The future growth, development, and prosperity of the arid West will be measured by the use that is made of its available water supply.

The November elections: What do they mean to Colorado water users?

Big gains for Democrats in the West are generally interpreted to mean that huge new Western water resource development programs will be favored in Congress.

But individual losses to Western water development efforts were severe ... men with tremendous backgrounds of seniority and demonstrated capabilities. Wyoming lost Senator Frank Barrett, author of the Barrett Bill aimed at preserving the integrity of state water rights. Another Wyoming casualty: Governor Milward Simpson, strong friend of Colorado in Colorado River negotiations.

Nebraska voters dumped out of office the senior Republican member of the House Interior and Insular Affairs Committee, Dr. A. L. Miller, a former chairman of the reclamation subcommittee.

Arthur Watkins of Utah, a chief Republican reclamationist in the Senate, was defeated.

Replacements on the Western water team have a major task in gaining the experience and seniority only time can supply.

But note this: Senate power has definitely shifted westward.

In the House, Colorado's Wayne Aspinall moved into the reclamation driver's seat following re-election. Aspinall will be elevated to the chairmanship of the House Interior and Insular Affairs Committee, the post formerly held by Clair Engle of California. This committee handles all congressional problems relating to natural
resources. A seat on the 31-member House Interior Committee is of vital importance to western lawmakers.

J. Edgar Chenoweth of Colorado retains his seat on, and seniority in, the House Interior Committee, following re-election. Chenoweth and Aspinall are both members of your Water Congress.

Colorado Senators Allott and Carroll were not up for re-election. Nevertheless, election casualties open the way for Allott to move up to fourth place among Republicans on the Senate Interior Committee. Carroll apparently will retain his former position on the Democratic side of the Senate Interior Committee.

Seniority on these Congressional committees is important. It depends on date of appointment.

Columnist Roscoe Fleming reports an interesting bid by California for influence in Congress through exploitation of the seniority system. The scheme goes something like this: California's retiring Senator Knowland would resign his post a few days before his term expires. Retiring Governor Knight would name Senator-elect Clair Engle to finish out Knowland's term. This would give Engle a few days' seniority over the flock of 18 other new senators.

It may not work because of California's internal conflicts. But, says Fleming, the plan is so good as a means of acquiring priority in the new Congress that upper basin states might well consider it in view of the running war over water.

Fleming: "Clair Engle has been a comparative gentleman on the subject, but when it comes to water in the West, you just can't trust anybody . . . why should not Senators Watkins (Utah) and Barrett (Wyoming) surrender their seats a little early in order that their already-elected successors may be appointed? Why should not the governors of Utah and Wyoming take this step for their states? It might be pretty important in the Rocky Mountain Empire's struggle for control over its water."
California is expected to come up with seven more representatives after the 1960 census, due to her population explosion. Arizona should gain a house seat due to population shifts. California's present house delegation of 30 would be boosted to 37. Colorado will probably continue at 4 house members.

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The Colorado Water Conservation Board met on November 12, under a new vice chairman and presiding officer, Ben Stapleton, Jr., of Denver. Stapleton replaced Ray Moses of Alamosa who became attorney for the Board. Moses is also 1960 president-elect of the Colorado Bar Association.

Selection of Stapleton, son of Denver's late mayor, to head the State's policy-making board on water, symbolizes Colorado's new efforts to achieve unity on water programs. Stapleton is the first Colorado Water Conservation Board member representing either slope to succeed to the vice chairmanship since the Board was created in 1937. Previous chairmen have come from the San Luis Valley and North Park.

Clarence Burr of Walden was recently re-appointed by Governor McNichols to another term on the Colorado Water Conservation Board. Burr is also an effective member of the Executive Committee of your Water Congress.

Evidence of Governor McNichols' sincerity about his water program: His attendance at virtually the entire session of the Colorado Water Conservation Board's post-election meeting. McNichols appears to be determined to improve Colorado's weak position on interstate water problems and to develop a sound water program for Colorado.

Recently, McNichols called some Colorado water leaders to his office to hear a proposal by a representative of the U. S. Office of Public Works. The proposal: Establish a super federal data coordinating agency for the western drought area. The Governor's decision: Give Colorado's official state agencies and the water users of Colorado through their Water Congress a chance to study the proposal and to make recommendations.
The first annual convention of your Water Congress was attended by 163 members. The membership decided:

. . . To set February 1, 1959 as the deadline for holding local meetings of the Water Congress district organizations,

. . . To continue Water Congress financing on the basis of voluntary memberships and contributions, to force the organization to be productive in order to maintain itself,

. . . To submit to the State Legislature certain amendments aimed at clarifying the authority of counties and certain other entities to participate financially in the program of the Water Congress,

. . . To send a letter to Laurence Rockefeller, Chairman of the newly created Outdoor Resources Review Commission, requesting appointment of Glenn Saunders to the advisory council to the Commission,

. . . To bring about a thorough study of Rio Grand compact problems to (1) - See if anything can be done to change Colorado from a debit to a credit status and (2) - If this cannot be done, to prepare Colorado for probable litigation with Texas,

. . . To work out a plan for merger with the Colorado Watershed Conservation Association and to work out a change in Water Congress by-laws which would enable the Congress to represent Colorado water users in National Reclamation Association activities,

. . . To vigorously support federal legislation aimed at preservation of state water rights, and

. . . To vigorously support expansion of the technical staff of the Colorado Water Conservation Board.
The Water Congress convention re-elected John Barnard, Jr. as Chairman and Charles Fisk as Secretary-Treasurer. Selby Young of Colorado Springs was elected Vice Chairman.


Charter members in your Water Congress total 252. Sustaining members have contributed $4,130. This has occurred during the past 5 months without either a membership drive or a financial drive.

Water Congress funds now amount to $3,570. Coming up early next year, a concerted drive for individual members and sustaining membership contributions. Targets: Colorado water users . . . the men who use the shovel and wear the boots. For financial assistance: county commissioners, cities, chambers of commerce, corporations, irrigation districts.

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Fifty-five Coloradans journied to Houston for the annual convention of the National Reclamation Association. Colorado ranked second among the 17 western states in number of representatives present. California registered 104 delegates.

Included in the Colorado delegation were 8 members of your Water Congress Executive Committee. Also 3 members of the Colorado Water Conservation Board, as well as the Board's Director and its Attorney.

J. Edgar Chenoweth of Colorado was the only Congressman attending this N.R.A. convention. His presence boosted Colorado's stature in Western water affairs.

The N.R.A. operates on an annual budget of $45,800. The financial burden is divided among the 17 states on a voluntary basis. Colorado and Washington, each with a $3,200 quota, are second high. California's $7,000 quota is highest, but $5,400 of that is paid by the State of California.

Your Water Congress will try to raise funds to meet Colorado's 1959 N.R.A. quota. Objective: One unified annual effort in Colorado to obtain funds for water development.
Rumors of internal troubles drifted out of the California N.R.A. caucuses. Los Angeles and the Imperial Valley versus Northern California. Southern California appeared to be losing its traditional hold, with control moving northward. Result: Moderation in water policies. Keep in mind that Northern California is mostly with Colorado on water problems. They are friends to be cultivated.

Probably as the result of internal conflicts, California's influence on the N.R.A. Resolutions Committee appeared to be negligible. In contrast, Colorado moved into a position of leadership. A Colorado sub-committee furnished the resolution on reserved or withdrawn lands legislation... probably the most controversial of the 24 resolutions adopted at the Houston convention.

N.R.A. policy is established by resolutions and it is implemented by a full-time executive secretary located in Washington, D.C. Congressmen regard these resolutions as official expressions from reclamationists in the 17 states.

Resolution No. 1 was called "Compliance by all Federal Agencies with State Water Laws". It is along the same general line as the unsuccessful Barrett Bill. Prospects in the 86th Congress: Poor!

The Interior Department has supported the Barrett Bill. But the Departments of Defense and Justice have been against it.

Justice says the Barrett Bill is a give-away of government property. Their most effective argument: Why vote to give away to a few people in the West a valuable water resource that belongs to all the people?

Defense Department means Rivers and Harbors to many people... vast public works programs. If Justice and Defense say "No", the Barrett Bill or its equivalent can't get through the Senate, let alone the House.

What then?... Compromise. Not the whole fence now but a post-hole at a time. Just try at this time to eliminate the withdrawal and reservation theory established by the Pelton and Hawthorne decisions. The practical danger is not the academic question of who owns the water rights in the West but rather the priority of use, or what is known as the withdrawal and reservation theory.
N.R.A. Resolution No. 2, called "Reserved or Withdrawn Lands Legislation", was developed with compromise in mind. Basically it says that use of water by the federal government comes after all prior uses filed under state law.

**Outlook?** It seems to have a chance of getting through Congress. The entire administration, including Justice and Defense, seems to support it.

**Hottest issue before the N.R.A. convention: Wilderness Areas!**

Strong pressures have been built up for quick passage of a wilderness bill in the next Congress. **Objectives:** Establish a national wilderness preservation system consisting initially of about 50 million acres of federal lands. Preserve these lands as wilderness by excluding all uses which would impair their primitive character. No tourists (no roads). **No water development!**

The wilderness system would be administered by a National Wilderness Preservation Council, consisting of the Secretarys of Interior and Agriculture, the Director of the Smithsonian Institute and 3 citizens.

The last Congress created a National Outdoor Resources Review Commission. **Its job:** Recommend the amount and location of recreational areas, including wilderness, required by the nation to meet future needs. Laurence Rockefeller is chairman of this commission. Membership will include 4 congressmen, 4 senators and 7 appointees by the President.

One of the presidential appointees is former Coloradan Joe Penfold, ardent and effective executive of the Isaac Walton group. Your Water Congress has made a strong effort to have Glenn Saunders appointed to the advisory council to this Commission. The advisory council has not yet been named.

A series of hearings has been held on the Wilderness Bill. Your Water Congress sent Donald Hamburg to a hearing in Albuquerque with a statement that Colorado is still studying the proposed wilderness legislation and that appropriate representations in behalf of the people of Colorado will be made at a future hearing.

**Emotions run high** on wilderness legislation. Proponents draw tremendous strength from people in the nation-wide conservation movement who are not fully informed on how restrictive the legislation really is.
The N.R.A. convention adopted two wilderness resolutions. One was a hard-hitting statement aimed directly at wilderness enthusiasts. The other was a mildly worded statement favoring broadest possible use of public lands, with useful purposes given preference. Colorado preferred the latter, realizing that he who mounts a tiger should have plans for dismounting same. But the convention was emotionally aroused in favor of the tough statement and Colorado decided not to oppose this sentiment.

Glenn Saunders' Wilderness Bill speech was far and away the most stimulating talk at the N.R.A. convention.

Next year the N.R.A. convention comes to Denver. A thousand people are expected. The official invitation was extended by your Water Congress Chairman.

Trouble on the Glen Canyon Project in the states of New Mexico, Utah, and Wyoming apparently are not going to go along with the Colorado resolution. They agree with its correctness but don't want to press this position now. Their concern: Project appropriations.

The Bureau of Reclamation appears to be upset by Colorado's tough position on Glen Canyon. It would like to see Colorado back away from her Santa Fe statement of principles requiring strict adherence to the Colorado River Compact.

Colorado now finds herself somewhat in the same position with respect to the other upper states as the upper states as a whole have been historically with respect to the lower states.

Other upper basin states are further advanced, project-wise. Colorado, with 51.75 percent of the upper basin water, is still mostly dealing in futures on water projects. Other upper states are under way, or nearly under way. Hence their concern about rocking the congressional appropriations boat.

Engineering studies on Glen Canyon filling alternatives are progressing well but Colorado is doing most of the work. Legal studies are progressing. John Barnard, Sr. recently presented a brief on Colorado's legal position to the Colorado Water Investigation Commission for study prior to its submission to the Water Conservation Board.
The Upper Colorado River Commission will meet in Salt Lake City on December 11th. Glen Canyon is the first order of business. Also on the agenda: The proposed move of the Commission Office from Grand Junction to Salt Lake City . . . and employment by the Commission of a full-time attorney.

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Arizona has been advised to break the 1922 Colorado River Compact! Sidney Kartus, observer for the Arizona Legislative Council, so advised in a hard-hitting report to that Council dated October 20, 1958. Here is Kartus' analysis of Arizona's present situation:

"... Arizona cannot expect to give away all of the unused water in the river and then take water now in use from other parties who have gone to the expense and trouble of putting it to use. It was absolutely futile for Arizona to bring this suit (Arizona vs. California) into the court when with her consent the water had already been predivided against her by political means under the Santa Fe compact. What Arizona did was to give up her rights under the compact and then come into court and ask the justices for water without rescinding her assent to that agreement. Arizona's counsel worked under this handicap, which was not within their province to remove but within that of the Legislature. If the upper basin states took Arizona's water arbitrarily, as they did under the Compact, Arizona has an equitable suit against them. This is the real suit that Arizona should institute.

"... A proper suit should allege (the water rights of Arizona) and all other water rights, filings, and projects of Arizona and those claiming under it on the Colorado River and its tributaries. Such a suit should join the upper basin states and discard instead of interpret the Santa Fe Compact. On these triple grounds, Arizona can expect to prevail in the courts in a future suit, and not otherwise.

"... Testimony at the trial established that the amount of water to which the lower basin agreed to limit itself under the compact would provide that basin with less water than it already uses, and consequently would impose a cutback in the existing projects instead of making possible the construction of new ones within that basin . . . The lower states therefore face a future of less water and far less power from the Colorado River than they now enjoy unless they withdraw from the Compact "

With regard to the Supreme Court Masters' opinion of the 1922 compact, Kartus stated:

"... He (the Master) spoke of (the compact) as an instrument of vices, illusions, unhappy phraseology, and thorny method; declared that its negotiators were under the illusion that they could look one hundred years into the future; that the hydrology of the Santa Fe Compact cannot be fitted to that of the river today. He took a completely opposite view from that of the deceased Master who told the court that this interstate agreement was a far-seeing act of practical statesmanship. To the former Master, the authors of the Compact were statesmen; to the present Master they were false prophets."

These are indeed troubled times on the Colorado River.

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Wilderness—for Whom?

The Colorado Water Congress thanks the American National Cattlemen's Association for permission to reproduce this excellent cartoon which appeared in their official publication, American Cattle Producer.