MEMORANDUM ON THE COLORADO RIVER COMPACT SIGNED BY COLORADO RIVER
COMMISSION AT SANTA FE, N. MEX. NOVEMBER 24, 1922.

This Compact, executed under the provisions of the Constitution, is the first interstate treaty involving more than two States, which has been executed in our history. The treaty was signed by delegates of the various States under the chairmanship of Secretary of Commerce Hoover, representing the Federal Government, on November 24, 1922, at Santa Fe, N. Mex.

This special commission, created by the legislatures and by Congress, had held some forty sessions during the previous year and finally arrived at the terms of the agreement for a settlement of rights in the Colorado River between the seven States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

The purpose of the Compact was to put an end to the litigation which has held up the development of the river for many years, and which threatened to hold it up for another generation. The good sense of the Western States had led them to the conclusion that a physical problem of this character can not be dealt with on legalistic principles but must be settled on physical and engineering grounds.

The following digest gives a clear view of the situation.

RATIFICATION OF THIS COMPACT MEANS:

(1) Elimination of litigation, thus removing blockade on development of 242,000 square miles, a territory larger than Republic of France.
(2) Orderly development through irrigation and cultivation of 4,000,000 acres of land, now desert.

(3) Utilization, as economic conditions warrant, of waste waters in generation of over 6,000,000 horsepower with resultant saving in diminishing fuel resources.

(4) Construction of dams urgently needed for control of floods annually, threatening Imperial and Palo Verde Valleys in California and Yuma project in Arizona—rich communities assessed at over $100,000,000, where 75,000 to 100,000 Americans gain their living.

(5) New homes for 3,000,000 American citizens, including ex-service men and women.

(6) New communities which will furnish increased markets for the whole country.

(7) Increased wealth to meet our tax burden.

SIGNATURE OF COMPACT:

The Compact was signed at Santa Fe, N. Mex., on November 24, 1922, by the members of the Colorado River Commission, who are: Herbert Hoover, Chairman and Federal Representative; W. S. Norvil, Commissioner for Arizona; W. F. McClure, Commissioner for California; Delph E. Carpenter, Commissioner for Colorado; J. G. Scragham, Commissioner for Nevada; Stephen B. Davis, jr., Commissioner for New Mexico; R. E. Caldwell, Commissioner for Utah; and Frank C. Emerson, Commissioner for Wyoming.
THE COMPACT IN OUTLINE:

Divides river system into an upper and a lower basin and on natural boundaries and economic lines; i.e., two basins are separated by a thousand miles of canyon and in time in which two basins would normally develop, and crops are different. Allocates in perpetuity 16,000,000 acre-feet or 80 per cent of the total natural flow of 20,000,000 acre-feet of the river, more than sufficient to water all lands now being irrigated and all lands which can be economically developed for forty years to come; provides for appointment of new commission at end of forty years and leaves to that commission 4,000,000 acre-feet or 20 per cent of total natural flow for second apportionment among States; gives agriculture precedence over power; river being practically unnavigable, makes navigation subservient to other uses; leaves all questions of Mexican rights to water to Federal State Department, the only organ of American people having any right to deal therewith.

HISTORIC STEP IN INTERSTATE RELATIONS:

This Compact, which adequately protects the interests of all the States and of the Federal Government, is a historic step in interstate relations, as it is the first time that more than two States have availed themselves of constitutional privilege of settling their differences by negotiations and compact. It will serve as a precedent in substitution of peaceful medium of negotiation for that of costly litigation with resultant delays in development. It has settled, after
eleven months of intensive and exhaustive study, important questions of conflict covering a whole river system and affecting seven States and the Federal Government, whereas similar disputes between two States relative to small tributaries have taken years when submitted for settlement to the courts, e. g. Wyoming vs. Colorado, decided by United States Supreme Court June 5, 1922, after eleven years of argument.

RATIFICATION:

This Compact, to become operative, must be ratified by all the legislatures of the seven States and approved by the Federal Congress. This it is anticipated will be done within the next three months as the State legislatures are now in session.

FAILURE OF RATIFICATION MEANS BLOCKADE OF DEVELOPMENT:

Delay in the ratification of this Compact by any one of the seven States leaves the road still open for litigation with the resultant blockade of this great national asset for a generation at least.
The big thing about the Colorado River Compact is that it breaks the blockade on development of the whole river. It allows us all to get ahead with river development and with flood protection to the Imperial and Yuma Valleys.

The worst thing about the compact is that it will destroy much oratory. It makes for growing spuds and not for glowing speech.

One can get great emotion over conflict and quarrel, but there is no great oratory about the fact that the northern basin is separated from the southern basin by a thousand miles of barren canyon; that the agriculture and economic life of the two basins are wholly different, and that the logical thing is to divide the water between them so they can make homes instead of defend injunctions.

Nor can one make great oratory out of the fact that there is ample water and to spare after the apportionment of enough water to each basin in perpetuity to cover all of the present uses plus all of the known feasible projects, plus 20 per cent for good measure, then holding in reserve 20 per cent for 40 years to see where it is most needed. There is nothing sensational about a compact that leaves all question of Mexican rights to water to the State Department, which is the only organ of the American people which has any right to deal with it.
There is nothing especially romantic about the provisions in the compact for complete priority of agriculture over power forever in the use of water of this river.

Yet, behind all the precise and commonplace language of this compact lies the greatness and romance of the West, the building of a million more homes out under the blue sky in security and good will.

The compact has a side interest, for with the exception of two other cases, and these only between two States, this compact marks the first time that a considerable number of States have settled fundamental interstate rights by process of treaty instead of resort to the Supreme Court.
STATEMENT BY ARTHUR P. DAVIS, DIRECTOR,
U. S. RECLAMATION SERVICE, DEPARTMENT OF THE INTERIOR,
ON THE COLORADO RIVER COMPACT.

The unanimous agreement by the Colorado River Commission
upon the details of a compact for the Division of Uses and
Protection of Rights to the use of the waters of the Colorado
River and its Tributaries is a signal victory for those qualities
and impulses which distinguish the civilized man from the savage.
It will obviate the delay and the acrimonious litigations which
a year ago seemed imminent and has cleared the way for the
provision of flood control and irrigation storage urgently needed
and indispensable to further development in the Colorado River
Basin. The original contentions of the seven States were so far
apart that an agreement seemed hopeless, but a discussion of the
various needs led to closer acquaintance with the facts and the
various points of view, and the conclusions may be said to award
to each claimant more than he expected. In view of the original
contentions, the satisfactory settlement of all these disputes
at small expense within a year after the organization of the
Commission is in strong contrast to the alternative of litigation.
The recent decision of the Supreme Court in the Wyoming-Colorado
case was rendered about eleven years after its inception and
dealt only with a single controversy in a small stream basin.
The Colorado Basin lies in seven States in which thousands of
users are diverting its waters. Its development involves some of
the largest and most difficult engineering problems ever
attempted, and a multitude of complicated interests and possible
(1a)
disputes which have been settled within eleven months instead of
eleven years. All good citizens should rejoice in this substitu-
tion of reason and progress for conflict and stagnation.

This happy result is due largely to the broad-minded attitude
of the members of the Commission, and especially to the patience,
tact, and diplomatic ability of the Chairman of the Commission,
Hon. Herbert Hoover.

The natural flow of the Colorado River averages nearly
20,000,000 acre-feet per annum. Of this, about one-third is now
used, and this includes the low-water flow in the lower basin
which can not further develop safely without storage. The
present users in the lower basin take about 3,700,000 acre-feet.
The compact awards this portion of the basin a total annual flow
of 8,500,000 acre-feet, or more than double its present needs
and sufficient to develop all feasible projects and some of
doubtful feasibility. The upper basin is awarded 7,500,000 acre-
feet, which is also more than double its present needs and
sufficient to serve nearly 3,000,000 acres additional, which
will be sufficient for all feasible projects and some of doubtful
feasibility. If this water is not consumed in irrigation, it will
run down through the canyons for use below. There remains an
apportioned quantity of over 4,000,000 acre-feet for future
division as unforeseen needs may appear. Such a further division
is provided for in the compact. Thus both basins are fully
provided for, their present development protected, and their
future development unhindered by water disputes.
RESOLUTION OF COLORADO RIVER COMMISSION
CONCERNING FLOOD CONTROL FOR PROTECTION OF IMPERIAL
AND PALO VERDE VALLEYS AND YUMA PROJECT.

The Colorado River Commission at its 27th meeting, held
November 24, 1922, adopted the following resolution concerning
flood control:

The members of the Colorado River Commission have had
constantly before them the great menace by annual floods to the
lives and property of the people of the Imperial and Palo Verde
Valleys in California, and the Yuma Valley in Arizona, and the
anxiety of their thousands of citizens.

Therefore, they earnestly recommend and urge the early
construction of works in the Colorado River to control the floods
and permanently avoid the menace, such construction to be made
subject to the Colorado River Compact.

(1b)
HISTORY OF COLORADO RIVER COMMISSION UP TO TIME OF SANTA FE MEETING, AND IMPORTANT FACTS REGARDING ENGINEERING AND IRRIGATION POSSIBILITIES OF THE RIVER.

The Colorado Basin lies mostly in American territory, where it embraces 242,000 square miles. It also includes some 2,000 square miles of Mexican territory. The American section of the basin takes in portions of seven States—the southwestern corner of Wyoming, the western half of Colorado, the eastern half and southwest corner of Utah, a portion of the western half of New Mexico, the southeastern corner of Nevada, practically all of Arizona, and the southeastern part of California. The Mexican section takes in portions of the states of Sonora and Lower California.

The problem of the Colorado has two main phases—legal and engineering—the last mentioned being subdivided into flood control, irrigation, and power. It is national in its scope, for the projects involved are of great magnitude, and the river itself is interstate, international, and navigable. In addition, the Federal Government has a peculiar interest in the development, as large areas of public lands, now desert, can be brought under irrigation and made to yield a profitable return.

This question is to-day receiving more than ordinary attention, due to the fact that the Federal Government and the seven interested States appointed, on the initiative of Colorado, a Commission to prepare a compact for the apportionment between the States of the waters of the river.
Attention has also been focused on the questions involved by the introduction in Congress of a bill for the construction of the world’s largest dam at or near Boulder Canyon, or its extension, Black Canyon, in the northwestern corner of Arizona, on the Arizona-Nevada border.

For purposes of convenience, the Colorado River Basin may be divided into three main sections—the upper, the middle, and the lower reaches of the river.

The first or upper section lies above the Arizona-Utah boundary. Generally speaking, the topography is rugged; the slope of land steep; the valley beds comparatively narrow; the irrigable acreage lies in both large and spotted areas, and the reservoir sites, although more numerous, have individually smaller capacity and potential power development than in the middle reaches of the basin. In this 900 miles the river drops some 3,500 feet.

On the irrigated lands are found to-day fine cattle, sugar beets, potatoes, fodder, garden truck, small fruits, and orchards of deciduous fruits.

This section, although comprising but 96,000 square miles, or 39 per cent of the total drainage area, furnishes an average of 15,000,000 acre-feet, \(^1\) or 87 per cent of the total average discharge of the river as recorded at Yuma, Arizona. In view of the claims of the various States, it is interesting to note the fact that the upper States are the large contributors and have at

---

\(^1\) An acre-foot of water is the amount of water required to cover an acre of land one foot deep.
the present time, compared with their ultimate needs, relatively smaller immediate uses for the water of the river, although, when more fully developed, some fifty or a hundred years hence, their demands will materially increase.

The records of the Reclamation Service of the United States Department of the Interior show that there are some million and a half acres already irrigated in this section and that another two million and a half acres are susceptible of being put under water. The four States of this section—Colorado, New Mexico, Utah, and Wyoming—claim that they have under irrigation 1,495,000 acres and that their additional acreage ultimately susceptible of irrigation amounts to 4,800,000 acres. There is also a slight difference between the estimates of the Reclamation Service and those of the States as to the amount of water actually required to irrigate each acre of land.

In this section are found eight of the lesser reservoir sites of the basin. These sites are capable of developing some 2,000,000 horsepower, or about one-third of the potential power on the river. When built, they will serve to stabilize the flow of the river so that the waters may be used for irrigation of additional acreage. They will also operate to a certain extent as flood control and at the same time would increase the capacity of the water-power sites in the canyon section of the middle reaches of the river.

This section of the river is half-and-half an irrigation and a power project, although for the moment irrigation is the more important.
The middle reaches of the river, which extend from the Arizona-Utah border to the mouth of Bill Williams Creek on the Arizona-California boundary, a distance by the river of about 500 miles, contains the high-walled canyon region of the basin. In this distance the river drops some 3,000 feet.

This section, which comprises about 77,000 square miles, or 32 per cent of the basin, contributes but a small percentage of the total discharge of the river.

Owing to the contour of the land, there is probably but little acreage which is susceptible of irrigation from the main river, although the Little Colorado River in Arizona and the Virgin River and its tributaries in Utah and Nevada have some 250,000 acres of land actually under irrigation or that may be put under water. In this section are found practically all the agricultural products of the upper reaches, together with some of those found in the lower reaches.

As the irrigation possibilities are small and as there are latent here some 4,000,000 horsepower, this section is primarily a power proposition.

In this section are many dam sites, three of which have been investigated—Lee Ferry, Diamond Creek, and Boulder Canyon. At two of these sites, Lee Ferry and Boulder Canyon, the possibilities of building dams far larger than any now in existence are under consideration. Progressing down the river the first of these great sites is found at Lee Ferry, in Glen Canyon, at which point it is thought possible to build a dam 600 feet high, capable of storing 30,000,000 acre-feet of water and developing
600,000 horsepower. This dam would have as its primary purpose the generation of power, as there is little irrigable land immediately below it. It could also exert an influence on flood control and equalization of the flow of the river for irrigation of lands in the lower reaches, but this could be more effectively done by a dam nearer to the land which is to be protected from the floods and which is susceptible of irrigation. Some 250 miles farther down the river the second large proposed reservoir site is found at or near Boulder or Black Canyons. This dam, if built to its full height of 600 feet above present low-water level, would store some 31,400,000 acre-feet of water and develop 700,000 primary horsepower, while, if built to a height of 550 feet above present low-water level, would store 26,500,000 acre-feet and develop 600,000 primary horsepower after due allowance has been made for the irrigation requirements. Between these two large sites are possible sites of relatively small importance but which would be utilized for concentrating head, development of power, and regulation of the load. Among these is the Diamond Creek site, where a power dam, which will create but little storage, is under present consideration as a medium of furnishing cheap power, which is greatly needed by the Arizona mining districts.

The third section, or lower reaches of the river, comprises that portion of the basin in the southern half of Arizona and the southeastern portion of California, east and south of the Sierra Nevadas, where the Palo Verde, Coachella, and Imperial Valleys lie. This area, which includes about 69,000 square miles, or 29 per cent of the basin, contributes about 6 per cent of the
discharge, the majority of this coming from the Gila River in Arizona, on whose tributary, the Salt River, is the Roosevelt Dam. In this stretch of some 300 miles the main river drops but about 500 feet.

The land here, generally speaking, lies in large concentrated level blocks. The climate is more gentle, almost semitropical, thus permitting continuous agricultural operations throughout the year. It is economically easier of development. All this means that it will go ahead much faster than the more broken lands of the uppermost States with their harsher and more rigorous weather and their shorter growing seasons.

This section is primarily an irrigation project, as the power potentialities are relatively small when compared with the upper and middle reaches of the river. There are grown on the irrigated lands fodder, garden truck, long staple cotton, and citrus fruits.

In this section the Reclamation Service estimates that there are under irrigation to-day approximately a million acres and that slightly over a million more acres are susceptible of irrigation. While the estimates of the two States of Arizona and California and that of the Reclamation Service as to present irrigated areas are in practical accord, the estimates of the two States as to additional area susceptible of irrigation show an excess of some

1 The Roosevelt Dam, which has helped to transform Phoenix from a hamlet of 5,000 to the present modern and flourishing city of about 30,000 inhabitants, is 280 feet high and impounds 1,365,000 acre-feet, small in size compared to the dams proposed at Boulder and Black Canyons and Lee Ferry, and in the benefits that will accrue.
four hundred thousand acres over those of the Federal service.

Records of the Geological Survey made over a period of nine
years at Yuma, Arizona, about 10 miles above the Mexican line,
show the annual average discharge of the Colorado River and all its
tributaries to be about 17,300,000 acre-feet. The range of flow
has been from 9,870,000 acre-feet in 1903-04 to 26,100,000 acre-
feet in 1908-09. Frequently the discharge falls below 5,000 cubic
feet per second, while in flood seasons the discharge sometimes
surpasses 200,000 cubic feet per second. This flow or discharge,
of course, shows the approximate quantity of water at present
available to develop power and to irrigate lands susceptible of
irrigation in the basin above Yuma and the new and old lands in
California, which diverts its water below Yuma.

It is the opinion of those who have studied the question
that there is sufficient water to meet the irrigation needs of all
the States and, at the same time, to develop 6,000,000 horse-
power provided proper reservoirs for storage are built. Such
reservoirs would overcome the present variability of flow, and
would not only be of benefit to the States in the lower basin,
but would be of assistance to the States in the upper basin in
that, during years of low run-off, the upper States could utilize
to the fullest possible extent the entire discharge, if necessary,
without damage to the lower States, which could draw upon the
surplus water impounded.

At the present time the normal low-water flow of the river
is practically all absorbed. The necessity of a control reservoir,
if for no other reason than to permit further development
of the river, is recognized by all.
As to where the storage shall be effected—there are advocates of building dams simultaneously at several of the lesser reservoir sites in the upper basin. There are advocates of constructing one large reservoir at Lee Ferry. There are advocates of placing a large dam at or near Boulder Canyon or its continuation, Black Canyon. Any dam to be economically feasible must be constructed at the point where the three purposes for its construction—flood control, irrigation, and power—are best accomplished. The Boulder Canyon or Black Canyon sites, according to present available information, seem to answer these purposes more completely than any other large reservoir sites, in that they control more tributaries of the main river than any other of the sites under consideration, thereby giving better flood protection; they are nearer to the largest concentrated area of irrigable lands and those which will come under development the most rapidly, and are nearer to the largest present power markets, namely, Southern California, the mining districts of Arizona, Nevada, and Utah, and the greatest number of railways. In addition, construction materials could be more easily brought to these sites, as they are closer to existing railways, forty miles, as compared with Lee Ferry, which is one hundred and forty miles from the Santa Fe Railroad.

Probably the most urgent of the engineering aspects of the problems involved in the Colorado River Basin is that of flood control for the protection of the Imperial, Coachella, and Palo Verde Valleys in Southern California from the spring floods of the main river and the winter flash floods of the Gila River.
To relieve this situation, and in accordance with recommendations of the Reclamation Service of the U. S. Department of the Interior, Representative Swing, of California, on April 25, 1922, introduced a bill in Congress asking for authorization of an appropriation of $70,000,000. Fifty millions of this amount is to be spent by the Federal Government for the construction by it of a dam at Boulder Canyon or Black Canyon which will act not only as a flood control, but will be a source of income by generating some 600,000 horsepower, and making possible the irrigation of over a million acres of land in Nevada, Arizona, and California. The balance of $20,000,000 is to go toward Federal construction of an All-American Canal which will divert the water at Laguna Dam and lead it to the Imperial Valley entirely through American territory. This will relieve the valley and its American citizens from practically the entire maintenance of the present International Canal which diverts the water at Hanlon Heading below Yuma, takes it through American territory for a short distance, then passes into Mexico and back again to the American side of the line. The Federal Government, it is estimated, will, in about forty years, be reimbursed for these projects by the sale of power and by fees charged for delivery of the water to the irrigated lands.

Hearings have been held on this bill before the House Committee on Irrigation of Arid Lands.¹ Delegations from California appeared in support of the bill as drawn. Secretary Hoover, Chairman of the Colorado River Commission, likewise testified,

¹This bill is still before the Committee (Jan. 15, 1923), pending action by the States on the compact.
urging, because of the emergent situation, immediate legislative action for the construction of the dam provided proper clauses were inserted in the bill preserving the present legal status and rights of the seven States and providing that no priority rights as against the upper States be created by the dam itself.

The hearings developed on the part of the upper basin States certain opposition to the construction of the dam on the ground that the Colorado River Commission, which had under consideration the question of partition of the waters of the river among the seven States, had not reached its final conclusions and also on the ground that under the interstate priority rule recently established in the case of Wyoming vs. Colorado, the dam at Boulder Canyon might create as against them and their appropriators a prior water right for the full amount of the water impounded. When it is realized that the dam at Boulder Canyon would store more than a year and one-half's average flow of the river it will be seen that the creation of such a right would prevent further development in the upper reaches.

The recent unanimous decision of the United States Supreme Court in the case of Wyoming vs. Colorado, handed down in June, 1922, by Justice Van Devanter, has added a new chapter to the law on water rights in the arid West.

The Western law varies from the water law of the humid East, where the common-law doctrine of riparian rights prevails. This latter doctrine in general terms is that he who owns land adjacent to a stream owns to the thread of the stream, is entitled to the natural flow of the stream by his lands, and, if using the water,
must use it on lands adjacent to the stream.

In the old mining days another doctrine was initiated in the West. A man desiring to secure water for washing out his gold went to the nearest stream, dug his ditch and led the water to his claim which might or might not be adjacent to the stream. He applied a certain number of second or acre-feet to a beneficial use, namely, for mining or for domestic or for irrigation purposes. By this application he acquired a prior or absolute title or right to the use of the quantity of water so applied and no one could come upon the stream at a later date and appropriate waters therefrom so as to interfere with the right so acquired. The doctrine of law dealing with this right is called "the doctrine of prior appropriation," which is that he who is first in time is first in right.

This doctrine of prior appropriation has for some time been pretty generally recognized by the arid land States as applying between appropriators within the boundaries of a given State.

The question of the rights of appropriators in different States to the waters of an interstate stream has never been definitely settled until the recent decision in Wyoming vs. Colorado, although the Supreme Court did treat this question in an earlier leading case, Kansas vs. Colorado, 206 U. S. 46, "wherein the relative rights of the two States, the United States, certain Kansas riparians and certain Colorado appropriators and users in and to the waters of the Arkansas River, an interstate stream, were thought to be involved." In the Wyoming-Colorado case, brought by the former State to prevent diversions by appropriators
in the latter State out of the basin of the Laramie River, which rises in Colorado, the following principles were recognized by the U. S. Supreme Court:

(1) That, as between appropriators on an interstate stream flowing through two States both of which recognize the doctrine of prior appropriation within their boundaries, the rule of "first in time is first in right" shall apply regardless of State lines.

(2) That, where two States both recognize the principle of diversion of water from one watershed to another within their boundaries, one of these States could not object to such diversion by appropriators within the other State.

(3) That the State within whose boundaries an interstate stream originates, can not utilize the waters of such stream as she chooses regardless of any prejudice that such use may work to others having rights in the stream beyond her boundary, as a river throughout its course in both States is but a single stream.

(4) Distinguishes the case from that of Kansas vs. Colorado, which applied the doctrine of equitable apportionment on the ground that the latter case was between two States which recognized different doctrines—Kansas following the riparian theory, while Colorado employed the doctrine of prior appropriation—while in the Wyoming-Colorado case both States recognize the doctrine of prior appropriation.

This case has been gone into more or less fully because of the similarity of questions involved to those affecting the Colorado River and because of the importance of the decision with regard to the rights of the seven States to the Colorado waters.
To-day all seven States of the basin recognize within their boundaries the doctrine of prior appropriation, with the possible exception of California, which recognizes both the riparian and appropriation doctrines, but which contends that the doctrine of priority is applied to the Colorado waters used within her boundaries for beneficial use.

These were some of the conflicting and complex questions confronting the Colorado River Commission at the time of the Santa Fe meeting. This Commission was created by legislative action of the seven States of the basin in 1921. It was recognized by the seven States at that time that the low-water flow of the river was practically appropriated and that the way was open for endless litigation respecting rights to the water of the river—endless litigation which might tie up for years to come further development of the untold latent wealth of the basin as it had done for the past ten years in the case of the Laramie River. To avoid just such delays the Commission was appointed to apportion the waters of the river among the several States—primarily a legal question, yet one involving the careful study of the complicated irrigation and engineering features of the basin. As the Constitution of the United States contains a clause forbidding the States of the Union to enter into an agreement inter se without its consent, it was necessary for the Federal Government to give its approval to the proposed negotiations. This was done in August, 1921, by legislation authorizing the negotiations, providing for the appointment of a representative who should par-
participate in the negotiations to protect the interests of the Federal Government and specifying that the negotiations between the States should be terminated by January 1, 1923.

The President in December, 1921, appointed Secretary Hoover as Federal Representative. The first meetings of the Commission were held in Washington in late January, 1922. At these meetings, at which Secretary Hoover was elected permanent Chairman of the Commission, and after serious discussion of various forms of compact, it was decided that before reaching a definite determination it would be best to hold a series of hearings in the seven States, where the viewpoints of the different States could be heard at first hand by the Commissioners.

Accordingly, hearings were held in March and April at Phoenix, Arizona; Los Angeles, California; Salt Lake City, Utah; Grand Junction and Denver, Colorado; and Cheyenne, Wyoming. On completion of these hearings the Commissioners desired further time in which to study the records and agreed to adjourn to meet again in early November at Santa Fe, New Mexico. At this meeting the Colorado River Compact was signed under date of November 24, 1922.
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 28, 1937 (42 Statutes at Large, Page 177), and the Acts of the Legislatures of the said States, have through their Governors appointed as their Commissioners:

W. S. Norriel for the State of Arizona.
W. F. McCloskey for the State of California.

COLORADO RIVER COMPACT

Stephen R. Davis, for the State of New Mexico.
R. E. Carlisle for the State of Utah.
Frank C. Reams, for the State of Wyoming.

SIGNED AT

SANTA FE, NEW MEXICO

R. E. CARLISLE, Commissioner for the State of Utah.
W. F. MCCLOSKEY, Commissioner for the State of California.
W. S. NORRIEL, Commissioner for the State of Arizona.

NOVEMBER 24, 1922

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.
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, 1922 (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. Scragham 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 compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future 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 River Basin is divided into two Basins, and an apportionment of the use of part of the water of the Colorado River System is made to each of them with the provision that further equitable apportionments may be made.

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 Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the Upper Division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre feet for any period of 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 can not reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River System apportioned by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October first, 1903, if and when either Basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

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

**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 cooperate, ex officio:

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

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

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

**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 action 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 Legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the Legislatures shall be given by the Governor of each signatory State to the Governors of the other signatory States and to the President of the United States, 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.

W. S. Norviet.
W. F. McClure.
Delph E. Carpenter.
J. G. Scougham.
Stephen B. Davis, Jr.
R. E. Caldwell.
Frank C. Emerson.

Approved:

Herbert Hoover.
THE AREA AFFECTED BY THE COLORADO RIVER PROJECT

Hundreds of thousands of acres of arid land will be made into fertile farms by the development of the Colorado River, and great hydro-electric plants will distribute power from Los Angeles to Denver.
Duplicate pages not scanned
See originals in folder

Water Resources Archive
Colorado State University Libraries