Upper Basin—Present Situation

The Colorado River Compact is the law of The Colorado River between the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming. By its terms, Arizona, Colorado, New Mexico, Utah, and Wyoming are States of the "Upper Basin" while the four last named are the "States of the Upper Division." The States of the Upper Division furnish practically all the water which naturally flows fast Lee Ferry, Arizona. Arizona has but little water and other uses by reason of topography will be limited to power and other benefits to be derived from water storage. Arizona is not bound by the Compact.

By the Compact:

Use of waters of the Colorado River for navigation are "inconvenient to the uses of such waters for domestic agricultural and power purposes, and ..."
“Conspiring and use” of water for generation of electrical power is "subservient to the use and con-
sumption of such water for agricultural and domestic purposes and
shall not interfere with or prevent use for such dominant purposes."

These provisions are the law of 

interstate relations (except as to Arizona) respecting the uses of 

the waters of the Colorado River System, both as regards the State

and as regards the United States. They do not control intrastate 

relations of uses of water. Such 

control, as between various uses within a State, are controlled by

state law for local purposes but are 

controlled by the Compact for interstate 

purposes. 

Further, by the Compact, the States

of the Upper Division shall not withhold

water, and the States of the Lower Division

shall not require the delivery of the

water, which cannot reasonably be 

applied to domestic and agricultural

uses; and
Subject to the foregoing, the States of the Upper Basin agree that they "will not cause the flow of the river at Lee Ferry to be deflected 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 the compact. This provision has no relation to the allocation of 3,500,000 acre-feet annual beneficial consumptive use to the Lower Basin by paragraph 2 of the Article. It means that the States of the Upper Basin will not reduce the aggregate flow of all kinds of water (surplus, Mexican contributions) beyond this minimum until final division of the unallocated surplus.