Compact or Agreement for the
Equitable apportionment of the water supply
of the Colorado River and of the streams
Tributary thereto.

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The United States of America and the States of
Arizona, California, Colorado, Nevada, New Mexico, Utah, and
Wyoming, being desirous of providing for the equitable dis-
tribution and apportionment of the waters of the Colorado
River and its tributaries among said States and of protect-
ing the interests of the United States therein and of remov-
ing all causes of present and future controversy between them
in respect thereto, and being moved by considerations of inter-
state comity, pursuant to the Acts of the Congress of the United
States and of the Legislatures of the said States respectively,
have resolved to conclude a Convention for these purposes and
have named as their Representative and Commissioners:

The President of the United States of America,
Herbert Hoover, Secretary of Commerce of the
United States, Representative of the United States;

The Governor of the State of Arizona,
W. S. Horvay, Commissioner for the State of Arizona;

The Governor of the State of California,
W. F. McClure, Commissioner for the State of California;

The Governor of the State of Colorado,
Delph E. Carpenter, Commissioner for the State of Colorado;
The Governor of the State of Nevada,
J. C. Scrugham, Commissioner for the State of Nevada;

The Governor of the State of New Mexico,
Stephen B. Davis, Jr., Commissioner for the State of New Mexico;

The Governor of the State of Utah,
R. E. Caldwell, Commissioner for the State of Utah; and

The Governor of the State of Wyoming,
Frank C. Emerson, Commissioner for the State of Wyoming.

Who, after having communicated to one another their respective powers, found to be in good and due form, have agreed upon the following articles;

**ARTICLE I.**

The territory included within the drainage area of the Colorado River and its tributaries and all lands now and hereafter watered from said stream, within the United States of America, for the purposes of the equitable apportionment and distribution of the uses and benefits of the waters of said river, shall hereafter be considered to consist of two divisions which are hereby designated as The Upper Division and The Lower Division respectively.

The long established crossing of the Colorado River above the great canyon thereof and situate about one mile below the mouth of the Paria River and at the point indicated as "Lee Ferry" on the topographic sheet for Echo Cliffs Quadrangle (Arizona), edition of 1891, reprint of 1913, published by the United States Geological Survey, and as "Lee's Ferry" on the map of the State of Arizona published by the Department of the
of the Interior, General Land Office, in the year 1912 and compiled and drawn by Daniel O'Hare, is hereby designated as the point of demarcation between the two divisions of said stream, and said crossing and point of demarcation shall be indicated and designated in this compact by the use of the words "Lee's Ferry".

The Upper Division shall comprise those parts of the territory of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming within and from which waters naturally drain and flow into the Colorado River and its tributaries above Lee's Ferry and also of all lands within said States now or hereafter served with waters diverted from said stream and its tributaries above Lee's Ferry.

The Lower Division shall comprise those parts of the territory of the States of Arizona, California, Nevada, New Mexico, and Utah within and from which waters naturally drain and flow into the Colorado River and its tributaries below Lee's Ferry and from all tributaries which enter said stream below said point.

**ARTICLE II.**

The waters of the Colorado River and of all the streams contributing thereto within the United States of America, shall be equitably divided and apportioned among the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming and between those portions of the territory of each of
said States included within the Upper and Lower Divisions of said river, as defined by Article I. hereof, in the following manner:

1. The flow of the Colorado River shall be divided between the territory included within the two divisions of said river upon the basis of an equal division of the mean or average annual established natural flow of said river as heretofore ascertained and recorded at Yuma, Arizona, and for such purpose it is hereby found, determined and agreed that the mean or average annual flow of the Colorado River at Yuma, Arizona, from the year 1902 to the year 1921, both inclusive, has been seventeen million four hundred thousand (17,400,000) acre-feet and that of said mean or average annual flow eighty-six per cent (86%) or fourteen million nine hundred and sixty-four thousand (14,964,000) acre-feet thereof has flowed in said river at Lee's Ferry and that fourteen per cent (14%) or two million four hundred and thirty-six thousand (2,436,000) acre-feet thereof has entered said stream through streams contributing to the flow of said river between Lee's Ferry and Yuma, Arizona.

2. The States of Colorado, New Mexico, Utah, and Wyoming jointly and severally agree with the remainder of the High Contracting Parties that the diversions from the Colorado River and its tributaries and the uses and consumption of water within the Upper Division shall never reduce the mean or average annual flow of the Colorado River at Lee's Ferry over any period of ten (10) consecutive years, below a flow equivalent to thirty-six per cent (36%) of the agreed established average
annual flow of the river at Yuma, Arizona, as defined in paragraph one (1) of this Article, towit, below a flow of six million two hundred and sixty-four thousand (6,264,000) acre-feet, and that not less than said minimum mean or average annual flow shall hereafter pass Lee's Ferry for the use and benefit of the territory included within the Lower Division of said river; and the aforementioned States do further jointly and severally agree that they will cause to flow annually in said river past Lee's Ferry, in addition to the aforesaid minimum average annual flow, an amount of water equivalent to one-half the annual requirement for delivery to the Republic of Mexico as provided in Article III, of this compact.

**ARTICLE III.**

The High Contracting Parties agree that the duty and burden of supplying any waters from the flow of the Colorado River within the United States of America to the Republic of Mexico or to any part of the territory of said nation, in fulfillment of any obligation or obligations which may be determined to exist or which hereafter may be fixed, by treaty between the two nations, shall be equally apportioned between and equally borne by the Upper Division and the Lower Division of the Colorado River within the United States of America; that the annual delivery at Lee's Ferry, by the States of the Upper Division, of a quantity of water equivalent to one-half the annual amount required to satisfy any such international obligations shall be
a complete fulfillment of the provisions of this Article by said States; and that the States of the Lower Division shall contribute annually a like amount of water from those waters of the river annually to pass Lee's Ferry for the Lower Division, as provided by paragraph two (2) of Article II. of this compact, and from the flow of tributaries entering the river below Lee's Ferry, and further, shall cause the water contributed by both Divisions to be delivered to the Republic of Mexico in conformity with any such treaty obligations.

ARTICLE IV.

A continuing joint commission is hereby designated which shall consist of ex officio, the State Water Commissioner of the State of Arizona and the State Engineers of the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming, or of the officials of said several States upon whom may hereafter devolve the duties of ascertaining the flow of streams now performed by the named State officials, and of a person to be designated by the Director of the United States Geological Survey or by the official of the United States of America upon whom may hereafter devolve the duties of ascertaining the flow of streams now performed by said named official; and it shall be the duty of said joint commission to make provision for ascertaining, determining, and publishing the annual flows of water in the Colorado River at Lee's Ferry and, if hereafter one or
more reservoirs are created at or in the vicinity of Lee's Ferry by the erection of a dam or dams across the channel of the Colorado River at any point or points between the mouth of the San Juan River and a point ten (10) miles below Lee's Ferry, to make provisions for ascertaining, determining, and publishing the flow of water which would have annually passed Lee's Ferry had no such dam or dams been constructed.

**ARTICLE V.**

The High Contracting Parties agree that compliance with paragraph two (2) of Article II. of this compact by the State of Colorado, New Mexico, Utah, and Wyoming shall wholly relieve and exempt the States whose territory is in part included within the Upper Division any users of water within said Division from causing and additional amount or amounts of water to flow past Lee's Ferry for the benefit of the territory included within the Lower Division, and from any and every other or additional claim or assertion of right to or servitude upon the waters of the river within the Upper Division for the benefit of the Lower Division or of any users of water therein; and that no claim of prior, preferred or superior right to the use and benefit of any part of the waters of the Colorado River or of any of the tributaries thereof, within the Upper Division, other than the amounts agreed to be caused to flow past Lee's Ferry by said paragraph two (2) of Article II, shall be made, asserted or recognized on behalf or for the benefit of the terri-
tory included within the Lower Division; and further, that, subject only to the fulfillment of the obligations expressed by said paragraph two (2) of Article II and to the third paragraph of this Article, each of the States whose territory is in part included within the Upper Division shall have, possess, and enjoy the free and unrestricted uses and benefits of the waters of said river and of its tributaries as the same may flow within its territory of the Upper Division, according to the constitution and laws of each said State.

And further agree that all rights, claims, and privileges with respect to the use and administration of any reservoir or reservoirs hereafter constructed within the Upper Division for flood control or other benefit of the territory included within the Lower Division, shall be and remain inferior, subordinated, and subservient to the superior and preferred rights of diversion, use, and consumption of the waters of the Colorado River by the States and for the benefit of the territory included within the Upper Division, expressed in paragraph one (1) of this Article; and that all waters which may be discharged from any such reservoir or reservoirs for carriage in said river to the Lower Division and all waters stored in any reservoir created by the erection of a dam across the channel of the river at any place between the mouth of the San Juan River and a point ten (10) miles below Lee's Ferry, shall constitute and be considered as a part of the waters which it is agreed shall pass Lee's Ferry from the Upper Division by paragraph two (2) of Article II of This Compact.
The States of the Upper Division, to wit, the States of Arizona, Colorado, New Mexico, Utah, and Wyoming do jointly and severally agree that any and all claims which now or hereafter may exist or arise between any of them with respect to the uses and benefits of the waters of the Colorado River and of any of its several tributaries within the Upper Division or with respect to any claimed, contemplated or desired servitude or servitudes by or for any one or more of them and upon the streams or territory of any one or more of the others thereof, are specifically reserved for separate consideration, settlement or consent by those of said States so involved, and the signing and ratification of this compact shall not be construed or interpreted as a recognition of or consent to any claim, privilege or servitude upon the streams within any State of the Upper Division except to the extent necessary to fulfill the express provision of this compact and not otherwise.

ARTICLE VI.

The High Contracting Parties agree that, subject at all times to the rights to the diversion, use, and consumption of the waters of the Colorado River and of its tributaries for the benefit of the territory included within the Upper Division but within the limitations defined by this compact, and subject to the fulfillment of the obligations expressed in Article III, and further subject to the provisions of the second paragraph of this Article, each of the States whose territory is in part in-
cluded within the Lower Division shall have, possess, and enjoy under the constitution and laws of each said State, and within its territory, the free and unrestricted uses and and benefits of the waters of those tributaries which enter the Colorado River below Lee’s Ferry and of all waters of said river which may pass said point from the Upper Division in conformity with paragraph two (2) of Article II and with Article III of this compact.

The States of the Lower Division, towit, the States of Arizona, California, Nevada, New Mexico, and Utah do jointly and severally agree that any and all claims which now or hereafter may exist or arise between any of them with respect to the uses and benefits of the waters of the Colorado River and of the several tributaries within the Lower Division, including any allocation of the burdens incident to a fulfillment of Article III, or with respect to any claimed, contemplated or desired servitude or servitudes by or for any one or more of them upon the streams or territory of any one or more of the others thereof, are specifically reserved for separate consideration, settlement or consent by those of said States so involved, and the signing and ratification of this compact shall not be construed or interpreted as a recognition of or consent to any claim, privilege or servitude by any State of the Lower Division upon the streams which enter the Colorado River below Lee’s Ferry or upon said river or that part of the waters thereof by this compact agreed to be delivered from the Upper Division, except to the extent necessary to fulfill the express
provisions of this compact and not otherwise.

ARTICLE VII.

The High Contracting Parties agree that the uses of the waters of the Colorado River within the United States of America for purposes of navigation shall be and remain inferior, subservient, and subordinated to the diversions, uses, and the necessary consumption of the waters of the stream and its tributaries for domestic, municipal, agricultural, power, manufacturing, and other similar purposes and shall not prevent or interfere with the construction, maintenance, and operation of such works or means of diversion and storage as may be necessary or essential to effectuate such preferred and superior beneficial uses.

ARTICLE VIII.

The High Contracting Parties agree with respect to the States of each Division of the Colorado River inter se, that all rights to the use of any of the waters of said stream and its tributaries within the Division for purposes of generating power or of manufacture, hereafter shall vest and be exercised in all respects as inferior, subservient, and subordinated to all present and future uses and necessary consumption of the waters within the Division for domestic, municipal, agricultural, and other similar purposes and shall not hinder, interfere with or prevent the construction, maintenance, and operation of such
works or means of diversion and storage within the Division as may be necessary or essential to effectuate such preferred and superior beneficial uses, provided, however, that the provisions of this Article shall not apply to or interfere with the intrastate regulation and control of the appropriation, uses or distribution of waters within any State according to its constitution, laws and the decisions of its courts.

**ARTICLE IX.**

The High Contracting Parties agree that the division, apportionment, and distribution of the waters of the Colorado River provided by this compact and the methods adopted and the principles applied, are based entirely upon the physical and other conditions peculiar to the stream and to the territory drained or to be served and that none of the High Contracting Parties in any way concede the establishment of any general principle or precedent by the concluding of this compact and particularly with respect to the equitable apportionment of or the rights of the States to the waters of other rivers or with respect to the disposition *inter sese*, of the waters of streams tributary to the Colorado River and common to two or more States whose territory is included within either Division; and the concluding of this compact shall not be construed as a recognition or an acknowledgment by any of the contracting States of any principle or precedent by virtue of which any State may lay claim to or establish any servitude for its use or benefit.
upon the territory or the streams flowing within any other State or States.

ARTICLE X.

This compact or agreement shall become operative when ratified and approved by the legislatures of each of the signatory States and by the Congress of the United States, and notice of the ratification and approval by the legislature of each State shall be given by the Governor of such State to the Governors of the remaining States and to the President of the United States, and notice of the approval by the Congress of the United States shall be given by the President of the United States to the Governors of all the signatory States, as soon as may be convenient after said respective ratifications, and upon such ratification and approval this Convention shall become operative and in full force and effect as of the date of the approval thereof by the Congress of the United States.

IN WITNESS WHEREOF, the respective Representatives and Commissioners have signed this compact or agreement, in a single original, which shall be deposited in the archives of the Government 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 Santa Fe, State of New Mexico, this ___ day of October one thousand nine hundred twenty-two.

For the United States of America:

For the State of Arizona:

For the State of California:

For the State of Colorado:

For the State of Nevada:

For the State of New Mexico:

For the State of Utah:

For the State of Wyoming:

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