize the rights of all the states of interest to protect their equities against further appropriations in other parts of the stream system.

It was agreed that there was a mutual desire on both states that development of the river be undertaken at an early date and that some effort should be made to formulate an agreement between the interested
states and the Federal Government, which would facilitate such development.

It was further suggested that a corporation based upon the Port of New York Authority might be organized to embrace the states of Arizona and Nevada and the Federal Government, leading to the building of a flood control and storage dam and the development and marketing of hydro-electric energy.

It was mutually understood that any development to be undertaken in the river, if wholly within the State of Arizona, it would require a permit from both the Federal Government and the State of Arizona and if undertaken as between the States of Arizona and Nevada it would require a permit from the Federal Government and from the two States.

It was the opinion of the Governor of Nevada that the most feasible dam site for construction of a storage dam would be in Black Canyon, which is the lower end of Boulder Canyon, where he estimated the depth to bed rock at about fifty feet. He stated further that he believed it to be the most practical place to begin development in the interests of Arizona, as well as Nevada, in that the normal water supply of the River was now fully consumed in lands irrigated below Black Canyon damsite and that in periods of low water this normal flow of the river would be maintained by the development of hydro-electric power and that if
Arizona later desired to divert water for purposes of irrigation she could divert it further up the river, consuming the normal flow during the low water season, with the lands lower down being accommodated from the Black Canyon Storage.

The Governor of Nevada gave assurance that he was not committed to any project for irrigation either in lower California or in Mexico. He also gave it as his opinion that the dam which he proposed to be constructed would not exceed four hundred and fifty feet in height as an initial measure, but that it should be constructed in such a manner that its height could be added to if desirable.

It was the consensus of opinion that each Governor would submit the proposition for an agreement between the two States and the Federal Government as to the organization of a corporation to develop the river to the legislatures of the two states and that further conference be had for the development of some workable plan.
January 10, 1925

Hon. Delph E. Carpenter,
Greeley, Colorado

Dear Mr. Carpenter:

A few days after your departure I mailed a copy of correspondence suggested by your visit. I also received your rough draft of a working arrangement with Arizona mailed from Salt Lake City. This latter arrived so late that I forwarded it by air mail without change to Governor Scrugham on January 6th as he was scheduled to leave San Francisco on the evening of the 6th to arrive in Los Angeles on the following day.

The Governor will return to Carson City tonight by automobile and I have not learned whether he made out with the suggestions. He did wire me however that substantial progress had been made along the lines of the Port of New York Authority.

With kind personal regards and with the assurance that the Governor will write in detail at his convenience, I am

Very truly yours,

HM: LB

Secretary to the Governor

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Free Associate Press story from
M. J. S. Williams
Governor Sweet

Suggests to
Loots somewhat

Hm.
Mr. Delph E. Carpenter,
Interstate Rivers Compact Commissioner,
Denver, Colorado,

Dear Mr. Carpenter:

Mr. Wallace has been appointed by Governor Dern as the member of the Colorado River Commission from Utah. Mr. Wallace and I have discussed the matter of holding a conference and have come to the conclusion that it would be more desirable to hold such a conference than to attempt to work the matter by visits to the several states. The matter of publicity can be easily handled without creating an unfavorable impression.

It is our thought that Mr. Hoover should call a conference, as chairman of the commission, and it is likely that we will ask Governor Dern and Senator Smoot to make this request of Mr. Hoover.

There need be no element of coercion at this conference and Arizona may be represented if she so desires. An illustration of what may happen if no concerted action is taken was contained in yesterday morning's paper where a dispatch told of an action that your attorney general contemplates initiating relative to the proposed suit.

We believe that a meeting of the duly authorized representatives of the various states will take action that is much more sane and appropriate than can be secured if every "Tom, Dick and Harry" attempts to meddle with the situation. The reaction of Arizona to a suit at this time could not fail to be anything but desirable and we feel that some authorized body should deal with the situation.

Sincerely yours,

Lloyd Garrison
State Engineer
January 17, 1925.

Lloyd Garrison,
State Engineer,
Salt Lake City, Utah.

My Dear Garrison:

I am in receipt of yours of the 13th inst. in which you advise of the appointment of Mr. Wallace to serve as a member of the Colorado River Commission from Utah. As you have doubtless anticipated, I am highly pleased with the appointment. Mr. Wallace is the man for the place.

In regard to the matter of the conference of the Colorado River Commission, I am perfectly willing to abide the judgment of the other commissioners, although I am still of the impression that such a conference may do more harm than good. Insofar as legislation is concerned, all bills respecting the Colorado River, to be acted upon by our Legislature, must be introduced before next Wednesday and there will be no further opportunity of introduction of bills until 1927, unless the Governor should call a special session of the Legislature. In view of this situation I am causing to be introduced a bill for the six-state plan as per copy forwarded herewith.

The expression of opinion by the Attorney General was that of a man going out of office and imbued with a spirit of recklessness. The present Attorney General is a man of sound judgment and there need be no fear of any foolish action upon his part.

I note from recent dispatches that Governor Scraghham seems to have made some impression upon Governor Hunt in the matter of the separate compact between Arizona and Nevada. I am fearful that they will get the "cart before the horse". It is Governor Scraghham's idea, that by such procedure, he would bring about a ratification of the main compact but, from the memoranda he forwards me, it appears that their conversations were not based upon that premise. The probabilities are that his efforts will result in a conditional ratification of the compact by Arizona. This of course would be preferable to no ratification at all, but would necessitate the passing of the six-state plan before the compact could be made effective.
Lloyd Garrison #2.

Under Article XI of the compact it is necessary that all seven of the states ratify without qualification. If one of the states ratifies conditionally, there is no compliance with Article XI until the condition has been fulfilled. By proceeding along the six-state plan the compact may be submitted to Congress without awaiting the fulfillment of the conditional ratification by Arizona and the compact will become effective as to Arizona at some later date when the condition is fulfilled or some further action of the Arizona Legislature would result in a final ratification.

Irrespective of what may occur in the nature of a conference, I believe it advisable for bills to be introduced before the six Legislatures so that the six states will be in readiness to proceed with dispatch. As already state, but three days remain for such introduction before the Colorado Legislature.

If you get any side light on the Nevada attitude, kindly advise.

Very truly yours,

Delph E. Carpenter
Commissioner for Colorado.
January 17, 1925.

Hon. Wm. R. Wallace,
Salt Lake City, Utah.

My Dear Mr. Wallace:

Mr. Garrison just advises me of your appointment to the Colorado River Commission. To say that I am pleased would be putting it mildly. It is refreshing to know that the Utah member is one thoroughly familiar with the work and well and favorably known by all members of the Commission.

I am enclosing herewith a copy of my letter to Mr. Garrison, which will be self-explanatory.

By way of explanation of the attitude of the outgoing Attorney General, a Mr. Caldwell, one of his deputies, whose inclination has always been to get everybody into some kind of a law suit, urged for more than a year past that the Attorney General bring a suit against Arizona in the U.S. Supreme Court. Finally the Governor referred the matter to Mr. Bennister, who looked favorably upon the idea but was requested to sound out the attitude of the other five states. As a result of these visits it became evident that there was not a unanimity of opinion and that some of the states did not look with favor upon such action. The Attorney General, however, included the recommendation that such a suit be brought in his biennial report. The newspaper reporters seized upon this item as good news and thus it went on the wires as an associate press item. As a matter of fact, there was no thought of starting any such a suit insofar as Colorado was concerned. We have always considered that as a matter of last resort the six ratifying states might be called upon to take some drastic action but that time has not yet arrived and there is no assurance that the full six states would join or that if they did join they would remain steadfast throughout the litigation, which would, of necessity be prolonged over a long period of years. If the six states united under some plan such as the proposed six-state ratification, there would be more justification for considering such a suit. But law suits are a bad method of accomplishing the desired end in a matter of such magnitude, especially when the suit must be brought before Judges, nearly all of whom are ignorant of the subject matter and are already overworked.
Wm. Wallace #2.

We would probably be at the mercy of some master in chancery appointed by the Court.

I am a little concerned respecting the Nevada situation. Governor Scrugham intends well but I fear that the upshot of his two-state effort will result in adjustment for delay by Arizona. As you know, Governor Scrugham acts with unusual promptness and he had arranged this conference with Governor Hunt before I had an opportunity of conferring with him. It will be too bad if Governor Scrugham gets so involved that he cannot act in concert with the other six states, as it is important to him as well as the rest of us that there be a concerted action and that both California and Nevada be parties.

With kind personal regards and assurances of my continued esteem, I am,

Very truly yours,

Delph E. Carpenter
Commissioner for Colorado.
January 18, 1925

Hon. Herbert Hoover,
Secretary of Commerce,
Washington, D.C.

Dear Mr. Secretary:

As advised in my telegram of December 30, 1924, I arranged for a conference with Governor Hunt of Arizona which was held in the city of Los Angeles on January 7, 1925.

After an extended discussion of the Colorado River problems I asked Governor Hunt if a Commission based on the Fort of New York Authority would be approved by the Arizona interests as the agency for handling the proposed Boulder Canyon development. The substance of his reply was embodied in his supplemental message to the Arizona Legislature delivered on January 14, 1925, copy of which is herewith attached.

I am of the opinion that if a satisfactory understanding can be reached along these lines, Arizona will ratify the Compact at this session of their legislature.

I do not wish to proceed farther in this matter without your approval and support of the suggestions which I have made to Governor Hunt. Please advise me as to your views in the matter. I believe there exists an opportunity to break the deadlock which exists in the Colorado situation.

If you deem it proper, I would like to have you request Mr. Stephen B. Davis and Mr. Delph Carpenter to meet with myself and Governor Hunt at some convenient date in the near future. I am quite sure that the results will be beneficial to all concerned.

Yours truly,

[Signature]

Governor

Enc.
January 14, 1925

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTH ARIZONA LEGISLATURE:

Pursuant to an invitation from Governor James C. Scrugham of the State of Nevada, I joined him in a conference at Los Angeles, California, on January seventh.

At this conference we discussed the question of paved roads linking the highways of the two states, but upon this aspect of the conference I shall address you at a later date.

We also discussed the Colorado River Compact and the development of the Colorado River. This discussion of the Colorado River problem was reduced to a memorandum, copy of which is herewith submitted for your information and advice.

The states of Nevada and Arizona have much in common in the Colorado River development. Any structures or dams built in the Colorado River must be either wholly within the state of Arizona, or between the states of Nevada and Arizona. Both states are interested in securing an equitable revenue from this great resource.

In my message I recommended the granting of a charter to the state of Arizona to enable it to engage in the development and sale of hydro-electric power. You will note in the memorandum of the discussion, that the Governor of Nevada suggested that a charter for a joint corporation be granted based upon the Port of New York authority, which might embrace the states of Nevada and Arizona and the federal government.

This, it appears to me, may be found to establish a basis for further negotiations which might solve the problem of protecting the interests of Arizona in the future development of the Colorado River. At least it offers a point of contract to begin work toward solving the questions at issue.

My understanding with the Governor of Nevada was that we should have further conversations, and I would appreciate receiving advice from the Legislature on the subject matter of this memorandum.

Recently the representatives of the state of Colorado approached the officials of the other six states in the Colorado River basin with the proposal that a compact be entered into between them which would embody in its provisions the Colorado River Compact. This matter was discussed at a meeting held in my office by representative citizens of Arizona about two weeks ago. I have obtained a copy of the proposed agreement which I submit herewith for your information.

Respectfully,

(Signed) GEO W. HUNT
Governor.

Carpen
ter:

Above is self explanatory, will write from later as to developments.

[Signature]
January 19, 1925.

Homer Mooney,
State Capitol Bldg.,
Carson City, Nevada.

My Dear Mr. Mooney:

Your communications of the 3rd and 10th were received in due course, also your recent one (which is in Denver) containing a memorandum of the conversations between Governors Hunt and Scruggs. Many thanks for your kindness.

The Associate Press' released story of an interview from Attorney General Williams came as a surprise to me. It came about through the fact that the Attorney General in his biannual report spoke with favor of the scheme proposed by Attorneys Caldwell and Bannister and suggested that such a suit be brought. He evidently called the attention of the reportees to this recommendation. I had not seen him since leaving for California, but probably could not have prevented the foolish action because he is very enthusiastic over any scheme that he approves and Caldwell and Bannister have considerable influence with him, primarily by reason of long association and affiliation in prohibition and other relief movements. I regretted the foolish publicity but of course was in no way responsible for it.

I note by the dispatches of the 15th inst. that Governor Hunt gave publicity of the Los Angeles conference through his message to the Legislature. I am fearful that this may be more or less detrimental to our common purpose. California may take a position antagonistic to the whole compact if her people conceive the idea that Arizona and Nevada are going to try and count her out.

The more I think of the matter the more I am convinced that the proper procedure is for the six states to proceed along the lines of the proposed legislation which will release those of us to the north in such a way that we can be of great assistance in bringing about
Homer Mooney #2.

an understanding between the three states and in putting over any agreement arrived at. Under the proposed plan the compact shall be binding when ratified by six or more states. Arizona would be the "or other" part of such a program. She could then ratify upon condition of a joint agreement between her and Nevada or between her, California and Nevada and her ratification of the main compact would automatically become effective when the condition had been fulfilled. This would save Governor Hunt from embarrassment, would protect Arizona and at the same time would set in motion the main compact which is of vital importance to all the seven states.

Lloyd Garrison, State Engineer of Utah, is imbued with the idea that Mr. Hoover should call a meeting of the Colorado River Commission. It fail to see where any good would come of such a meeting and fear that damage might result. We can accomplish as much through the six-state legislation as we could hope to accomplish at a meeting of the Commission and it would be impossible to get any legislative approval of any action of the Commission for a period of two years by reason of the fact that next Wednesday is the last day for introduction of bills before our Legislature; it would also be impossible (except by calling a special session) to get legislative ratification of any changes made by the commission. Arizona would come forward demanding all sorts of royalty and other schemes and we would get nowhere.

In fact, our friend Garrison is a very fine fellow and quite bright but is inexperienced and is inclined to drive things his way without knowing where he is going.

In writing Mr. Hoover I have explained that Governor Scrugham is tied up with his Legislature and cannot get away to attend a meeting of the Commission if he would so desire.

I do most sincerely hope that the six states put over the six-state program. We can hope to break this jam at one stroke unless Arizona is willing to capitulate. The six-state movement is a big forward step which will permit a following up that will ultimately complete the transaction. Arizona cannot be offended
because she is unprejudiced by our action. The door is left open to her to enter at her leisure and she will be free to safeguard her frontier with treaty or treaties with California and Nevada before completely "coming into the Union". On thing I would most earnestly suggest and that is that you use your good offices to avoid letting Nevada get into a position where she must refrain from action because of conversations with Governor Hunt. This would result in prolonged delay and possible disaster to the whole undertaking. Any prudent lawyer would not attempt to draw up a pleading between Arizona and Nevada in less than 90 days careful study of every possible phase of the problem and it would be better for such a treaty to be the result of at least one year's careful thought and study. While the problem looks simple at first sight, there are many collateral problems that are bound to enter in.

To my way of thinking, if I were in charge of Nevada's case I would give Governor Hunt to understand that Nevada proposes to proceed in good faith to the conclusion of a satisfactory compact with Arizona at the earliest convenient date, but that in the meantime Nevada insists, without offense to Arizona, that the main compact must be properly protected by the six-state movement for the protection of the whole river and also for the purpose of releasing from embarrassment all Senators, Congressman and other leading citizens of the upper states whose co-operation is essential to the putting over of any two state compact that may be negotiated between Arizona and Nevada. I would not adhere to this plan were it not for the fact that Arizona is not prejudiced by the movement but on the other hand is protected to the extent of every interest she now possesses. To be sure a six state action materially affects the interests of the United States in Arizona, but it does not diminish or enlarge any rights that Arizona now possesses.

I am sending you a copy of the revised bill that we propose to introduce before our Legislature. You will notice that the proviso in Section 1 has been changed (at the suggestion of Reuben Clark of Salt Lake) to avoid the appearance of singling out Arizona as the offending state.
Homer Mooney \#4.

I am writing you thus fully for the reason that I realize that Governor Scrugham is tied up with legislative matters and probably will not care to be bothered at this time. I wish you would drop me a line, giving me your reaction. I hope at some not distant date to be in Salt Lake and may run over to Carson City but my departure may be considerably delayed by reason of the fact that I have to pilot the ratification of the South Platte Compact through our Legislature.

You have not advised me as yet, of the answer to the wire to Commissioner Spry respecting the extent of the power reservation along the Canon in Arizona.

Very truly yours,

Delph E. Carpenter  
Commissioner for Colorado.

DEC:BB
A BILL
for
AN ACT
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Be It Enacted by the General Assembly of the State of Colorado:

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

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

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

Section 4. In the opinion of the General Assembly an emergency exists, therefore, subject to the provision of Section 1 hereof, this Act shall take effect and be in force from and after its passage.
January 19, 1925.

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Very truly yours,

Delph E. Carpenter
Commissioner for Colorado.

DEC:BB
Received at 711 Eighth Avenue, Greeley, Colo. Telephone Greeley 3

58V HS 60 GOVT

DC WASHINGTON DC 432P JAN 23 1925

DELPH E CARPENTER

GREELEY COLO

CONFIDENTIAL IN VIEW OF ATTITUDE OF ARIZONA I SEE NO HOPE OF CLOSING MATTERS UP EXCEPT SUGGESTION YOU ORIGINALLY MADE IF THE SIX STATE RATIFICATION CAN BE CARRIED THROUGH THIS DOES NO HARM TO ARIZONA AND GIVES HER OPTION OF COMING IN AT ANY TIME AND ENABLES NEVADA AND CALIFORNIA TO ENJOY BENEFITS OF GOVERNMENT UNDERTAKING THE NECESSARY CONSTRUCTION WORKS

HERBERT HOOVER

256P
Send the following message, subject to the terms on back hereof, which are hereby agreed to

To  Herbert Hoover

Street and No. (or Telephone)  Dec. Commerce

Place  Washington, D.C.

William R. Wallace, newly appointed Commissioner, staff and Hopkins Wyoming and I confered today. Everything satisfactory stop. I scrupulously. I still in doubt am expecting to leave for Carson City tomorrow for conference with him stop am avoiding general meeting stop. wire any suggestions

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

To: Governor J. G. Scruggs
Street and No. (or Telephone) Carson City
Place Nevada

If I were to quietly appear Sunday morning I could we spend the day discussing river situations stop Prefer my appearance confidential

Delph E. Carpenter
38V AX 10

CARSON NEV 1015A JAN 23 1925

HON DELPH CARPENTER

GREELEY COLO

PLEASED TO MEET YOU CARSON CITY SUNDAY MORNING ADVISE TIME ARRIVAL

J G SCRUGHAM

1140 A
RECEIVED AT
D RB 12

CARSON NEV 239P JAN 24 1925

DELPH CARPENTER

ABOARD OVERLAND LIMITED NO ONE,

WELLS NEV

SUGGEST YOU ARRIVE CARSONCITY SUNDAY MORNING ON TRAIN LEAVING

RENO EIGHT TWENTY

J G SCRUGHAM

510P
San Francisco, California,  
January 27th, 1925.

My dear Mr. Hoover:

I had an all day conference with Governor Scrugham Sunday. From 11 A.M. to 3 P.M. he had present the Republican House leader and three of his leading Senators. We discussed the whole River problem fully. Governor Scrugham finds himself in rather a delicate position. As I have previously advised you, he made his engagement with Governor Hunt to confer respecting the two-state treaty without awaiting conference with me as requested by my December letter. He conferred with Governor Hunt, and now finds himself between two fires, and has put up to me the task of extricating him from his dilemma.

He agrees that if I will find some outlet he will approve the six-state plan before the close of his Legislature, but prefers to be last and not first on this program, for reasons that will be self evident.

The legislative members were impressed with the wisdom of the six-state move. I insisted that we should take one step at a time. The Governor wanted to take the Arizona treaty along with the major task of the ratification of the seven-state treaty. The members of the Legislature were prone to agree with my position, and rather urged the Governor not to be too ambitious.

As a result of the conference I am persuaded that Nevada will approve the six-state plan, and that we may proceed with assurance that she will do so. However, I must work out some line of further "conversations" between Governor Scrugham and Governor Hunt, in order that there may be no back fire. I expect to call on Governor Scrugham with a prepared memorandum some time the latter part of this week.

As I have previously advised, Governor Bern appointed William R. Wallace Commissioner for Utah by reason of the fact that Mr. Caldwell had left the state. Mr. Wallace is a very intelligent gentleman, thoroughly advised on Colorado River matters, and a man who works well with others, but he is prone to lead off in rather a dashing manner, with the result that you have to let him run around awhile before you settle down to a definite policy. He usually arrives at the right point, and he is a very fortunate selection.
Mr. Wallace became imbued with the idea that there should be a meeting of the seven states for the purpose of outlining a policy. I opposed this idea so vigorously that it resulted in a conference at Denver on the 21st and 22nd, at which Commissioner Hopkins of Wyoming was present. Mr. Wallace finally yielded to my urging, but both he and Hopkins have a lurking desire to quietly slip down to Phoenix for a little Democratic pow wow with Governor Hunt, but have promised to await my return before making any such move. If they are still determined, upon my return, I will coach them and let them try their hand, but of course shall try to avoid any such conference if possible, as I believe the Governor would immediately capitalize their presence to our general disadvantage.

I called upon Governor Richardson yesterday. He told me frankly that California would follow your lead, and that he and McClure agreed that they would cause a bill to be introduced immediately after the re-assembling of the Legislature. McClure had failed to introduce such a bill, having conceived the idea that he should hear from me again before moving. However, it is not too late. Your telegram was very effective with Governor Richardson.

Will advise you of results after my arrival at Denver.

Very truly yours,

[Signature]

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Secretary of Commerce,
Washington, D. C.
San Francisco, California,
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To Hon. Herbert Hoover,
Secretary of Commerce,
Washington, D. C.
Send the following message, subject to the terms on back hereof, which are hereby agreed to

January 28, 1925.

Senator William J. Carr,

Pasadena, California.

Am here re Colorado River stop Anticipated conferring with you but engagements here prevent stop Can you find it convenient to confer with me here Thursday or Friday stop Answer twelve hundred four First National Bank Building.

Delph E. Carpenter.
SC1073 27 NL
PASADENA CALIF 28
DELPH E CARPENTER 3145
1204 FIRST NATL BANK BLDG SANFRANCISCO CALIF
CAN MEET YOU FRIDAY AT SANFRANCISCO IF YOU DEEM IT IMPORTANT
STOP PLEASE WIRE ME AT SIX FORTY TITLE INSURANCE BUILDING
LOS ANGELES AS TO TIME AND PLACE

W J CARR...
Send the following message, subject to the terms on back hereof, which are hereby agreed to:

January 29, 1925.

Senator W. J. Carr,

640 Title Insurance Building, Los Angeles, California.

Think advisable we talk; meet you twelve hundred four First National Bank Building.

Delph E. Carpenter.
Send the following message, subject to the terms
on back hereof, which are hereby agreed to

January 31, 1925.

Governor J. G. Scrugham,

Carson City, Nevada.

Leaving here tonight arrive Reno six fifty five tomorrow morning Will come to Carson on train stop Leave for Salt Lake tomorrow night stop Work here more or less broken with interviews but have some suggestions on paper.

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

January 31, 1925.

Mrs. Delph E. Carpenter,

1112 Tenth Street, Greeley, Colorado.

Starting east tonight Carson City care Governor Scrugham tomorrow, Salt Lake City care William P. Wallace Tuesday. Hope to arrive Greeley Thursday but prefer to avoid making engagements until I have spent day or two in Denver stop. Unable spend contemplated time at springs Salt Lake stop.

Feeling better. Love to all.

Delph
San Francisco, California,
January 31, 1925.

My dear Senator Carr:

I enclose herewith a copy of the Bill introduced before the Colorado Legislature to provide for the six or more states plan of ratification of the Colorado River Compact.

Very truly yours,

Commissioner for Colorado.

To Senator William J. Carr,
Los Angeles, California.
A BILL

for

AN ACT

RELATING TO THE COLORADO RIVER COMPACT.

WHEREAS, the Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved the Colorado River Compact, signed by the Commissioners for said States and the State of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922, (Chap. 189, pp. 684-693, Sess. Laws, Colo., 1923, etc.) and notice of the approval by the Legislature of each of said approving States has been given by the Governor to the Governors of the other signatory States and to the President of the United States, as required by Article XI of said Compact, now therefore,

Be It Enacted by the General Assembly of the State of Colorado:

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

Section 2. That certified copies of this Act be forwarded by the Governor of the State of Colorado to the President of the United States, the Secretary of State of the United States, and the Governors of the States of Arizona, California, Nevada, New Mexico, Utah and Wyoming.
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Section 1. That the provisions of the first paragraph of Article XI of The Colorado River Compact, making said compact effective when it shall have been approved by the Legislature of each of the signatory states, are hereby waived and said compact shall become binding and obligatory upon the State of Colorado and upon the other signatory States, which have ratified or may hereafter ratify it, whenever at least six of the signatory States shall have consented thereto and the Congress of the United States shall have given its consent and approval, Provided, However, that this Act shall be of no force or effect until this or a similar act or resolution shall have been passed or adopted by the Legislatures of the States which have heretofore ratified and approved said Colorado River Compact.

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

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

Section 4. In the opinion of the General Assembly an emergency exists, therefore, subject to the provisions of Section 1 hereof, this Act shall take effect and be in force from and after its passage.
A BILL

for

AN ACT

RELATING TO THE COLORADO RIVER COMPACT.

WHEREAS, the Legislatures of the State of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved the Colorado River Compact, signed by the Commissioners for said States and the State of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922, (Chap. 169, pp. 684-693, Sess. Laws, Colo., 1923, etc.) and notice of the approval by the Legislature of each of said approving States has been given by the Governor to the Governors of the other signatory States and to the President of the United States, as required by Article XI of said compact, now therefore,

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

Section 4. In the opinion of the General Assembly an emergency exists, therefore, subject to the provision of Section 1 hereof, this Act shall take effect and be in force from and after its passage.
To summarize, as a policy for the State I would urge that unless a supplementary compact can be made with California and Nevada, which will be satisfactory to this State, that the proposed Colorado River Compact be rejected.

From Gov. Hunt message
OUTLINE - COMPACT ARIZONA & NEVADA.

It is proposed that it be

in harmony with provisions Colorado River Compact/ix x
Arisona and Nevada agree somewhat as follows:

1. All works for storage, flood control and power hereafter to be

constructed on Colorado River, where that stream forms

boundary between the two states, under the joint permis-

sion and subsequent control of both states.

2. Each state to have ultimate control and benefit of all

power, revenues from power &c.

3. Each state to bear one-half all expense, construction,

operation, maintenance &c.

4. Control and management to be vested in Board of Control

to be constituted by the two states. Details to be worked

out by Board to be somewhat on order of Port Authority

created by compact by New York and New Jersey for regula-

tion of harbor. Board to grant all, permits, super-

fix and rates, supervise all construction, make all contracts, collect all

revenues, pay all expenses, pay and net revenues to reduction of indebtedness for construction and,

after final payments, to the two states.

and preferred

5. Each state to have ultimate/right to one half all power

ix x. Until each state needs its share,

generated /power may be contracted for consumption

at any points either within or without the two states,

but upon the specific condition that either state may
definite take over portions of its one-half allotment on 2

years notice to the Board.

6. Ratefixing and other powers of Board with respect to

c unborn delivered to either state (within its one-half share) shall terminate at switchboard
delivery at power plant. Each state to have exclusive control and regulation of charges, distribution &c within its own territory and to its own citizens and consumers.

7. Board to have control of rate fixing &c with respect to all power sold to foreign consumers until two states have absorbed all power.

8. Board to have power to contract with United States or with corporations or individuals respecting construction of works respective rights of each of contracting parties &c

To what extent above suggestions will conflict with rights of United States, federal power act, &c will have to be worked out with care and deliberation. It is very essential that the United States be first committed to the Colorado River Compact because:-(1) present control of navigation, (2) present control power sites, (3) international relations, and other factors. The final approval of the compact will give Arizona and Nevada the aid of their allies, the upper states, in putting the above proposed Arizona-Nevada agreement thru Congress and in securing the federal aid necessary to build storage works on river where it forms the boundary.

No special legislation is required by Arizona or Nevada. Act IV of the compact is sufficient.
ARIZONA-NEVADA SITUATION

The present Arizona-Nevada situation presents several delicate features.

Primarily, both states fear California. Some protective measures must be taken to prevent Los Angeles and other California interests from becoming permanently entrenched along the Arizona-Nevada frontier, in such a manner that they will be in a position more or less independent of both Arizona and Nevada. Nature has so shaped the surface of the country that nothing is to be feared from uses by the states of the Upper Basin.

The river forms the Arizona frontier between both California and Nevada. A three-state treaty definitely determining the respective rights of each state and outlining a permanent policy would be most desirable. But California has already bluntly refused to discuss those features essential to the protection of Arizona and, incidentally, of Nevada. Whatever the final result, an analysis of some of the factors for solution, is of value.

ARIZONA-CALIFORNIA

It is of primary importance to both states that California be

(1) Put in a position where she must consider the rights of Arizona and Nevada, and

(2) Persuaded to finally enter into engagements
sufficiently definite in their terms and liberal in their policy, to protect all interests.

PRESENT SITUATION

While the Colorado River Compact was inaugurated largely through the initiative of the states of the Upper Basin, the cause for its conclusion was the threatened lower river construction by California interests. This construction was proposed for that part of the river forming the boundary between Arizona and Nevada.

There was an indefinite but natural grouping of interests. All six states feared California, not because of antagonistic views, but by reason of her unusually rapid development, which was clearly out of proportion to similar development in the remaining states of the Basin. In other words, Arizona and Nevada were allies of the states of the Upper Basin. The same conditions still obtain.

The Compact was ratified by six states (five of the allies and California). California accepted the terms of the Compact and would be bound by its provisions if the Compact were made effective. From this viewpoint it would seem that the first essential is to get California irrevocably tied by the provisions of the Compact. The present or any succeeding Legislature could rescind by the simple enactment of a statute repealing the former act of approval. It is therefore evident that California must not only be held to the terms of the Compact, but that she be irrevocably bound at the earliest possible
date, and that, in the interim, no action should be taken which would offend California and cause a rescission.

This is of first importance. Other considerations are secondary. There can be no complete solution of the Colorado River problems without the inclusion of California, and it is a well known fact that powerful forces are at work to cause California to cease her negotiations with all other states, thereby to leave Arizona and Nevada exposed to the desires of those in control of California institutions.

**THE SIX-STATE PLAN**

The proposal, known as the six-state plan, seems to have been misinterpreted. The idea first obtained that the plan was for a six-state Compact separate and apart from Arizona. Such is not the intent. It is not a six-state plan, but is a six or more state plan. It is as comprehensive as the original plan for a complete ratification by the full seven states, but does not require the ratification, at this time, by the seventh state. It contemplates a final ratification by all seven, but would make the ratification temporarily effective between the six which have already ratified, and between them and the United States. In other words, the plan proposed would bind the six ratifying states (including California) and the United States, and would become operative as regards Arizona whenever her ratification becomes operative. The plan proposed is not exclusive and, whatever the motive for its proposal, the fact remains that it presents features of importance to Arizona and Nevada.

The language of the bill prepared for introduction by
the six states provides:

"Said Compact shall become binding and obligatory upon the State of and upon the other signatory states which have ratified or may hereafter ratify it."

Analyzing this language, it is evident

(1) That the first part of the quotation refers to the six states which have already ratified the Compact; and

(2) That the words "or may hereafter ratify it" refer to Arizona, the seventh state.

It is evident that the intent was not to exclude Arizona, but to include her, and the language of the bill is such that no further legislative action would be necessary for that purpose.

But, under the "six or more" state plan, California would become irrevocably bound by the provisions of the Compact. The Compact would become the law of the river with respect to California. She would be bound to follow its provisions respecting all matters, including interference with the rights of her neighboring states. She no longer would be a free lance, but would be party to a binding interstate engagement. Article VI of the Compact authorizes her to appoint a Commissioner to deal with Arizona and Nevada on matters of common interest.

Under the six or more state plan California not only would become bound, but Arizona would be freed from the present
embarrassing conditions. Her ratification upon condition that
the act shall not take effect until satisfactory adjustments
have been made between Arizona, California and Nevada, would
not bind California to the main Compact unless the six or more
state plan is put into effect at once. If the six or more state
plan is carried out California is bound by the Compact and
Arizona may ratify it conditionally without in any manner re-
leasing California from its provisions.

Nevada was one of the six ratifying states. One of
her purposes in ratifying the Compact was to bind California
to the provisions of some definite agreement, including a defi-
nite understanding for further interstate negotiations with Cali-
forina as provided by Article VI of the Compact.

If Arizona is to be protected under the six or more
state method it would be necessary for Nevada to endorse that
program by passing the required legislative act. By so doing
California will be bound and the matter of her ratification
will be a closed incident. Nevada might then invoke the pro-
visions of Article VI to compel California to enter into a
three-state discussion of problems affecting the states of
the Lower Basin.

Still another advantage is to be obtained by the six
or more state method. The states of the Upper Basin always have
been allies of Arizona and Nevada. California not only threaten-
ed to invade Arizona and Nevada, but threatened to embarrass
the four upper states. If the Compact is ratified by the full
seven states or is made immediately effective by the "six or
more" state method, the upper states are thereby released from any attitude of resistance in a spirit of self preservation and are free to aid the states of the lower section in arriving at a common understanding, fair and just to both Arizona and Nevada. At present, representatives of the upper states are embarrassed by reason of the fact that their full duty is that of protection of local state interests. If the Compact is made effective, this restriction no longer exists, and they are free to consider matters which otherwise might be said to indirectly involve interests antagonistic to their respective states.

Still more important is Congressional approval. Whatever agreement might be entered into between the three lower states, Congressional approval will be necessary.

Under present conditions, approval of a Compact, or Compacts, between the three lower states is very doubtful. The Senators and Congressmen from the states of the Upper Basin will oppose any two or three state action prior to ratification of the main Compact. There is no call upon them to approve in view of events during the past two years. But when the main Compact becomes effective, either by full ratification or by the six or more state plan, these Senators and Congessmen of the northern states will be free to support any compact between the three lower states. This support is a necessary prerequisite to any action by two or more states of the Lower Basin.

The principal advantage of the six or more state plan is that it affords an adequate and speedy method of binding California to the terms of the main Compact. While Nevada would be
a necessary party to such a plan, it is probably more to the advantage of Arizona and Nevada that California be bound than to run the risk of leaving the matter open, with full opportunity for California to retreat at any time.

A thorough analysis of the proposed legislation reveals that the states of the Upper Basin are making the sacrifice. They say, in effect, that they will take the risk. They are willing to permit Arizona ample time for deliberation and offer to remove all obstructions to freedom of negotiations between the states of the Lower Basin and between those states and the United States. The six ratifying states offer to underwrite the hazard.
ARIZONA-NEVADA SEPARATE COMPACT.

A Compact between Arizona and Nevada is desirable, to fix the relative rights and to define the respective interests of both states in and to the use and disposition of the water of the River where it forms the common boundary. It is important, however, that for the present, no separate action should be taken which would be offensive to California or cause a feeling of retaliation upon her part. If the transaction between the two states should proceed to a degree antagonistic to California, there is danger of California refusing to be bound by the main Compact. It is therefore questionable whether a satisfactory compact can be drawn between the three Lower Basin states or between Arizona and Nevada, during the sessions of the present Legislatures. Any misapprehension which might get abroad would be disastrous to the whole river as well as to the success of any local compact which might be concluded between Arizona and Nevada. Such a compact must be ratified to be made effective, and the support of the Senators and Congressmen from the other Colorado River states would be necessary to secure its approval.

Preferably, any compact involving the River, where it forms a boundary between Arizona, California and Nevada, should be an engagement between the three states affected. It may be preferable to cover the ground in two separate compacts. This is a matter for the future.
For the present, by way of discussion, we suggest the following items of interest to the states named:

**California's Interest.**

California's principal claims will be:

(1) Water for irrigation of the Imperial Valley and additional lands in that vicinity and on other projects;
(2) Possible municipal water supply for Los Angeles; and
(3) Power development.

The first item requires but little consideration except possibly the matter of argument for the location of diversion dams and the allocation of water in rare instances of low stream flow. Flood protection by reservoir construction will care for the low flow situation, and any agreement respecting allocation of water in such times would be of a temporary nature and would be unnecessary after the building of flood control reservoirs.

The second item might require an understanding with respect to the diversion of water for municipal uses during periods of low river flow, and a possible understanding with Nevada for easement for canals or pipe lines essential to the diversion and carriage of municipal water supply through a gravity system from some point in Nevada. Allocation of low flow for irrigation will apply temporarily to regulation of municipal diversions until flood control works have been constructed. After that time there will be no necessity of any agreement. The matter of right of way for the construc-
tion, maintenance and operation of canals and pipe lines across Nevada will require an understanding with Nevada respecting the Nevada use of such works and the regulation of control thereof by California people under Nevada authority.

The third classification is of importance to both Arizona and Nevada. Proper development for the benefit of California will come largely from works constructed along the river where it forms the boundary between Arizona and Nevada, or as it flows through Arizona. Naturally, California will wish to obtain all the available power without charge and free from taxation, in order that she may obtain it as cheaply as possible. The use of the water in Arizona and Nevada is regarded as the use of a state resource, and they will not only be interested in obtaining some toll, tax or revenue from the power transported from their state or upon the works by which it is generated, but will be interested in reserving to themselves the right to use such power as their states may demand for both present and future development, even to the extent of utilizing all the power, within their respective boundaries, at some future time when their growth and development may so require.

Arizona and Nevada are in a position of possessing something that California wishes to obtain for nothing, but for which she may be willing to pay some consideration providing the price is not too high. Arizona and Nevada are in a position of wishing to sell in order that they may obtain the required reservoir construction, the cost of which
must be repaid through the sale, as both states do not have the demands necessary to absorb any considerable part of the power which would be generated at any structure of the kind under consideration.

We consider the interests of the United States in a separate paragraph.

Flood regulation and control is of vital importance to California. This control will be best obtained by construction of dams across the river in Arizona and Nevada. Such works must be paid for and, primarily, from revenue derived from the use of the water so retarded. If the cost of such works could be paid by the states of Arizona and Nevada, the flood control benefit to California would be just as great as it would if California were burdened for the cost of the works. In other words, the use of the water either for power or irrigation and the compensation for that use must pay for the cost of construction, except for such part of the cost as may be assumed by the United States in the nature of a gift to the states.

Arizona's Interest.

The interest of Arizona, inter alia, includes:

1. Water for irrigation expansion;
2. Flood protection for lands along the main river;
3. The first right to the use of power developed from the main river within her territory or along her frontier, in conformity with her present and future demands;
(4) The right to tax or otherwise derive some revenue from works constructed for the generation of power used outside the state.

Item 1. Conservation and use of the waters in Arizona is an engineering problem for future consideration. In view of the fact that the waters diverted from the main river will be used to serve lands which naturally drain into the Colorado or the Gila and a considerable part of the quantity diverted and will return for re-use in California, irrigation expansion should not present an obstacle to satisfactory adjustment.

Item 2. Arizona is interested in flood protection measures for the protection of the lands bordering on the river including the City of Yuma and other municipalities, present and future. In this respect her interests are similar to those of California, but not of equal magnitude. The flood protection will result from the construction of any reservoir of sufficient magnitude to be of material benefit for power purposes.

Item 3. Arizona needs power and this need will increase with her growth and development. Power generated within her borders should be there used. While it is claimed that the local demands for power always result in using the available supply nearest to the plant, nevertheless it is entirely possible that the demand upon the supply might become so great that it would be impossible to disconnect distant users for the benefit of new local demands. Power being transmitted over
interstate lines has become more or less an item of inter-
state commerce, and the jurisdiction of the Federal Govern-
ment might be said to completely control such a situation.
It is desired that such conditions be avoided by making some
provision by compact whereby the State of Arizona shall have
the right to the first use of all power generated within her
territory, and of an equitable part of that generated on her
boundary. This may be accomplished by some provision whereby
the State of Arizona shall be entitled to take over power-in
stated minimum amounts and on an agreed period of notice to
the consumers to be deprived. This, or some other plan, might
be devised for the protection of the future demands of the state.

Item 4. The matter of the obtaining of the revenues,
from power developed in Arizona for the benefit of outside ter-
ritory, presents a serious question which will have to be worked
out by some duly constituted common authority, whereby the same
problems of Nevada and of the United States may be considered
along with those of Arizona. Some benefit should run to
Arizona. The degree to which Arizona should participate is
a matter for careful consideration. Whether the revenue be
derived by direct taxation or by participation in charges
received at the point of generation, or in the nature of a
toll, must be determined by long study and scientific con-
sideration through a centrally constituted Board with power
to act for all interested parties.
Nevada's Interest.

The interest of Nevada, inter alia, includes:

(1) Power development;
(2) The right to tax or otherwise derive some revenue from works constructed for generation of power;
(3) Limited irrigation expansion; and
(4) Some flood protection.

Item 1. Power development is of first importance to Nevada. The topography of the earth’s surface is such, along the boundary river between Arizona and Nevada, that the greater use of the water of the river is limited to power development. Here great storage works for flood protection, river regulation and generation of power will be constructed. Irrespective of the rights of the United States to some control of the waters of the river, which we will later consider, the State of Nevada has right and title to the waters of her share of the river and, in justice, a corresponding right to some equitable part of the power which may there be generated or of the revenue derived from such power if sold without her territory. In this respect the interests of Arizona and Nevada are largely identical. But with Nevada all other considerations are of secondary importance. She is a mining state. Her industries demand electrical energy. Her growth and the general welfare of her people necessitates the use of electrical energy and the Colorado River affords her only opportunity in this respect.
Item 2. In view of the importance of power development, it is essential that Nevada be protected, first, to a preferred right of use of her equitable part of the power developed on her frontiers and necessary for her present and future demands, and, secondly, to the benefit of an equitable part of the net revenues to be obtained from the sale of power to interstate users pending the time when Nevada may require all her part of the power. It is recognized that works constructed in this part of the river will be very expensive and that the cost must be repaid, but such works will be property and, as such, if constructed by private enterprise, the state would be entitled to levy and collect taxes. These taxes might be collected against the property itself or may be obtained through a system of tolls and charges. These may not be available pending the time when all net revenues of the plant will be required for the liquidation of construction costs, if constructed with public funds, but when the debt shall have been paid, then if not before, the state should derive her legitimate share of revenue from the use of her natural resource. If the works are constructed by private capital she should participate from the time the installation becomes revenue producing. The details of this problem will be best solved by creating a joint commission representing the signatory states, upon whom full jurisdiction in this regard may be conferred by compact.

Item 3. There is a limited opportunity for expansion of irrigation development along the Virgin River in Nevada, and further expansion might result from pumping systems by which the water of the main river is made available to cer-
tain areas of Nevada soil. The expansion of the Virgin territory is an intra-state matter. Irrigation of other territory directly from the river involves inter-state relations. In any separate compact between two or more of the three states of the Lower Basin, provision should be made for such irrigation expansion as may become feasible in Nevada.

Item 4. Nevada has a limited area of alluvial lands bordering on the Colorado River which cause her to be interested in flood protection, to a limited degree. This factor, however, is negligible when compared with her more vital interest in power development. The flood protection will follow as a consequence of power development.

**Interests of the United States.**

The interests of the United States in the Colorado River, from the north line of Arizona to the Republic of Mexico, are as follows:

(1) International relations;
(2) Control of navigation; and
(3) Use of her reserved lands for power development.
(4) Preservation of the integrity of each state and of interstate comity.

Item 1. To what degree, if at all, Mexico may later become entitled, by international treaty, to the use of the waters of the Colorado River is a matter for future determination. If any burden is placed upon the river, in the United States, it will be of first importance for the reason that
international treaties are the supreme law of the land, and their fulfillment of paramount importance. It is believed that the burdens essential to the protection of Mexican territory will not be oppressive. But whatever they may be, the river must stand the burden, and by sub-paragraph (C) of Article III of the Colorado River Compact provision is made for bearing the international burden, whatever it may be.

Item 2. Navigation is the least important of all the uses of the Colorado. In truth, it is more of a fiction than a reality. Nevertheless, the limited navigation in the past has caused the river to be classes as navigable and jurisdiction has been assumed by the War Department. It is of the utmost importance to all development of ultimate benefit to the states of the Lower Basin that the Federal control of the river for purposes of navigation be waived as early as possible. Article IV, paragraph (a) provides that all other uses shall supersede navigation. When Congress shall have agreed to the Compact, even though upon ratification by only six of the seven states, this objectionable conflict of jurisdiction will have been removed. During the interim, it may be advisable to avoid raising the issue of the United States until the Government has become committed to the Compact. Otherwise the War Department may be moved to the assertion of extreme rights of the United States which will greatly embarrass any negotiations between the three states of the Lower Basin. Power and irrigation development along the river where it forms the interstate boundary will very materially interfere with
navigation. In fact, the use of the river for navigation must become a mere incident rather than a controlling factor.

Item 3. The control of power by reservations heretofore made by the United States, may present a difficult problem. If the United States is committed to the Colorado River Compact the problem is simplified. No power structure can be erected in Arizona or on Government lands along her boundary without permission of the United States, either by direct act of Congress or through the Federal Power Commission. Arrangements which might be wholly satisfactory to the states of the Lower Basin may be unsatisfactory to the United States. The whole matter of collection of state taxes, tolls, etc., comes into direct conflict with the jurisdiction of the United States. To what degree the states, or their citizens, may participate in the revenue obtained from power structures will be a matter requiring governmental consent. In other words, a compact between the three states would be of little force unless agreeable to the United States, and it would never be ratified. In short, the first step essential to progress in adjusting the interstate relations between the states of the Lower Basin is the commitment of the United States to the terms of the Colorado River Compact.

Of next importance is the drawing of the United States into the negotiations between the three lower states so that the United States becomes a participant in the proceedings and will be bound by the conclusions. Irrespective of our ideas of what should be, the fact remains that the United
States is in a commanding position and must be reckoned with from the outset. It is to be hoped that the situation will so develop that the attitude of the representative of the United States will be tempered with a spirit of generosity rather than of opposition. This generosity is a prerequisite to any solution which will be satisfactory to the three states. All factors point in the direction of a permanent joint board of control with jurisdiction over the use and disposition of the waters of the river between the states of the Lower Basin, and it is evident that the United States must be represented upon that Board, at least temporarily. In fact, the position of the United States is so commanding that they might justly demand the greater measure of Board control, but it is hoped that some plan may be developed whereby the United States may gradually retire from the scene, leaving the three states in ultimate permanent control.

However desirable may be an immediate solution of the problems local to the states of the Lower Basin, a candid consideration of the interests and commanding position of the United States makes it self evident that the three states should proceed with deliberation and in a manner that will bring about the free and generous cooperation by the United States, which is imperative to any successful solution of the problems involved.

Item 4. Always and uppermost, the preservation of the strength and integrity of the states and the promotion
of interstate comity becomes a matter of self-defense with the nation. To what degree this fundamental principle will control depends upon the individuality of the federal representative upon any Commission formed to consider a compact between the three lower states.

CONCLUSIONS

In view of the limited time within which the Legislatures of the Colorado River states will be in session, and of the intricate problems involved in any satisfactory adjustment respecting the use of the waters of the river between two, or all three, of the Colorado River states and the United States, proper consideration of which will consume a considerable time, it is evident that no such a Compact can be concluded within time to be considered by the present Legislatures. In fact, the discussions may extend over a period of two or three years, judging from the experience of other inter-state river commissions.

The characteristics of the six or more states plan of ratification of the main Compact, may make it advisable to encourage that move in order that certain fundamental questions of vital interest to the United States may be properly disposed of before the problems of the states of the Lower Basin are taken up for discussion with any representative of the United States. Ratification by the United States of the main Compact will remove obstacles which otherwise would confront the Federal
Ratification would also clarify the situation as regards the attitude of California. This is especially important by reason of the present activity of southern California interests in promotion of ways and means to establish flood control and power development of the river.

Present consideration of the problems of the states of the Lower Basin, as well as those of the United States in that vicinity, point to the desirability of forming some sort of a controlling board to which jurisdiction of the river problems shall be delegated by the three states and the United States. While it may finally appear that such a plan is not desirable, it furnishes a subject for profitable discussion. Powers of regulating rates, fixing tolls, allocating water supplies, etc., should be delegated to such board, except where respectively limited by terms of any Compact which may be concluded and by which such a board is authorized. The extent of such powers will be one of the principal topics for discussion before any Commission duly constituted for the conclusion of such a Compact. Undoubtedly the United States should be represented on such a board even though the Compact is only between two of the three lower states.

The ratification of the main Compact will not only clear the decks for a better attitude by the Federal representative, by settlement of navigation preferential issues, etc., but will put into effect Article VI of the Colorado River Compact which provides the method of creating a joint commission.
to settle the problems of the states of the Lower Basin.

Any Compact between two or more of the states of the Lower Basin should include some provision for the reservation of a preferred right to use of a definite portion of the power developed within or along the frontiers of each state, in order that this question may be settled in advance and may not later vex the board or embarrass it nor hinder its progress. The extent of this preferential right is a matter requiring careful consideration prior to the formulation of any Compact, and an agreement upon this question is of first importance. If all the power is to be reserved for the benefit of the states in which it is developed it may prevent a third state from agreeing to the terms of a Compact. The degree to which each state may be willing to relinquish its claim to preferential right to recovery of power once contracted for inter-state transportation, should be carefully worked out before any Commission meets.

Other matters of detail should be covered by the Compact. These will develop as the labors of the Commission proceed. A Commission should be constituted by appointment of the Governors of the three states and by The President. While it is preferable that such a Commission be authorized by statute, the same result is accomplished by appointment without prior authorization by reason of the fact that any Compact concluded must be ratified by the Legislature and by Congress before it may become effective.
February Seven
1925.

My Dear Mr. Seth:

I just returned from the West where I have been going over the ground for the six-state ratification move. I have written Davis urging him to bring pressure at once upon the Republican wing of the New Mexico Legislature. I judge from newspaper reports, that matters are rather turbulent in your section.

I believe you have a copy of the bill. If not, let me know. I will appreciate any information you may give.

Very truly yours,

Commissioner for Colorado

Hon. J.O. Seth,
Santa Fe, New Mexico.

DEC:BB
February Seven
1925.

My Dear Davis:

I recommend that you get in touch with Charley Springer and others and have them take charge of putting over the bill for the six-state plan of ratification of the Colorado River compact. I anticipate that Mr. Seth and the Governor will be able to handle the Democratic side of the Legislature. I understand matters are rather turbulent and both parties should be brought into line.

I enclose herewith a copy of the bill.

Governor Richardson, of California, is going to rely entirely upon Mr. Hoover and it would therefore be well for Mr. Hoover to write the Governor and Mr. McClure urging them (1) to have the bill introduced (2) to put it across at the earliest possible date, and (3) without conditions such as the municipal ownership group may wish to attach.

I have written Mr. Hoover more at length.

I understand the Arizona situation is pretty turbulent and present indications point to a conditional ratification of the main compact.

Very truly yours,

[Signature]
Commissioner for Colorado

To Hon. Stephen B. Davis,
Solicitor Dept. of Commerce,
Washington, D.C.
February Thirteen 1925.

My Dear Governor and Mrs. Scrugham:

I wish to again express my sincere appreciation of the courtesy and hospitality extended me while at your home on the occasion of the three visits which I have made, commencing with New Year's day. I am unable to remember any occasion on which I was put so much at ease and more thoroughly enjoyed every hour of my stay. The recollection of your cordial hospitality will always be a bright spot in my memory.

Sincerely yours,

[Signature]

To Governor and Mrs. J.G. Scrugham,
Executive Mansion,
Carson City, Nevada.
GREELEY COLO FEB 13 1925

DISREGARD ASSOCIATED PRESS REPORT FRICTION COLORADO SENATE OVER 6 STATE BILL TODAY AS THE SAME SENATOR WHO OBJECTED THIS MORNING MOVED ADOPTION BILL THIS EVENING AND IT PASSED SENATE ON SECOND READING STOP HAS ALREADY PASSED HOUSE STOP FINAL ACTION SENATE MONDAY

DELFH E CARPENTER

(Addresses over)
MESSAGES TO:

W F MCCLURE
STATE ENGINEER SACRAMENTO CALIF

GOV J R SCRUGHAM
CARSONCITY NEV

WILLIAM R WALLACE
SALT LAKE CITY UTAH

S G. HOPKINS
CHEYENNE WYO

J O SETH
SANTAFE NMEX

HERBERT HOOVER
SECRETARY OF COMMERCE WASHINGTON DC
February 13, 1925.

Charles Springer,
La Fonda Hotel,
Santa Fe, New Mexico.

My Dear Springer:

I am somewhat concerned regarding the Colorado River matter and especially as regards the situation in New Mexico.

After a thorough study of the whole situation, Secretary Hoover, Secretary Work, Judge Davis, Frank Emerson (Wyoming) and myself, arrived at the conclusion that it would be wise to make the Colorado River Compact effective between the six states which have ratified it (leaving the door open to Arizona to come in at her leisure) in order that the matter might go to Congress and the United States be committed while we have a President and a Cabinet back of the plan. We were moved to this conclusion by reason of the fact that the river forms the boundary between Arizona, California and Nevada for a considerable distance and as to such portion one-half of the river would be committed to the compact so that no dam or diversion structure could be placed upon the stream that would not be imposed with the provisions of the treaty. As regards the canon where the river flows easterly in Arizona, it seems that when Arizona was admitted to the Union a provision was placed in the Enabling Act granting the United States five years within which to designate lands to be withheld by the Government for power purposes. In fulfillment of this provision the United States withdrew the entire canon in Arizona and a strip one-fourth mile wide on each side. It would accordingly appear that this part of the river is pretty much in the control of the United States and would be bound by the action of Congress in ratifying the compact.

In order to accomplish the desired objective it was necessary that the Legislatures of the 6 states, which have already ratified the compact, should pass supplemental and concurrent legislation providing that the compact shall be effective between those states which have heretofore or may hereafter ratify the compact. To this end we prepared a draft of bill (on the Colorado form) for submission to interested parties and upon their approval to be submitted to the several Legislatures, varying the form according to the legislative procedure obtaining in each state.
I enclose herewith a copy of the measure which we prepared and which has been or will be introduced and probably enacted by the Legislatures of California, Colorado, Nevada, Utah and Wyoming. You will note that the action by these five states will be futile unless similar action is taken by the Legislature of New Mexico. I have written to J.C. Seth, Commissioner for New Mexico on the Rio Grande, who has informally taken the matter up with the Governor but he does not officially represent New Mexico on the Colorado River Commission. He is naturally and properly rather reticent about pushing the project. On last Saturday I wrote Stephen B. Davis, suggesting that he take proper steps to cause the matter to be brought before the New Mexico Legislature and you may have heard from him by this time. It seems to me very important that this matter be pushed to a successful conclusion, as by so doing we will commit the United States which is the really important objective. Under the present conditions the Federal Power Commission could grant to Los Angeles, The California Edison Company or any other applicant, license to build storage works in the Colorado River Canon without condition or reservation and with no provision for our protection. In fact, there was grave danger of this very occurrence during the last twelve months and it is certain that the pressure from California merely delays the time when the United States will proceed to function in the matter of permitting development along the river in the canon region.

I have personally interviewed the Governors and leading men in California, Nevada and Utah. Utah and Nevada will unquestionably act in harmony with us. There is still some chance that California may hang back, but I have no doubt that in the end they will swing into line. Arizona is very much disturbed over this maneuver as it takes out of her hand the power to coerce California and Nevada into a local treaty with harsh provisions.

I am writing you thus fully in order that you may be apprized of the situation. I do not see where I could accomplish anything by coming to Santa Fe. If I could I would gladly appear but prefer not to come as I am not feeling overly well.
Charles Springer #3.

Another matter:— In the case of New Mexico vs. Colorado, involving our common boundary, the Supreme Court recently decided that the old Darling line is the true boundary and has ordered that the line be remarked by reason of the fact that during the 1902 survey the Government Engineers destroyed the old monuments along the line wherever they could find them. This will occasion appropriations by the legislatures of the two states to defray the expense of the survey. The 1902 survey cost $31,500 but covered the entire distance from Kansas to Utah. It probably cost about $25,000 to make the 1902 survey between the Utah line and the northeast corner of New Mexico. The remarking of the line could probably be made at less proportionate cost, depending upon the ability of the commissioner or commissioners in the matter of finding the location of lost or obliterated monuments and mile posts but it is probably safe to assume that it will cost somewhere from $15,000 to $25,000 to complete the survey in question and it will cost nearly the latter figure if first class monuments are to be erected. I have taken the matter up with members of our Legislature and they have assured me that some provision will be made in our long appropriation bill to cover the Colorado portion of the expense. They recognize the importance of knowing where the line is and of having this matter forever settled, although the strip of territory is not of great value.

Very truly yours,

Delph E. Carpenter
Commissioner for Colorado.

DEC: BB
February 13, 1925.

Arizona Republican,
Phoenix, Ariz.

Gentlemen:

Kindly forward two copies each of the edition of your paper containing the message of Governor Hunt in re the Colorado River Compact, also two copies of the edition of Sunday morning, February 1st. Forward same to

Delph E. Carpenter,
Greeley, Colorado.

Enclosed herewith 20 cents to cover charges and will gladly remit for any deficiency.

Very truly yours,

Commissioner for Colo.

DEC:BB
February Seven
Nineteen Twenty-five.

My Dear Mr. Hoover:

I attach hereto my separate letter of this date going rather fully into present developments in regard to the plan for making the compact effective between six or more states.

You will note the following:

1.- Nevada will approve;

2.- Southern California municipal interests are somewhat adverse and the situation in that state is not altogether satisfactory. Governor Richardson awaits direct suggestion from you;

3.- The New Mexico situation requires Davis should act;

4.- Colorado Lower House passes bill by unanimous vote;

5.- Utah in line and ready to go; and

6.- Wyoming not recently heard from but no trouble expected in that quarter.

Very truly yours,

Delph E. Carpenter
Commissioner for Colorado.

To Hon. Herbert Hoover,
Chairman Colorado River Commission,
Washington, D.C.
February Seven
1925

My Dear Mr. Hoover:

As per my letter of the 27th I found it necessary to go to San Francisco to prepare a memorandum for Governor Scrogham discussing the problems which might present themselves for solution of any adjustment between Arizona, California, Nevada and the United States respecting the use of the waters of the Lower Section of the Colorado River. I undertook the task solely by reason of the insistence of Governor Scrogham who seemed to be somewhat confused and desired written memorandum for his own information as well as for the basis of any future conversations between him and Governor Hunt. I prepared the memorandum with considerable care and returned to Carson City, spending Sunday, the first, with Governor Scrogham and several members of his Legislature. He was highly pleased with the memorandum and in a confidential talk, after the members of the legislature had departed, he agreed that he would put over the six-state program during the last week of his Legislature, saying that he was convinced that time would not permit any extended negotiations with Governor Hunt and above all that California and the United States must be parties to any lower state agreement.

I spent the 2nd, 3rd and 4th at Salt Lake in conference with the Governor, Commissioner Wallace, the leaders of the Legislature, et al, and departed with the promise of positive and prompt action in that quarter.

Mr. Seth of New Mexico is not the Commissioner for the Colorado river, but is Commissioner on the Rio Grande and the confidential adviser of the Governor. He advises me that it is his opinion that New Mexico will join in the six-state plan but at the time of writing, conditions were very chaotic with the Legislature. Contests were pending, members were being disqualified on various pretexts and matters were generally in a turbulent state. Judge Davis should use every legitimate influence with the Republicans in order that there may be no slip in the program in New Mexico. I shall try to get down to Santa Fe but it is somewhat doubtful as my duties are pressing and my absence has been unduly prolonged.
Mr. Hoover #2.

The Colorado House of Representatives passed the six-state bill by unanimous vote on yesterday. It now goes to the Senate where I anticipate no difficulty.

While in San Francisco, Senator Wm. J. Carr, of Pasadena, paid me a visit, upon my request. We spent a whole day going over the six state problem. He was quite antagonistic to it and is quite hostile toward Mr. Bannister. He felt that the upper states, and particularly people from Colorado, had obstructed all progress on the Boulder Canon project and that California could not join in the six-state plan for the reason that it would prejudice her fights in any future transaction with Arizona and particularly in view of the fact that the Federal Water Power Commission would then feel free to grant privileges to private capital to the detriment of the ambitions of the municipalities which he represents.

During my call upon Governor Richardson on the 26th ult. he advised me that some attorney representing the Imperial Valley had been at Sacramento seeking to put through an appropriation to finance a suit to be brought by the Imperial Valley people against upper water users.

Senator Carr advised me that he thought such a suit would be wise; that the Imperial Valley had been short of water for 70 days during the past season and that such a suit would amount to the serving of notice upon the upper water users that California was no longer to be trifled with, etc.

At the conclusion of an all day conversation Senator Carr said that he believed that he would not oppose the six-state plan if California would make her action effective only upon the approval by Congress of some measures for the construction of the Boulder Canon dam and that he might be willing to recommend that California proceed unconditionally but preferred to think the matter over. It is evident that there is more or less opposition from Southern California and that early measures should be taken to bring that section of the state into line. I have no suggestion in this regard and have refrained from visiting Southern California for reasons of policy. I believe that it would be well to urge upon Governor Richardson that prompt action is essential in
Mr. Hoover #3.

order to bolster up Nevada and to prevent a growing adverse influence from Southern California.

I have not conferred with the Wyoming representatives since my return, but anticipate no opposition in that state.

Very truly yours.

Delph E. Carpenter
Commissioner for Colorado.

To Hon. Herbert Hoover,
Chairman of the Colorado River Commission,
Washington, D.C.

DEC:3B
Mr. Delph E. Carpenter,
Greeley, Colorado

Dear Carpenter:

This will acknowledge receipt of your wire of February 13th. The situation in Arizona has become so involved that it looks like an absolute deadlock and I am inclined to believe that Nevada will be compelled to ratify a six state pact as an alternative. I will keep you informed as to further developments.

Yours truly,

[Signature]

JCS: LB
Governor
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

February 14, 1925.

Hon. Delph E. Carpenter,
Greeley, Colorado.

Dear Mr. Carpenter:

Just in possession of telegram from yourself concerning press report friction Colorado Senate over Six-State Compact. Had not seen such report, and am pleased to learn through your message that the Senate has passed second reading and the measure has already passed the House.

At Governor Richardson's suggestion, I gave copies of the proposed measure to Assemblyman Finney of El Centro and Senator Swing of San Bernardino. Mr. Swing said he would refer it to Congressman Phil Swing in Washington for comment.

Gave copy also to Board of Directors of the Imperial Irrigation District, which Board as now constituted seems to be - four members definitely committed to the Swing-Johnson bill under the leadership of Mr. Mark Rose, and one member favoring the asking U.S. Congress for money with which to provide flood control only, as embodied in measure introduced by Capt. Fredericks.

Will you kindly keep me posted concerning action on the Six-State measure by other states?

Very sincerely yours,

[Signature]

State Engineer.
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY

February 21, 1925

PERSONAL

Hon. Delph Carpenter,
Greeley, Colorado

Dear Carpenter:

As the legislative sessions of Nevada and Arizona are now in their last half period it becomes apparent that the six-state compact is desirable leaving Arizona to come into the fold at some later date. I will ask that you advise me as soon as possible as to the status of the matter in the state of California. We will undertake to ratify provided California will do the same thing.

With kind regards, I am

Yours truly,

J.G.S. Leggett
Governor

JGS:LB
COPY OF
WESTERN UNION TELEGRAM

Greeley, Colorado, Feb. 25, 1925.

W. F. McClure,
State Engineer,
Sacramento, Calif.

Nevada waiting action California six state compact stop what news stop Colorado and Wyoming both passed bill stop Utah and New Mexico will follow in due course

Delph E. Carpenter.
Greeley, Colorado, Feb. 25, 1925.

Herbert Hoover,  
Secretary of Commerce,  
Washington, D.C.

COLORADO AND WYOMING HAVE PASSED SIX STATE BILL STOP UTAH CERTAIN AND NEW MEXICO PROBABLE STOP NEVADA WRITES HER LEGISLATURE WAITING ACTION CALIFORNIA STOP HAVE HAD NO NEWS CALIFORNIA AND WOULD APPRECIATE ANY INFORMATION YOU MAY HAVE AS WELL AS YOUR DIAGNOSIS SITUATION THAT STATE.

DELPH E. CARPENTER.
Greeley Feb. 27, 1925.

Governor J.G. Scrugham,
Carson City, Nevada.

Have no news direct from California presume on account legislature just reconvened but have sufficient other information to lead me to believe six state plan will be adopted as same has strong endorsement stop Colorado and Wyoming both adopted Utah coming all right and every assurance from New Mexico stop today's news dispatches indicate Arizona ratifying conditionally which fits in well with six state program

Delph F. Carpenter
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

February 27, 1925.

Hon. Delph E. Carpenter,
Interstate Rivers Compact Commission,
Greeley, Colorado.

Dear Mr. Carpenter:

Your telegram of the 25th advising that Nevada is now awaiting action of California on the Six-State Compact, and that Colorado and Wyoming have passed the measure; also adding that Utah and New Mexico will follow in due course, duly and very thankfully received. You also want to know "what news".

Regret very much that I have no news at all for you. Have had brief discussion with Governor Richardson in company with our State Senator Swing of San Bernardino and Assemblyman Finney of Imperial Valley, with no substantial results. I understand that the Board of Directors of the Imperial Valley Irrigation District will be pleased to have this Six-State Compact ratified by the Legislature if and when storage is provided for. In answer to that suggestion, both Governor Richardson and myself have stated that in our judgment the only thing to do is to follow the text of the copy of the Joint Resolution as outlined and furnished by yourself to our Mr. McKisick.

Please keep me informed. Hope to have some news for you in a few days.

Very sincerely yours,

[Signature]
State Engineer.
DL8DMS 8AM 11 Nite

DX WASHINGTON DC FEB 28 1925

DELPH E CARPENTER

GREELEY COLO

CONFIDENTIAL I HAVE SENT STRONG CONFIDENTIAL TELEGRAM TO RICHARDSON

URGING ACTION

HERBERT HOOVER
CALIFORNIA WARNED

BY HUNTER NOT TO OOLYERICAN PACT

Accept or Reject It With No
Reservations That Will Hit
Other States, He Says.

By Associated Press

SACRAMENTO, Calif., March 8—
Governor Richardson made public to-
day a telegram from Secretary Her-
ber Hoover stating that any reserva-
tion placed upon the renewed rati-
fication of the Colorado river con-
tract will automatically necessitate the
acceptance or acquiescence of all other
five states, and charged the state's qualifing its approval
of the pact.

"Any reservations placed upon
the renewed ratification of the compact
will automatically necessitate the
acceptance or acquiescence of all other
five states now in process of rati-
fication in the new form. It is my under-standing that they will not ac-
cept any limitations because of the
upper states do not care how
much storage is built in the lower
basin if their water rights are pro-
tected.

Wouldn't Accept Conjectural Security.

I am advised that they will not
consent to make the security of their
rights to the Colorado water a
hypothetical action of the federal govern-
ment in constructing engineering
works which they cannot control.
I am advised that the feeling of many
people is that states is that they
have already sacrificed more of what
they consider their rights to the lower
basin than is justified and are
not disposed to continue longer un-
less the water rights can be reached.
I am convinced that unless we can
secure ratification on present lines
that whole controversy must be
abandoned and we will have other
questions concerning the develop-
ment of the river, and no develop-
ment will take place until the water
rights of the other states can be
settled.

The long years of failure already
behind us in the development of this
river have been due to the unwilling-
ness of the different groups to solve
one problem at a time. At this
time we are trying solely to settle
the conflict of the upper and lower
states over water rights, and nothing
else.

Idea Will Uplift Whole Proceedings.

"The reservation attempted to set-
tle still further problems of the vol-
ume or storage to be provided, and
although my sympathies are entirely
for the development of storage and
the development of the river, and no development will take place until the water rights of the other states can be settled.

The state's proposed reservation accompl
ishes nothing for California as the
storage question is settled wholly
for the federal government, and I have
no fear of failure to secure the fed-
eral action as soon as the compact
is settled. I cannot strongly recommen
d that California may act
in co-operation with the other five
states without raising new issues
which will in no way intrinsically
advance her own interest and which
may greatly jeopardize the whole of them.

[Text continues with additional paragraphs discussing the issues and concerns related to the Colorado River treaty and its implications for California and other states.]
March 2, 1925.

Hon. Delph E. Carpenter,
Interstate Rivers Compact Commissioner,
Denver, Colorado.

Dear Mr. Carpenter:

Just wired you as follows:

"Attorney for Imperial Irrigation District and Assemblyman Finney from Imperial Valley propose introduction approval Six-State Compact provided not in effect until and unless Federal government assures storage."

I have advised Messrs. Finney and Childers that I am unable to assist in the passage of such a measure, fearing that unless we stick closely to the phraseology suggested by yourself we will accomplish nothing.

Very truly yours,

State Engineer.
INTER-OFFICE MEMORANDUM

To: Mr. Carpenter

Subject

Please note attend to the following:

Resolution proposed by Assemblyman Finski and Attorney Childers 3/25 - as mind you this morning.

Date: 3/25

From: W. F. McClure
JOINT RESOLUTION

Assembly Joint Resolution No. ______ Relating to the Colorado River Compact between the States of California, Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

---------

WHEREAS, the Legislature of the States of California, Colorado, New Mexico, Nevada, Utah and Wyoming, have heretofore approved the Colorado River Compact, signed by the Commissioners for said states and the State of Arizona, and approved by Herbert Hoover, as the representative of the United States of America, at Santa Fe, New Mexico, November, 24, 1922, and notice of the approval by the Legislature of each of said approving states has been given by the Governor thereof to the Governors of the other signatory states, and to the President of the United States, as required by Article X1. of said compact, And

WHEREAS, the said compact has not been approved by the Legislature of the State of Arizona, nor by the Congress of the United States.

NOW, THEREFORE, BE IT RESOLVED by the Assembly and the Senate of the Legislature of the State of California, jointly, at its 46th Session commencing on the 5th day of January, 1925, a majority of all the members elected to each house of said Legislature voting in favor thereof that the provisions of the first paragraph of Article X1. of the said Colorado River Compact, making said compact binding and obligatory when it shall have been approved by the Legislature of each of the signatory states are hereby waived and said compact shall become binding and obligatory upon the State of
California, when by act or resolution of their respective Legislatures at least six of the signatory states, which have approved or which may hereafter approve said compact, shall consent to such waiver and the Congress of the United States shall have given its consent and approval; provided, however, that said Colorado River Compact shall not be binding or obligatory upon the State of California by this or any former approval thereof, or in any event until the President of the United States shall certify and declare (a) that the Congress of the United States has duly authorized and directed the construction by the United States of a dam in the main stream of the Colorado River, at or below Boulder Canyon, adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water; and, (b) that the Congress of the United States has exercised the power and jurisdiction of the United States to make the terms of said Colorado River Compact binding and effective as to the waters of the said Colorado River.

That certified copies of the foregoing preamble, and resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, and the Governors of the States of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.
Send the following message, subject to the terms on back hereof, which are hereby agreed to

Denver, March 2, 1925 19

To  N. C. McClure,

Street and No. (or Telephone Number) State Engineer,

Place Sacramento, Calif.

Proposed legislation by Finney inadequate max accomplish

desired result and would probably destroy present effort

stop would suggest they without introduction temporarily

believe Colorado legislature would take affront and respond

Delph E. Carpenter
Send the following message, subject to the terms on back hereof, which are hereby agreed to

Denver, March 2, 1925.

To Herbert Hoover,

Secretary of Commerce,

Place Washington, D.C.

Re Rio Grande situation have no word action by Texas and have asked Seth to check up and advise stop even though Texas does not join hearings should proceed at some time convenient time stop any time will suit me stop will advise further

Delph E. Carpenter
Send the following message, subject to the terms on back hereto, which are hereby agreed to

Denver, March 2, 1925

To Herbert Hoover,

Street and No. (or Telephone Number) Secretary of Commerce,

Place Washington, D.C.

McClure advises Finney the Imperial Valley representative proposes introduction six state bill conditioned that same shall not become effective until government has provided storage stop this would defeat whole purpose six state move 

IMMEDIATE to open way for government to act for benefit of California and will be taken as attitude bad faith by upper states stop Utah and New Mexico have not acted yet and Colorado may still rescind stop Senator Carr back of movement as per my last letter to you stop have wired McClure to have Finney temporarily withhold introduction stop give me your reaction by wire Greeley

Delph E. Carpenter

*SENDERS ADDRESS FOR ANSWER*
N SACRAMENTO CALIF MAR 2 1925

HON DELPHE CARPENTER

GREELEY COLO

ATTORNEY FOR IMPERIAL IRRIGATION DISTRICT AND ASSEMBLYMEN FINNEY

FROM IMPERIAL VALLEY PROPOSE INTRODUCTION APPROVAL SIX STATE COMPACT

PROVIDED NOT IN EFFECT UNTIL AND UNLESS FEDERAL GOVERNMENT ASSURES

STORAGE

W F McCLURE

STATE ENGR
Greeley, March 3, 1925

To W. F. McClure

Street and No. (or Telephone Number) State Engineer

Place Sacramento, Calif.

Confidential have given your matter further consideration and discussed same with Commissioner Hopkins of Wyoming stop

We fear proposed Finney measure would deflect Nevada and might disturb Utah and New Mexico and all three of which states are counting upon a clean cut action by California by passing bill similar to that introduced in other five legislatures stop

but for fear some measure such as proposed by Finney may be introduced we respectfully suggest you have some leading member agreeable to governor in readiness to introduce measure in proper form simultaneously with and as offset to Finney action stop it might be well to lead Finney away with introduction proper measure leaving Finney to introduce his as opposition

Delph E. Carpenter
Received at 711 Eighth Avenue, Greeley, Colo. Telephone Greeley 3

68V HS 10 GOVT

WASHINGTON DC 529P MAR 3 1925

DELPH CARPENTER 70

GREELEY COLO

I HAVE TELEGRAPHED THE GOVERNOR TODAY PROTESTING AGAINST THE RESERVATION

HERBERT HOOVER

354P
Resolved, By the Seventeenth Annual State Conference of the Daughters of the American Revolution, assembled at Oakland, California, in February, 1925, that the said bill be heartily endorsed and that our constituent members should use their best efforts to further its passage and approval; be it further

Resolved, That copies of this resolution shall be sent to the said association, to Senator Fellom and Hon. Harry Chamberlin and to each chapter regent in the hope that chapter regents will endeavor to bring the importance of the passage of the bill to the attention of their legislative representatives.

Also:

GUADALUPE PARLOR NO. 231, N. S. G. W.,
SAN FRANCISCO, CALIFORNIA, MARCH 4, 1925.

The following resolution was adopted at the regular meeting of Guadalupe Parlor No. 231, N. S. G. W., of March 2, 1925:

WHEREAS, There was introduced in the Senate a bill providing for and appointing a board of fifteen trustees, to have full control and responsibility in conducting the affairs of the California Historical Association; and

WHEREAS, The majority of the states in the Union have had a historical association functioning for years; and

WHEREAS, California has more history to perpetuate than any of its sister-states, and should have adequate means of carrying on its research work; therefore, be it

Resolved, That Guadalupe Parlor No. 231, N. S. G. W., in meeting assembled, do hereby endorse Senate Bill No. 727; and be it further

Resolved, That a copy of these resolutions be sent to Senator Roy Fellom, as sponsor of this bill.

WALTER L. POWER, President.
WM. J. CRONE, Recording Secretary.

By Senator Taylor:

LONG BEACH, CALIFORNIA, MARCH 4, 1925.

Senator Cadet Taylor,
Thirty-Third Senatorial District,
California Legislature, Sacramento, California.

MY DEAR SENATOR: Your kind letter of February 28th to hand and I wish to submit the information you requested therein, as follows, with reference to Senate Bill No. 729.

At the present time, the boys employed on the fire department in the city of Long Beach are working seven days a week. The boys working the night shift report for duty at eight o'clock a.m. on Sunday, and work through until eight o'clock a.m. on Monday, having one hour off during that twenty-four hour period in which to secure a hot meal. They then report off duty until six o'clock p.m., and work from six that evening until eight o'clock a.m. the following day. This routine is continued until the Sunday morning one week later, when they report off duty at eight o'clock a.m. and are off until eight o'clock on Monday morning. Then the boys work from eight o'clock in the morning until six o'clock that night and are off duty until eight o'clock the next morning, and continue thereon until the following Sunday morning, when they start their twenty-four hours on duty again. The night shift put in fourteen hours on duty and the day shift ten hours, the shifts alternating each week. All members of the fire department off duty, however, are subject to call at command of the chief or his assistants.

Therefore, you can readily see that the boys put in twenty-four hours duty one Sunday in order to secure twenty-four hours off the following Sunday, and in this way do not have a day off a week, due to the fact that they work one week end to make up for having the other week end off.

The boys on the police department work six days a week, while the boys on the fire department work seven. This, in my estimation, is unfair to the boys on the fire department.

By the passage of Senate Bill No. 729, the boys on the fire department, throughout the entire State of California, would have one day a week off, while their working hours would average twelve hours a day. The fire departments in the cities of Sacramento, Stockton, San Francisco, Pasadena, Los Angeles, Oakland and San Diego, at the present time, give their boys one day a week off and it seems as though all cities in the State should be governed alike. Therefore, I believe that the passage of Senate Bill No. 729 is only justification to the State of California and will be of great benefit to the various fire departments therein.

As to your question of wanting to know if this matter of hours should be regulated by organized city governments instead of State, I wish to say that it is possible for the city to do it, but they do not in a great many cases. In my conversations
with the Mayor of Long Beach and some other prominent men, we believe that it is a matter to be regulated by the State and then it would be carried out to the entire satisfaction of all interested.

I appreciate your cooperation in supporting this bill and wish to thank you greatly.

Very sincerely yours,

(Signed)

EVELYN HOUGHTON.

Respectfully referred to Committee on Municipal Corporations, Senator Fellon, Chairman.

CADET TAYLOR.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 6, 1925.

To the Senate and Assembly of the State of California,

I am sending you herewith, as supplemental to my message of yesterday, a copy of a telegram received from Secretary of Commerce Herbert Hoover in regard to the Colorado River Compact, and also a copy of a resolution in the form he approves. Secretary Hoover represented the federal government in the original negotiations held at Santa Fe, New Mexico, and I hope his opinions will be given earnest attention.

Respectfully submitted.

FRIEND WM. RICHARDSON, Governor.

WASHINGTON, D. C., March 3, 1925.

Friend Wm. Richardson, Governor of California, Sacramento, California.

Any reservation placed upon the renewed ratification of the compact will automatically necessitate the acceptance or acquiescence of all other five states now in process of ratification in the new form. It is my understanding that they will not accept any reservations because the upper states do not care how much storage is built in the lower basin if their water rights are protected. I am advised that they will not consent to make the security of their rights dependent upon some hypothetical action of the federal government in construction of engineering works which they can not control. I am advised that the feeling of many people in these states is that they have already sacrificed more of what they consider their rights to the lower basin than is justified and are not disposed to continue longer unless the settlement can be reached. I am convinced that unless we can secure ratification on present lines the whole compact will need to be abandoned and we will have another setback for five years in the development of the river, for no development will take place until the water rights of the northern states can be settled.

The long years of failure already behind us in the development of this river have been due to the unwillingness of the different groups to solve one problem at a time. At this time we are trying solely to settle the conflict of the upper and lower states over water rights, and nothing else. The reservation attempts to settle still further problems of the volume of storage to be provided, and although my sympathies are entirely for such a volume of storage and although I have no doubt that we shall be able to secure it, to import this idea in connection with the determination of water rights will entirely defeat the whole. The proposed reservation accomplishes nothing for California, as the storage question is one wholly for the federal government, and I have no fear of failure to secure the federal action as soon as the compact is settled. I can not too strongly recommend that California act in cooperation with the other five states without raising new issues which will in no way intrinsically advance her own interest and which may greatly jeopardize the whole of them.

HERBERT HOOVER.

ASSEMBLY JOINT RESOLUTION NO. ______
RELATIVE TO APPROVING THE COLORADO RIVER COMPACT.

WHEREAS, The Legislatures of the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming heretofore have approved the Colorado River Compact, signed by the Commissioners for said states and the State of Arizona, and approved by Herbert Hoover as a Representative of the United States of America, at Santa Fe, New Mexico, November 24th, 1922 (Chapter 17 of the Statutes of California, 1923.), and notice of the approval by the Legislature of each of said approving states has been given by the Governor to the Governors of the other signatory states, and to the President of the United States, as required by Article XI of said compact; now therefore,
March 6, 1925]  

SENATE DAILY JOURNAL  

5

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

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

SECTION 2. This act shall take effect and be in force from and after its passage.

Referred to Committee on Federal Relations.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, March 6, 1925.

To the Senate of the State of California,

I submit herewith a list of appointments to various State boards and commissions, made by me since the adjournment of the forty-fifth session of the Legislature and respectfully ask your consent to these appointments:

Board of Regents of the University of California:
Ralph P. Merritt, vice John A. Britton, deceased; appointed October 3, 1923.
James K. Moffitt, vice self, term expired; appointed March 1, 1924.
Wm. H. Crocker, vice self, term expired; appointed March 1, 1924.

State Board of Prison Directors:
George A. Van Smith, vice C. E. McLaughlin, term expired; appointed January 15, 1924.
Will F. Morrish, vice Albert E. Boynton, resigned; appointed May 15, 1924.
Thomas M. Gannon, vice B. R. Meek, resigned; appointed May 5, 1924.
Julian H. Alco, vice J. F. Olmsted, resigned; appointed November 26, 1924.

State Insurance Commissioner:
Charles R. Detrick, vice George D. Squires, resigned; appointed January 13, 1925.

Board of Pilot Commissioners for the Ports of San Francisco, Mare Island and Benicia:
Andrew Thompson, vice Alfred Greenbaum; appointed May 25, 1923.
I. N. Hibbard, vice George E. Wallace; appointed September 5, 1923.

Board of State Harbor Commissioners for the Bay of San Diego:
Alonzo D. Jessop, vice Frank L. Richardson; appointed January 28, 1924.
B. S. Cooper, vice Wm. B. Gross, term expired; appointed January 20, 1925.
Wm. B. Gross, vice Ed. Willoughby, resigned; appointed January 20, 1925.

State Board of Charities and Corrections:
H. R. Braden, vice John R. Haynes, resigned; appointed December 21, 1923.
Ralph A. Coxe, vice Jessica B. Pizzuto; appointed January 5, 1924.
Mrs. Maude S. King, vice B. H. Pendleton, term expired; appointed February 1, 1924.
Mrs. Laura L. Kelly, vice Carrie P. Bryant, resigned; appointed February 1, 1924.
Mrs. Wm. A. Fitzgerald, vice Hattie H. Sloss, resigned; appointed February 3, 1925.

Board of State Harbor Commissioners:
Charles H. Spear, vice J. H. McCallum; appointed May 22, 1923.
J. B. Sanford, vice F. S. Moody, resigned; appointed May 24, 1923.
M. F. Cochrane, vice Harry H. Cosgriff, resigned; appointed August 1, 1923.
Respectfully submitted.

FRIEND WM. RICHARDSON, Governor.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1925.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 196—An act to aid commerce and navigation by authoriz-
ing certain improvements in and about Islais creek and as a means thereof creating a reclamation district to be called and known as the "Islais Creek Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the city and county of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District—has had the same under consideration, and respectfully reports the same back with amendedments, and recommends that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; noes—0; absent—2.

YOUNG, Chairman.

Senate Bill No. 196 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 225—An act authorizing the acceptance by the State Board of Harbor Commissioners on behalf of the State of certain real property in the city and county of San Francisco bordering on Islais creek channel, and ratifying the act of said board in heretofore accepting conveyances of a portion of said property, and extending the jurisdiction of said board to the property so conveyed to the State:

Also: Senate Bill No. 697—An act empowering and authorizing the board of State Harbor Commissioners to insure against loss or damage by fire or other disaster the property of the State of California located on the water front of San Francisco, California;

Also: Senate Bill No. 777—An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters, situate in the bay of San Diego to the city of National City, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved April 27, 1923;

Also: Senate Bill No. 733—An act to amend sections 4 and 5 of an act entitled, "An act concerning the waterfront of the city and county of San Francisco," approved June 3, 1921, and adding a new section thereto to be numbered 4a;

Also: Senate Bill No. 730—An act concerning the acquisition by the Board of State Harbor Commissioners of lands lying seaward of the waterfront line of the city and county of San Francisco for the purposes of commerce and navigation; has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; noes—0; absent—2.

YOUNG, Chairman.

Senate Bills Nos. 225, 697, 777, 733 and 730 ordered on file and second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 6, 1925.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 165—An act amending an act entitled, "An act creating a State Commission on voting machines, defining their powers, and providing for their use at the option of indicated local authorities of voting machines for receiving and registering the vote of one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, by adding a new section thereto to be numbered section 21/4—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; noes—0.

SLATER, Chairman.

Senate Bill No. 165 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1925.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 488—An act to add a new section to the Political Code to be numbered 4041h, relating to fires on highways;
Mr. Delph E. Carpenter,
Interstate Rivers Compact Commissioner,
Greeley, Colo.

Dear Mr. Carpenter:

Herewith clipping from Sacramento Morning Union, even date. The article is correct in its statements. The action referred to took place yesterday, March 5th.

On the morning of March 4th Governor Richardson told Senator Swing and Assemblyman Finney that he intended submitting such a message to the Legislature and throw the whole matter in their laps to do with it as they chose.

Following the presentation of the Governor's message, the Joint Resolution was introduced with the proviso that it would not be effective until and unless the Federal government had provided means for the erection of impounding works.

Unfortunately, there is but slight interest in the matter outside of Imperial, Riverside, and San Bernardino Counties and the colleagues from other parts of California, of course, hesitate to go contrary to the desire of the gentlemen above mentioned.

Very sincerely yours,

[Signature]

State Engineer.
U. S. IS ASKED TO BUILD DAM ON COLORADO RIVER

Governor Seeks Ratification of Compact Between Seven States

Delay in the ratification of the six states Colorado river compact is sought in a bill introduced yesterday in the assembly, seeking the construction in the United States of a dam in the main stream of the river at or below Boulder canyon. The bill further stipulates that the dam is to be designed to create a storage reservoir of a capacity of not less than 29,000 cubic feet per second of water.

The Sponsors

The introduction of the bill by Isaac Jones, side, and Benjamin J. Murray followed a message of the governor to the legislature urging ratification of the compact. He attached to his message copies of the resoluion of the eight states recently adopted by the states of Wyoming and Colorado. These states ratified the compact just as it was drawn originally at Santa Fe, N. M., except that the new reservoir was to become effective, with the approval of Congress, when six instead of seven states have given the treaty their approval. Arizona, which has expressed itself in favor of the seven-state pact, is given the right of ratification later.

The states mentioned in connection with the project are California, Colorado, Nevada, New Mexico, Wyoming, Utah and Wyoming.

The Message

The governor's message to the legislature follows:

"At the 1928 session of the California legislature, a joint resolution No. 3 was adopted approving the Colorado river compact. The compact was also approved by the states of Colorado, Nevada, New Mexico, Utah and Arizona, but up to this time has not been approved by the state of Arizona. The purpose of the compact was to provide for an equitable division of the water of the Colorado river, to secure storage for use in dry seasons, to afford protection against disastrous floods. California is vitally interested in the purpose of the compact because the past one season Imperial Valley has suffered for want of sufficient water, while only a few years ago this valley and the Palo Verde Valley were injured by floods. The water of the Colorado river can be conserved by dams. Not only does the Imperial Valley demand action, but the future development of parts of Imperial Valley, Los Angeles and San Diego counties depend upon the conservation and storage of waters of this river. The city of Los Angeles is now looking to the Colorado river for future water supply."

Action Awaits

"The state of California has adopted a resolution providing that the compact be indefinitely refused, approved by the states of California, Colorado, Nevada, New Mexico, Utah and Arizona. The governor has adopted the same resolution. Nevada, Utah and Arizona are awaiting action by California. I am transmitting to you here with a resolution adopted by the state of Colorado, and the state of Wyoming, and I urge your earnest and prompt consideration of a similar resolution on the part of California."
Greeley March 8, 1925

W.R. Wallace,
Salt Lake City,
Utah.

for

Probably leave tonight train/Sacramento help McClure
stop shall I stop over day Salt Lake

Delph E. Carpenter
Greeley March 8, 1925

Herbert Hoover,
Secretary Commerce,
Washington, D.C.

New Mexico progressing fairly well and believe I may do more good Utah Nevada California and am leaving tonight overland train for stop hope to get thru series interviews without publicity and will probably remain few days San Francisco care Bohemian Club or Herbert W. Clark Crocker building in readiness aid McClure without drawing fire southern group stop will request Arthur P Davis active aid stop will advise progress

Delph E. Carpenter
Greeley March 8, 1925

H.W. Clark or R.C. Foerster
1108 Crocker Bldg.,
San Francisco, Calif.

I leave tonight for San Francisco to stay about week and prefer to avoid publicity stop could I prevail upon you to arrange for accommodations Bohemian Club stop will arrive Tuesday afternoon or Wednesday stop in event any change will wire.

Delph E. Carpenter
Send the following message, subject to the terms on back hereof, which are hereby agreed to.

San Francisco, March 12, 1925.

S. G. Hopkins,

Cheyenne, Wyoming.

Tried to get you by telephone Sunday evening but operator advised no reply stop Utah all right on Tuesday stop Interviewed McClure yesterday Sacramento he advises major portion membership both houses indifferent and without realization of the importance of the measure while southern interests having radical ideas quite active stop Thought it best to come directly here as too well known stop Am preparing memorandum and will try to get Mr. Davis to sponsor same in form of letter to McClure stop Wish some one thoroughly familiar with compact were stationed at Sacramento for next few days to do individual work among members stop My address Bohemian Club San Francisco.

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

San Francisco, March 12, 1925.

W. R. Wallace,
Salt Lake City, Utah.

Sorry could not see you but thought best to come at once Sacramento where conditions unsatisfactory by reason of fact no one has interest in measure except members from southern part of state who wish to take revenge on northern states for failure to put through national legislation their favorite stop. Conferred with McClure yesterday we thought advisable to stay San Francisco stop. Wish Emerson Wyoming or someone thoroughly informed and on compact in present movement could be stationed Sacramento to do individual work among members who may desire information. My address Bohemian Club, San Francisco.

DELPHE E. CARPENTER
San Francisco, Cal. March 12, 1925.

Governor J. G. Scrugham,

Carson City, Nevada.

What is situation your state stop Last reports New Mexico Utah satisfactory Colorado Wyoming completed stop California good but needs some one Sacramento to do individual work on account local indifference stop Will remain here few days observing events Address Bohemian Club, San Francisco.

DELPH E. CARPENTER.
VA314 81 BLUE

CHEYENNE WYO 13 418P

D E CARPENTER 278

BOHEMIAN CLUB SANFRANCISCO CALIF

SENATOR KENDRICK RETURNED TO WASHINGTON THIS MORNING HE AGREED TO TAKE UP WITH CALIFORNIA SENATORS THE SIX STATE PACT AND EXPRESSED CONFIDENCE THAT HE COULD GET THEM TO INTEREST THEMSELVES IN ITS RATIFICATION BY CALIFORNIA HE SAID HE WOULD ALSO NOTIFY CONGRESSMAN SWING OF THE NECESSITY OF RATIFICATION BEFORE LEGISLATION LIKE THE SWING JOHNSON BILL COULD BE PASSED IS THERE ANY OTHER PRESSURE WE CAN BRING TO BEAR FROM WASHINGTON
VA 314 SHEET 2/11

IF I CAN BE OF SERVICE IN ANY WAY PLEASE COMMAND

S G HOPKINS
KHB2189
NB SALT LAKE CITY UTAH 13 232P
DELPH E CARPENTER

CARE BOHEMIAN CLUB SAN FRANCISCO CALIF

SIX STATE ARRANGEMENT RATIFIED BY UTAH STATE LEGISLATURE

CONGRATULATIONS

WILLIAM R WALLACE
Send the following message, subject to the terms on back hereof, which are hereby agreed to.

March 13, 1925.

Herbert Hoover,

Secretary of Commerce, WASHINGTON, D. C.

Impossible report conditions with certainty stop McClure advises fault lies in indifference among those who should support measure while reservationists are active stop Davis out of city will not be back until first of week Hope to enlist his services stop It might be well for you to drop him confidential message care East Bay Municipal Utility District, Oakland, urging him use his good offices stop Am somewhat at disadvantage account lack of knowledge of proper persons to interview in order to develop progressive leadership stop Am remaining temporarily in San Francisco care Bohemian Club.

DELPH E. CARPENTER.
Send the following message, subject to the terms on back hereof, which are hereby agreed to

March 13, 1925.

J. O. Seth, Attorney at Law,
Santa Fe, New Mexico.

Kindly advise by letter what action finally taken by New Mexico legislature regarding Colorado River Compact and Rio Grande Commission.
Address me Bohemian Club, San Francisco.

DELPH E. CARPENTER.
March 13, 1925

PERSONAL

Mr. Delph E. Carpenter,
O/o Bohemian Club,
San Francisco, California

Dear Carpenter:

This will acknowledge receipt of your wire of March 12, 1925. Upon my request Lieutenant Governor Sullivan and Speaker Henderson of the Nevada Assembly are in Sacramento today in the interest of the Colorado River Compact.

I herewith attach copy of a wire received yesterday from Governor Tom Campbell which is self-explanatory. The state legislature of Nevada will doubtless pass authorization for both a six-state compact and the proposed supplemental compact between California, Arizona and Nevada.

An appropriation of $250,000 has recently been made for the erection of a state exposition and historical museum building for which construction contracts will soon be placed. I am interested in the subject of mural decorations for the building and have high recommendations of a Mr. Charles Dickman, an artist, who lives at the Bohemian Club. I will deem it a favor if you can obtain some information for me of his personality. We are thinking of engaging him for the work, but I do not desire to get hold of any "eccentric genius".

I will be pleased to have you visit me on your return trip. I am planning to leave for southern Nevada about March 25th and expect to be in Salt Lake City on April 1st and 2nd. I would like to have you send me the address of Mr. William Wallace, Utah Commissioner for the Colorado River Compact.

Yours truly,

[Signature]
Governor

Encl.
GOVERNOR JAMES C. SCHUHAM
CARSON CITY, NEVADA

The Arizona state legislature passed the following concurrent resolution today, certified copy being mailed you from Phoenix.

On account of early adjournment, I am anxious to present this action to you for your consideration immediately, with the hope that same will meet with your approval and presentation, with your recommendation, to your legislature.

This is the very best action that we, who favor the ratification of the compact, could bring about and I believe is fair and just to the states of the lower basin and by their concurrence will make possible that early development which you and I have worked for.

I am here in behalf of reclamation.

Kindly wire receipt and, if consistent your reason.

(Signed) THOMAS E. CAMPBELL


Be it resolved by the House of Representatives of the Seventh Legislature of the State of Arizona, the Senate concurring:

That the approval of the legislature of the state of Arizona be and the same hereby is given to that certain compact signed at the City of Santa Fe, New Mexico on the 24th day of November, 1922, by the duly authorized commissioners of the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, under the authority of the act of
Congress, approved August 19, 1921 entitled "An act to permit a compact or agreement between the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, respecting the disposition and apportionment of the waters of the Colorado River and for other purposes". Provided and upon the condition, that such approval shall not become effective nor have any force whatsoever unless and until the legislatures of the states of California and Nevada and the Congress of the United States shall approve an agreement between the states of Arizona, California and Nevada, which agreement hereby is approved by the legislature of the state of Arizona, in the following terms to-wit:

"LOWER DIVISION STATES' AGREEMENT"

The states of Arizona, California and Nevada, comprising the states of the lower division as defined in paragraph D, article 2 of the Colorado River Compact, hereby enter into an agreement dividing and allocating between the said states the water allotted by the terms of the said compact to the lower basin, to the extent and in the manner provided as follows to-wit:

"ARTICLE 1. (A) There is hereby allocated to the state of Nevada out of the apportionment to the lower basin, as provided by Paragraph A, Article 3 of said Colorado River Compact, all of the water which can reasonably be applied within said state to domestic and agricultural uses.

"(B) There is hereby allowed one half to Arizona and one half to California equally for application to such domestic and agricultural uses as such waters may reasonably be put to, within such states respectively, the remainder of the waters, apportioned as aforesaid to the lower basin, in accordance with the provisions of said Paragraph A, Article 3 of said Colorado River Compact.

"ARTICLE 2. The right given to the lower basin by Paragraph B, Article 3 of the Colorado River Compact to increase its beneficial consumptive use of the waters of the Colorado River system by one million acre feet per annum, shall attach, relate and belong, exclusively to the state of Arizona; PROVIDED that said right shall attach solely to and shall be held to completely exhaust the right to the use of waters of the Colorado River System entering the Colorado River within the state of Arizona below Lee Ferry.

"ARTICLE 3. Any waters which, it may hereafter become necessary under the provisions of Paragraph C, Article 3 of the Colorado River Compact, to deliver to the United States of Mexico, shall be supplied first out of the surplus waters of the main Colorado River passing Lee Ferry, over and above the apportionment to the lower basin contained in Paragraph A, Article 3, and if said surplus shall prove insufficient then the burden of deficiency resting upon the lower basin shall be borne by the states of Arizona, California and Nevada exclusively out of the apportionment provided in Paragraph A, Article 3, in the proportion that the respective diversion by such states, out of the Colorado River of the waters so
apportioned by Paragraph 4, Article 2, may bear to said (waters)

"ARTICLE 4. This agreement shall not be held to affect or alter, but is confirmatory of, the terms and provisions of the said Colorado River Compact; nor shall anything herein contained be construed as affecting or intending to affect in any way (except as limited by the apportionment of waters provided in Article 1 hereof) or to interfere in any way with the laws of any of the said states of Arizona, California and Nevada relating to the control, regulation, appropriation or distribution of water used in irrigation or for domestic or other uses, or any vested rights thereunder.

"BE IT FURTHER RESOLVED: That in the event the legislature of the state of California or the legislature of the state of Nevada shall fail to give its consent and approval, not later than the fifteenth day of March nineteen hundred and twenty-seven, to the lower division states agreement, as herein set out and hereby ratified by the legislature of the state of Arizona, then and in such event, the approval of the legislature of the state of Arizona, herein and hereby given to the said Colorado River Compact and to the said lower division states agreement, shall be deemed to be withdrawn and this resolution rescinded and the same shall thereby become and be null and void;

"BE IT FURTHER RESOLVED: That there hereby is authorized and created a legislative commission to be known and designated as the Lower Division of Colorado River of the State of Arizona, which shall consist of the President of the Senate, the Speaker of the House of Representatives, three members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and the Governor of the state and the State Water Commissioner shall be ex-officio members of said commission.

"Said Lower Division Colorado River Commission shall have authority and, upon request of the legislatures of the states of California and Nevada, or of either three of, or of any committee of the Congress of the United States, it shall be its duty as a committee of the whole or through a subcommittee, to confer with the duly authorized representatives of the legislatures of the said states of California and Nevada or with any committee of the Congress of the United States to discuss with such representatives or with any such committee the several provisions and terms of the said Colorado River Compact and of the said Lower Division States' agreement and to negotiate with such representatives or committees respecting any and all matters connected with or relating to the waters of the Colorado River, their division, appropriation, diversion and utilization, or with the improvement of the Colorado River and the development of its resources, to the end that the development of the said river may redound to the just benefit of the state of Arizona and as well the mutual advantage of said states of the lower division of the Colorado
River basin and said commission shall report the fact of such discussions and negotiations to the legislature of the state of Arizona with such recommendations as it may see fit to make.

"The expense of the said commission shall be a legislative expense and shall be paid out of the contingent funds of the Senate and House respectively upon claims duly approved by the President of the Senate and Speaker of the House."
April 20, 1925.

My Dear Governor Scrugham:

I just returned from Nebraska where we have been conferring regarding some North Platte river matters and find your letter of March 13th addressed to me, care of Bohemian Club, San Francisco among others forwarded me from the Club. I am utterly unable to understand why I did not receive your letter while at the Club and can only account for the failure through the fact that I went down to San Diego and was absent from the Club from the night of the 14th to the evening of the 17th but I was at the Club from the evening of the 17th to noon of the 24th. However, the fact is that the letter did not reach me and, accordingly you received no reply.

I regret that I did not receive your letter, as I could have looked up Charles Dickman. I heard of some such artist while there but heard no comment either way of his ability.

You may recall the beautiful mural decorations on the State Capitol Building at Cheyenne depicting Custer's Last Stand, the "Wagon Box" fight and other scenes of Indian warfare. These were painted by an artist by the name of True who was a resident of Wyoming and, I believe, a relative of former State Engineer True. I would suggest that you write Governor Ross asking for his name and address as his work is exceptionally fine.

While at the Bohemian Club I met an artist who stated that for many years he has been painting Colorado river scenery, including the Rainbow Bridge and other similar scenes. I do not recall his name but was rather favorably impressed with him. He had just returned from a protracted absence. The librarian informed me that he was quite a noted artist and that his specialty was Colorado river and desert scenery.

While at Scottsbluff I attended the hearing conducted by Governor Tom Campbell, et al. in the affairs of the North Platte project. Governor Campbell and I talked at some length respecting the situation in Arizona. He was convinced that everything will come out all right, as the people of that state are for the compact. He is also of opinion that Governor Hunt's veto has furthered the interests of ratification. I told him that I would not be surprised at any time to hear of a calling of the three state commission to formulate a compact between the states of the lower division,
irrespective of action of legislatures at the last sessions.

I regret that I was unable to make you a short visit upon my return but overstayd my time at San Francisco attempting to awaken some of the people to the true situation. Unfortunately the awakening was too long delayed. I hope that I shall have the pleasure of making you a visit at some not distant date. At this writing it appears that Mr. Hoover and I will be sitting at hearings on the Rio Grande during the month of May. This will be the schedule unless Texas is not in readiness to join.

Wm. R. Wallace, Salt Lake City, will reach Commissioner Wallace. He is one of the best known men in Salt Lake City and is identified with a number of interests, but has no downtown office. Either mail or telegrams have always reached him when simply addressed to Salt Lake City. His wife is quite ill and he has been absent from the city most of the time for the past 30 days.

Kingly remember me to Mr. Mooney and to Mrs. Scragham.

Very truly yours,

[Signature]

To Governor J.G. Scragham,
Carson City, Nevada.
VA 182 14
SANTA FE, NMEX 14 122P
DELPH E CARPENTER

CARE HERBERT CLARK ELEVEN HUNDRED NINE CROCKER BUILDING
SAN FRANCISCO, CALIF

COLORADO RIVER COMPACT BILL PASSED NEW MEXICO LEGISLATURE AM ASSURED
GOVERNOR WILL SIGN IT TODAY

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

March 14, 1925.

William R. Wallace

Salt Lake City, Utah.

Congratulations to you stop Conditions here improving although all available pressure should be brought to bear stop. Might not be amiss to convey idea to California interests that upper states consider proposed conditional approval six state arrangement affront in view of generous action taken by upper states to extricate California from clutches Arizona.

DELPH E. CARPENTER.
Send the following message, subject to the terms on back hereof, which are hereby agreed to

San Francisco, Cal.
March 14, 1925.

Herbert Hoover, Secretary of Commerce,

WASHINGTON, D. C.

Just telephoned McClure who feels encouraged yesterday’s hearing before Federal Relations Committee of Assembly at which your communication read and Webb Attorney General took strong stand against conditional ratification stop Large Imperial Valley delegation attended and pressed claims under leadership Mark Rose stop Committee to consider matter in future executive session stop All available pressure should be continued and thought conveyed that six state plan is offered by upper states to extricate California from clutches Arizona demanding toll and tribute exchange ratification compact stop Present plan frees California and places her on parity with Arizona stop Conditional ratification by California affront to upper states miss.

DELPHE E. CARPENTER.
Send the following message, subject to the terms on back hereof, which are hereby agreed to

San Francisco, Calif.
March 14, 1925.

S. G. Hopkins,
Cheyenne, Wyoming.

Re yours suggest wire Kendrick offering following argument for use with California representatives quote compact result crying prayer by California flood protection and opportunity power development stop. Compact delayed by Arizona seeking to extort unjust tolls and tribute from California on account compact requiring full ratification seven states and by holding out Arizona could coerce California stop. Upper states now offer to extricate California from clutches Arizona by six state method but selfish California interests seek to coerce upper states in Arizona manner by attaching conditions to act approving six state California relief measure stop. California action insult upper states and will result destruction comity and good will stop. Unconditional approval six state measure assures cooperation end quote stop. Conditions encouraging here but immediate pressure should be brought along all lines.

Delph E. Carpenter.
Mr. Delph E. Carpenter,
c/o Bohemian Club,
San Francisco, Cal.

Dear Mr. Carpenter:

Enclosed herewith please find copy of telegram from Mr. Hoover of the 13th inst. to myself, and copy of telegram of even date from Mr. Hoover to Mr. Geo. H. Davis. Mr. Davis represented the Imperial Valley in the Assembly two years ago.

It is my judgment that both Committees on Federal Relations will recommend the passage of the bill for ratification of the Six-State Compact.

Very truly yours,

[Signature]

State Engineer.
POSTAL TELEGRAM

32SF D 740AM13 745 Govt NL

Dx Washington DC March 12, 1925.

W. F. McClure,
State Engineer, Sacramento, Calif.

If the object of the reservation is to kill the Colorado Compact finally it would be successful if adopted. The northern states will not accept an agreement which means that they would have no protection of their water rights until parties whom they do not control shall have provided twenty million acre feet of storage.

Second, the use of the Colorado River has been the source of interstate quarrels over water rights and the consequent destructive opposition to development of the river first by one group and then another. The very life of the Imperial Valley has been jeopardized for several years by these quarrels. The object of the compact was to secure an equitable division of the water between the upper and lower basin in order to remove the opposition of the upper basin states and their friends in Congress to the development of flood control storage and power in the lower river.

Third, the equity of the division of the water between the upper and lower basins has not I believe in all the debate that has gone on for three years been seriously challenged. It is not challenged by even the Arizona Legislature in its present act. All the difficulties arise from injected questions like Arizona's demands on California and Californias proposed demands on the northern states which do not affect the primary
purpose of the compact. For instance, the natural flow of the river apparently over a long term averages about 17½ millions acre feet. The compact provides that the upper basin states shall be allowed to apply seven and one half million feet the lower states eight and one half million feet and that the balance shall be divided many years hence by a new interstate agreement. The practical working out of such an agreement is that the upper states may not use more than seven and one half million acre feet of the natural flow of the river and the balance must find its way to the lower basin except so far as may be subsequently agreed by all the states. It is also a practical fact that development in the upper basin will in itself act as an absorbent of the flood flow of the river by storage and early use and thus increase the low flow of the river even if no storage were erected in the lower basin. The suggestion that the supplies for the lower basin are limited to flood flow is incorrect.

Fourth, there is no basis for an argument that the compact in anyway jeopardizes the present water rights of the people in the Imperial Valley. The compact could not constitutionally infringe any water right acquired prior to it and in order to remove even the discussion of this subject one article specifically provides that present vested rights to the beneficial use of waters of the Colorado system are unimpaired by the compact. As a matter of fact the present rights of Imperial users cover entirely the low water flow of the Colorado and under this specific provision of the compact a continuous supply of at least
the present low water flow is specifically safeguarded. The attempt to secure a six state ratification is the result of the desire to remove the bloc in Congress by the upper states against the construction of Boulder Canon Dam. The six state ratification has been made necessary to California by the delays imposed upon this development through the reservations imposed by Arizona on the seven state compact. It appears to me that the introduction of the reservation is due to misunderstanding or distortion of the legal implications of the compact. Mr. McKisick, who ably assisted in protecting the rights of California throughout the negotiations should be able to clarify this matter.

Herbert Hoover
George H. Davis

Sacramento, Calif.

President Coolidge has already and assures me he will again recommend to Congress the construction of a dam in the Colorado River to stabilize the flow and eliminate flood menace and he is supported by the entire administration. Moreover I believe Congress will give it support provided our western states give it united support. I am assured this support will be given by all of the states in the basin if compact is passed without reservations. If proposed reservation is put on by California, it will again destroy the unity of the northern states.

Herbert Hoover.
April 20, 1925.

Hon. W.F. McClure,
State Engineer,
Sacramento, Calif.

Dear Mr. McClure:

You will doubtless be surprised when I inform you that your letter of March 16th addressed to me at the Bohemian Club just reached me today. It was forwarded from San Francisco April 14th and was evidently quietly reposing at the Bohemian Club while I was there. Some two or three other letters suffered the same fate. It must have been that I failed to get onto their system of handling mail at the Club.

At any rate I am writing you this letter in the hope that you will overlook my apparent neglect in failing to answer your letter.

Mark Requa has forwarded me copies of his pamphlet "The Colorado River Compact" containing the Hoover messages etc. It is quite interesting and should be of some value in clarifying the situation. I note a very concise and complete statement by yourself.

I feel that the whole Colorado river matter will work itself out in due course. It is to be regretted that the people of California did not comprehend the reason for the six-state offer. Of course Senator Carr and his associates felt that they would guarantee to the Southern California municipalities the construction of the Boulder Canon dam by practically forcing it upon the upper states as a condition of ratification. My impression is that he and they will be disappointed as the upper states look unfavorably upon the action of California. Be that as it may, there is no reason for being overly discouraged. Time, patience and work well directed will accomplish the desired end.

I wish to compliment you upon your earnest effort to bring about approval of the six-state resolution. Unfortunately Mr. Requa and others did not awaken to the situation in time to prevent the unfavorable action. That, however, is not your fault and does not detract from your
earnest efforts. If, at any time, I can be of any assistance, please command me. I trust that we may again meet and confer in the near future.

Very truly yours,

[Signature]

Commissioner for Colorado.

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SIX STATE RADIFICATION PASSED BOTH HOUSES AND SIGNED BY GOVERNOR

LLOYD GARRISON, STATE ENGINEER.