Preliminary draft No. 1 submitted by the drafting committee to the full Commission for consideration the afternoon of November 18, 1922.

**TITLE.**

**PREAMBLE.**

The states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming having resolved to enter into a compact for the purposes herein expressed and acting under the Act of Congress of the United States approved August 19, 1921, (42 Stat. ) and the respective acts of the Legislatures of the said states, have appointed as their Commissioners:

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

Commissioner for the State of Arizona
Commissioner for the State of California
Commissioner for the State of Colorado
Commissioner for the State of Nevada
Commissioner for the State of New Mexico
Commissioner for the State of Utah
Commissioner for the State of Wyoming

who have entered into negotiations under the Chairmanship of Herbert Hoover, appointed by the President of the United States as the representative of the United States, and have agreed upon the following articles:
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**ARTICLE I.**

**PURPOSES**

* * *

The major purpose of this compact is to provide for the equitable division and apportionment of the waters of the Colorado River System and its tributaries among the seven states signatory to this compact in order to promote inter-state comity by removing causes of present and future controversies between them, and thus to assure the expeditious agricultural and industrial development of the Colorado River Basin. To this end the Basin is divided into two divisions and apportionment of the waters made to each of them with provision that at a subsequent time a further equitable apportionment of the remaining unappropriated waters may be made; and the relative rights of different beneficial uses may be established and provision made for settlement of future controversies.
When used in this compact, -

(a) The term "Colorado River System" means the Colorado River and all of its tributaries within the United States.

(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 to which the waters of the Colorado River System may be beneficially applied.

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

(d) The term "States of the Upper Division" means the States of Colorado, New Mexico, Utah and Wyoming.

(e) The term "States of the Lower Division" means the States of Arizona, California and Nevada.

(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 and flow 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 shall be beneficially served by waters diverted from the river above Lee Ferry.
ARTICLE II. (Cont.)
DEFINITIONS.

(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 and flow 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 shall be beneficially served by waters diverted from the river below Lee Ferry.

(h) The terms "apportionment" or "apportioned" means the division of waters of the Colorado River System for consumptive beneficial use.

(i) The term "appropriation of water" means its actual application to beneficial use.
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**ARTICLE III.**

**APPORTIONMENT**

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(a) Until notice is given as provided in Article IV appropriations of water may be made within each the Upper Basin and within the Lower Basin up to a total of 7,500,000 acre feet per annum, including existing appropriations. If at such time or upon the termination of this compact as provided in Article IX the aggregate of such appropriations in one of the divisions of the Basin exceed those in the other, there is hereby vested and established in that division of the Basin having the lesser amount the continuing and preferential right to make further appropriations until the totals in each of the Basin divisions shall be equal.

(b) The States of the Upper Division agree that they will not cause or permit 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 July next succeeding the ratification of this compact, nor below a flow of 4,000,000 acre feet for any one of such years. All of the states further agree, however, that during the period of any deficiency of water due to natural causes the States of the Upper Division shall not withhold, and the States of the Lower Divi-
ARTICLE III. (Cont.)

APPORTIONMENT.

sion shall not require, the delivery of water which cannot rea-
sonably be applied to beneficial agricultural or domestic uses
within their respective divisions.
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ARTICLE IV.

SECOND APPORTIONMENT.

At any time after the thirtieth day of June, 1968, any two signatory states, acting through their governors, or any signatory state, acting through its Governor, and the United States, acting through the President, may give joint notice of their desire for a further equitable division of the waters of the Colorado River System. Ten days after the dispatch of such notice to the Governors of the other signatory states and to the President of the United States, if he does not join in such notice, the rights to further unappropriated appropriations of water shall cease and determine, but all rights created or initiated under it shall continue to the extent and within the limitations hereinafter expressed. Upon the giving of such notice it shall be the duty of the Governors of the signatory states, and of the President of the United States to immediately appoint representatives, with like powers to those constituting the present Commission, whose duty it shall be to divide and apportion equitably among the signatory states the waters of the Colorado River System then unappropriated or not apportioned under the terms of Article III of this compact, subject to legislative approval by the several states and the Congress of the United States to the same extent as is this compact.
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ARTICLE V.

PREFERENCE IN USE OF WATER.

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(a) The uses of the waters of the Colorado River System for purposes of navigation shall be subservient to the uses and necessary consumption of such waters for domestic, agricultural, manufacturing and power purposes.

(b) The uses of the waters of the Colorado River System for purposes of generating power or of manufacture shall be subservient to the uses and necessary consumption of such waters for domestic and agricultural purposes and shall not interfere with or prevent the use of said waters for said dominant purposes.

(c) The provisions of this article shall not apply to, or interfere with the regulation and control of the appropriation, use and distribution of water by any state within its limits.
A continuing technical Committee is created to consist of the official of each State charged with the administration of water rights, who, together with an official from each the United States Reclamation Service and the United States Geological Survey shall have the following ex-officio duties:

(a) Promoting the systematic determination and coordination of the facts as to flow, appropriation, consumption and use of water in the Colorado River Basin and each of the contracting states agrees to furnish to said joint Committee freely all of its available information in such matters.

(b) Securing the determination and publication of the annual flow of water in the Colorado River System at Lee Ferry.

(c) Performing such other duties as may be assigned to said technical Committee by this compact or by mutual consent of the signatories from time to time.
ARTICLE VII

INTERNATIONAL RELATIONS

The contracting states agree that the burden of supplying water of the Colorado River System from the United States of America to the Republic of Mexico in fulfillment of obligations, if any, which may exist, or may be determined to exist between the two Nations, shall be equally apportioned between and equally borne by the Upper Division and Lower Division; and the states of the Upper Division shall deliver at Lee Ferry a quantity of water over and above that provided in Article III which will enable the fulfillment of one half of the amount required to satisfy such delivery.
Whenever controversies or claims may arise

(a) Between any two or more states with respect to the waters of the Colorado River System not covered by the terms of this compact;

(b) 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;

(c) As to the construction and operation of works to be situated in two or more states or to be constructed in one state for the benefit of another state, the Governors of the states affected shall, upon request of the Governor of one such state, appoint commissioners who shall consider and adjust such claims or controversies, subject to ratification by the legislatures of the states so affected.
ARTICLE IX

This compact may be terminated at any time by the unanimous agreement of the signatory states and the United States, but at such termination all rights then established are hereby confirmed.

In case of controversy over the interpretation or performance of this compact, the governors of any two states may give notice to the governors of the other signatory states requesting the appointment of commissioners for the consideration of such controversy, and such commission may, by unanimous agreement, formulate an interpretation of this compact and provide for enforcement thereof, but nothing contained in this compact shall prevent any state from applying to any court of competent jurisdiction for the protection or enforcement of any of the provisions of this compact.
ARTICLE X.

INDIAN RIGHTS

Nothing in this compact shall be construed as

affecting the rights of Indian tribes.
The major purpose of this compact is to provide for the equitable division and apportionment of the use of the waters of the Colorado River System among the seven states signatory to this compact in order to promote interstate comity by removing causes of present and future controversies between them, and thus to assure the expeditious agricultural and industrial development of the Colorado River Basin through storage of its waters and the early erection of river control works for the protection of the Imperial Valley. To this end the Basin is divided into two divisions and apportionment of the use of an equal amount of the waters made to each of them with provision that at a subsequent time a further equitable apportionment of the use of the remaining unappropriated waters may be made to correct the inequities that cannot now be foreseen; and the relative importance of different beneficial uses may be established and provision made for settlement of future controversies.