"I have no doubt that if the distinguished negotiators who wrote the (Colorado River) Compact had defined the terms they were using, we would be spared a great deal of agony and grief. But when you protect a new concept . . . and don't define it, you are inviting difficulty, and that is the difficulty we are struggling with." (Special Master Simon Rifkind in Arizona v. California lawsuit.)

BIG TROUBLE BREWING on the Colorado River? Could be. There is considerable apprehension among Colorado officials and water experts about a lower basin plan that might develop into a sinister scheme of entrapment for the upper basin. Big worry: Interior Secretary Udall's proposed Pacific Southwest Water Plan. It is by far the biggest thing going on the western water scene at this time. Issues and questions associated with this plan involve a large part of the West, including Colorado.

What's it all about? Last November, Colorado's Rep. Wayne Aspinall, chairman of the House Interior Committee, wrote a letter to Secretary Udall in which he inquired about interior department plans for coordinating lower basin water and power development. Udall replied to Aspinall with a letter which announced the start of a task force study "aimed at solving the growing

On Udall's Pacific Southwest horizon: Large saline water conversion plants, in combination with California power plants using nuclear energy as well as fossil fuels. Salvage of a million acre feet of Colorado River water annually by water conservation methods. Northern California exportation projects involving use of surplus Pacific Northwest water supplies in southern California and Arizona. New dams and powerplants on the Colorado River at Marble Canyon and Bridge Canyon. Basin-wide financing, based largely on sale of electric power and municipal-industrial water. Udall's grand design was described in words like these: "... erases the outmoded concept limited by State lines, and concentrates on meeting the total water needs of a region. In the parched Pacific Southwest we can prosper together or slowly shrivel separately... (Lower basin problems) can be solved only through a new brand of thinking. No one person, no one entity, no one dam or development pattern in any one State can erase those problems. Only regional action---coordinated at every level---will suffice."

Washington observers wondered what Udall was up to. Theorists speculated that the Pacific Southwest Plan might be Udall's way of
(1) Getting the Federal Power Commission to turn down applications by non-federal interests for licenses to build Bridge and Marble Canyon dams and powerplants, (2) Softening California congressional opposition to the forthcoming proposal for authorization of the Central Arizona Project in Udall's home state, (3) Softening Mexican complaints about Colorado River salinity, (4) Building up support for interior department's lagging saline water conversion program.

Southern California water interests seemed to like Udall's Pacific Southwest Plan. In a document submitted last May in congressional testimony on the proposed Dixie Project, Utah, Dallas Cole (chief engineer of Colorado River Board of California) emphasized the "real danger that piecemeal authorization of new projects will result in over-commitment of the dependable water supply and cause man-made shortages." Cole renewed California requests for "a comprehensive, basin-wide and up-to-date inventory, to include supply, losses and requirements." Cole's factual statements sent a wave of apprehension over the upper basin.

L. R. Kuiper: "If any justification is needed to support the statement by Mr. Sparks...that immediate action is necessary to determine questions and answers relating to the Colorado River compact, this (Dallas Cole) document appears to be it...If we accept these figures, which at present we do not...,uses in the Lower Basin already exceed our interpretation of the Colorado River Compact by at least 1,000,000 acre feet per year...This (chart) would indicate to me that in Mr. Cole's opinion the Lower Basin is entitled to deplete the river approximately 10.4 million acre feet per year. In even our wildest
interpretations of the Compact such a depletion has never been considered." (Memo to CWCB, Colorado Water Investigation Commission and Executive Committee of Colorado Water Congress, 6-12-63.)

U. S. Supreme Court decision last June in the Arizona-California water case lent weight to Udall's predictions that the high court would provide no long-range solution to lower basin water problems and that lower basiners would have to decide whether they wanted to "prosper together or slowly shrivel separately". Supreme Court gave Arizona virtually everything she wanted in a legal sense. And it gave the secretary of interior virtual life and death power over lower basin states by leaving it up to him to allocate lower basin water in times of shortage. But there still remained the problem of obtaining congressional authorization for the Central Arizona Project. Arizona's CAP would divert 1.2 million acre feet of Colorado River water annually and transport it more than 200 miles across the desert to the Phoenix area, at a cost of about $1.1 billion.

In effect, the Supreme Court decision in the Arizona-California case shifted the battleground from the court room to the halls of Congress. Politics of water: California's House delegation of 38 is three times that of all of her lower basin neighbors put together. Last August, in the shadow of the gathering congressional storm over CAP authorization, Secretary Udall took the wraps off his Pacific Southwest Water Plan. It had something for everybody in the lower basin, plus some benefits for Utah and New Mexico.
California would get federal help for her multibillion dollar state water project plan to deliver surplus water from Northern California to support further expansion in the metropolitan south­land. Arizona would get not only the Colorado River water she won from California in the lawsuit, but also another 1.2 million acre feet a year to be diverted from northern California rivers. Nevada would get federal help in supplying water to Las Vegas and other cities near Lake Mead. New Mexico would get the Hooker Dam project in the Gila watershed. Utah would get the Dixie irrigation project on the Virgin River. Federal saline water conversion would get a big boost, with a 50-mgd desalting installation (world's largest) on the southern California coast. Federal power advocates would get Bridge Canyon and Marble Canyon Dams in Arizona, with related generating and transmission facilities. Cost: $4 billion or more over 45-year period.

In spite of its political appeal, Arizona hasn't gone whole­hog for Udall's regional plan. A New York Times reporter, feeling Arizona's water pulse, recently noted "a deep and abiding belief that California is out to do Arizona in and steal as much water as possible from the Colorado River. The same attitude appears to prevail in Nevada." In a "bizarre but understandable alliance of expediency" (Denver Post's Bert Hanna), Arizona's senators Barry Goldwater and Carl Hayden are pressing hard for early author­ization of CAP, without waiting for action on Udall's regional plan.
This has prompted Udall to call Goldwater "The captain of the bitter-enders" who "seek to reactivate competition between western states for water, rather than to work toward a regional solution". Sen. Carl Hayden, oldest man in point of service in Congress and chairman of the powerful Senate Appropriations Committee, wants to see CAP authorized as the crowning event of his long congressional career. To further this objective, Sen. Hayden became a junior member of the Senate Interior Committee last February.

In California: Mixed feelings now about Udall's Pacific Southwest Plan. Gov. Brown vigorously supports it. Brown notes that there is 25 million acre feet of surplus water in northern California and warns, "We cannot fight the upper basin projects on the Colorado or the Central Arizona Project as we have in the past". Shortly after Udall announced his Pacific Southwest Plan, Gov. Brown announced a new California river development plan that dwarfs even the gigantic, state financed Feather River Project. The new plan, representing six years of study, proposes to develop 12 million acre feet a year at a cost of $3.7 billion. One eighth would be for local use in California's north coastal area. The remaining 10.5 million acre feet would go elsewhere in the state. Some water would be held in reserve for "distant future needs and developments" (presumably Arizona). Gov. Brown said the undertaking would require the "combined financing capacity of all levels of government, not just the state or federal government".
Other California water interests, outside of state government, have expressed strong opposition to Udall's plan. Northern Californians don't want their water exported anywhere until local needs are fully met. Irrigation Districts Association of California is flatly opposed to sending any northern California water to Arizona. Los Angeles Department of Water and Power has hatched a vast plan of its own that calls for a 519-mile aqueduct to tap the Snake River in Idaho and deliver 2.4 million acre feet a year to Lake Mead on the Colorado River. LA spokesmen recently told a state-wide conference in Sacramento that its plan would not only achieve the major objectives of Udall's Pacific Southwest plan with less impact on California, but also would cut costs by $800 million.

Pacific Northwest governors' reaction to Gov. Brown's water exportation plan: "Over our dead bodies". Idaho's Gov. Smylie has commented on LA's proposal to divert water from the Snake River to the Colorado River at Lake Mead: "Pure unvarnished piracy".

What about Colorado? Rep. Wayne Aspinall has aligned himself with Udall's Pacific Southwest Plan, rather than with separate authorization of the Central Arizona Project. As chairman of the powerful House Interior Committee, Aspinall has bluntly told the states of Arizona and California that they must achieve some kind of unity over water development on the Lower Colorado River before coming to Congress for authorization of any water project.
Ed Johnson, Colorado's representative on the Upper Colorado River Commission, is deeply concerned about the threat that Udall's Pacific Southwest Plan poses to upper basin water supplies. Johnson, now 79, says the last big fight of his career will be to protect Colorado's dwindling water supplies. This career spans three terms in the U. S. Senate and three as Colorado governor.

Ed Johnson: "Arizona wants more water than she is entitled to. Laid on the line, she wants upper basin water and California wants her to have it, too. The upper division was short-changed in the seven state compact and now the lower division wants to encroach still further on our meager water reserves. We must line up all the help we can because this raid on upper division water is desperate. At first our governors took the position that we must be good neighbors but now they are beginning to see that the upper basin is being selected for the sacrificial lamb." (Denver Post article by Bert Hanna, 10-6-63.)

Upper basin governors met recently with the Upper Colorado River Commission in Salt Lake City to develop a united position on the Pacific Southwest Plan. Result: Endorsement of Udall's plan "in principle", providing it includes definite assurances that compact rights of upper basin states will be fully protected. This general viewpoint will be incorporated in separate letters to Udall by the governors of Colorado, Utah, Wyoming and New Mexico.

The definite assurances provision sought by upper basin states is extremely important. Reason: U. S. Supreme Court, in its historic decision in the Arizona-California lawsuit, gave much weight to the legislative history of the Colorado River compact.
In other words, the legislative intent of Congress as established through various congressional acts and documents other than the Colorado River compact. Colorado water officials fear that certain interpretations of the compact might be included in the bill authorizing the Pacific Southwest Plan that would be injurious to Colorado and other upper basin states. Approval of that plan by Congress, with these adverse interpretations included, might subsequently be construed as evidence of congressional consent to these interpretations.

At stake in interpretations of Colorado River compact provisions: Upwards of 1.75 million acre feet of upper basin water per average year and up to 12 million dollars in future power revenues for upper basin participation projects. Over the long pull. Biggest problem: Charging tributary consumptive use against lower basin compact deliveries. Upper basin states are concerned about Supreme Court's ruling that Colorado River tributaries in Arizona (particularly Gila River) should not be included in determining the amount of Colorado River water Arizona is entitled to. Court said, in effect, "We are not interpreting the Compact, we're interpreting the Boulder Canyon Project Act, which dealt only with the main stem of the river." If the lower basin contends that tributary consumptive use is not charged against it and is outside of the compact, then we're in for big trouble on the Colorado River. Colorado River water users in Colorado could be adversely affected to a serious degree.
Another headache: Lower basin water accounting procedures. They're not indentified in the Pacific Southwest Plan. Upper basin states are taking a dim view of the lower basin's water arithmetic. Take water salvage. Key feature of Pacific Southwest Plan is the proposal to make a million acre feet of additional water available by various conservation measures. Hitch: Over half of this "salvage" is likely to be water recovered by elimination of man-made losses which have occurred since signing of the compact. This is not developed water. Example: Elimination of non-beneficial consumptive use by salt cedar that have been allowed to grow extensively along the Gila River since 1945. Other water accounting problems: Reservoir evaporation charges against the lower basin and unaccounted for river losses. Squatters on withdrawn land along the lower river pump around 200,000 acre feet a year. This beneficial consumptive use is a river loss which should be charged against lower basin compact water. Then there is the tricky problem of accounting for surface water consumptive use attributable to pumping overdraft in the Gila basin. Taken together, these water accounting procedures represent a big threat to upper basin compact delivery obligations.

Upper basin power revenues for financing participating projects may not receive any help from Pacific Southwest Plan. Benefit potential involves Hoover power losses due to filling of upper basin's Glen Canyon Reservoir. Present Glen filling criteria require the upper basin's storage project to advance funds to mitigate
Hoover power losses. Advances would be recovered later. Much later. **Probable recovery:** Principal after 1987 but no interest (about equal to principal). Pacific Southwest Plan **should provide** for making the upper basin fund whole now, not after the year 2,000.

**Authorizing legislation** for the Pacific Southwest Plan must contain language that nails down, tight and firm, the upper basin's **rightful share** of Colorado River water and power revenues. In accordance with terms of the Colorado River compact and related documents. Nothing more, or less, than that. **Stakes are big enough** to suggest an all-out effort. **Colorado's dilemma:** How can it effectively use its compact nail-down hammer with one hand when its other congressional hand contains a water project authorization crowbar?

**COLORADO WATER NEWSBITS:** Federal-state pollution study of the South Platte River basin in Colorado will get underway soon with $175,000 in federal funds. Principal target: Barr Lake, north of Denver . . . **Detergent decomposition breakthrough** is reported at U. S. Geological Survey's Denver lab. Simple chemical compound made of sugar cane and natural oils causes decomposition within 24-hour period in surface water and ground water . . . **Pollution suit** currently threatened by Adams County Commissioners is reported to include, within its scope of possibilities, petitions for injunctions aimed at prohibiting issuance of further **building permits** in Denver and **prohibiting storage** of improperly
treated irrigation water in Barr Lake . . . Narrows dam site choice probabilities over Weld County (Hardin) site were strengthened by recent core drillings indicating substantial seepage at the Weld Co. site. Narrows plan revisions, aimed at providing benefits for Weld County site backers while retaining the Narrows site, do not seem to be moving local interests toward a compromise solution . . . Southeastern Colorado Water Conservancy District has acted to prevent ditch companies and others from selling their water rights and then obtaining project water as replacement . . . Damage suit against Bona Fide Ditch Company was won by a Delta woman who contended she was unable to obtain irrigation water after the company reconstructed and relocated its ditch . . . Parkville Water District has filed suit against Leadville Water Company to force sale of the private company . . . U. S. Supreme Court has refused to reconsider its June 3 decision in Arizona v. California. Final decree is expected soon . . . Patent infringement case against Roberts Tunnel contractors and Denver Water Board in U. S. District Court in Denver has been dismissed . . . Colorado Public Utilities Commission has set December 10 for hearing an application for rate increases by Northwest Water Corporation which serves areas north and west of Westminster . . . Pueblo YMCA has started using an iodine compound, instead of chlorine, in its swimming pool. It won't irritate eyes, ears, nose, skin. It's tasteless, odorless, won't bleach hair or fabrics. And it controls algae, fungus and bacteria.