BRIEF

Filed for the Upper Colorado River Commission
In Support
Of
Proposition
That
The Department of the Interior's
Report On
The Colorado River Storage Project and Participating Projects
Should Include Recommendations For The Construction Of
The Echo Park and Split Mountain Dams
And Should be Released Immediately To
The Bureau of the Budget
So That It Can Go Forward To The Congress
On Or Shortly After January 1, 1952

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STATEMENT

The Echo Park and Split Mountain dams are among the units recommended for authorization in the Department of the Interior's proposed report on the Colorado River Storage Project and participating projects. Following the circularization thereof in accordance with the requirements of Section 1 of the Act of December 22, 1944 (58 Stat. 887), the five States of the Upper Colorado River Basin have commented favorably upon such report. Four of those States, to-wit: Colorado, New Mexico, Utah and Wyoming are represented upon the Upper Colorado River Commission, a creature of Article VIII of the Upper Colorado River Basin Compact, executed in behalf of the States concerned on October 11, 1948; thereafter duly ratified by their respective legislatures; and consented to by the Congress by an Act approved April 6, 1949 (63 Stat. 31).

On April 3, 1950, hearings, presided over by the Secretary of the Interior, were held with a view to determining whether equity and the national interest required the construction of the Echo Park and Split Mountain units. On June 27, 1950, the Secretary announced his decision in the affirmative.

On September 18, 1951, the Upper Colorado River Commission unanimously adopted a "RESOLUTION URGING PROMPT TRANSMITTAL TO THE CONGRESS OF THE REPORT ON THE COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS."

Newspaper accounts of addresses delivered recently by the Hon. Dale E. Doty, Assistant Secretary of the Interior; and by the Hon. Oscar L. Chapman, Secretary of the Interior, indicate, to use a statement attributed to the Secretary of the Interior by the Associated Press, the hope of the Department of the Interior "that we might work out a solution whereby the Split mountain and Echo park dams need not be built in the (Dinosaur National) monument."

These expressions on the part of the Department of the Interior have caused widespread concern throughout the Upper Basin States.

Such concern can be alleviated only by the immediate announcement that the Secretary of the Interior, finding no basis for changing the decision reached and announced by him on June 27, 1950, has directed that the report on the Colorado River Storage project and participating projects, including its recommendations for the authorization of the Echo Park and Split Mountain dams, shall be promptly transmitted to the Bureau of the Budget on its way to the Congress.
FACTS

In accordance with the spirit and purpose of certain pertinent provisions of the Act of December 22, 1944 (58 Stat. 887), the Department of the Interior, during the course of its investigation of proposed water resource development projects in the Upper Colorado River Basin, and let it be known that there were being considered certain dams and reservoirs known respectively as "Echo Park" and "Split Mountain," located within the confines of the Dinosaur National Monument as extended by Presidential Proclamation of July 14, 1939.

On or about March 16, 1950, the Secretary of the Interior gave notice of a hearing, to begin at 10 o'clock on the morning of April 3, 1950. This hearing was stated to be for the purpose of affording the Secretary of the Interior "the fullest possible presentation of the "pros and cons" of these two projects," so that the Secretary might determine "whether or not to approve the inclusion of the Split Mountain and Echo Park dams ... in the Department's recommendations to Congress on the Upper Colorado River Development program."

The hearing in question was duly held on April 3, 1950. The transcript of that hearing contains almost 700 pages of testimony. Much testimony of great importance to the Upper Basin States was not included in the transcript. Among those testifying in favor of including the Echo Park and Split Mountain dams in the Department's proposal for water resource development in the Upper Colorado River Basin were many Senators and many members of the House from the Upper Basin States. A number of Senators and Representatives who could not be present in person on the occasion of the hearings were invited to and did subsequently supply statements for the record. There was presented much evidence of a scientific nature. This evidence reflected detailed investigations of possible alternatives for these two reservoirs. It showed clearly that the best combination of alternatives would involve an annual loss of water by evaporation in the neighborhood of 300,000 acre feet. There was presented also evidence reflecting the record of promises that the extension of the Dinosaur National Monument would not be allowed to interfere with water resources development projects in the area.

On June 27, 1950, the Secretary of the Interior advised former Senator Elbert D. Thomas, of Utah, that he had determined to include the Split Mountain and Echo Park dams and reservoirs among his recommendations in connection with the Colorado River Storage Project and Participating Projects, [See Exhibit A] In no part of such announcement, so far as can be ascertained from the Exhibit in question, was any reference made to an intention on the part of the Secretary of the Interior not to submit the Colorado River Storage Project to Congress until "a group of conservatives" had had an opportunity "to study the possibilities for an alternative solution." On the contrary, the Upper Basin States and the Upper Colorado River Commission, having participated wholeheartedly and with great effort and expense in hearings held at Washington, D. C., and having thereafter been informed of a decision on the part of the Secretary favorable to them, were entitled to, and did, rely upon the decision, in which the Secretary then advised that after having given "very careful thought to the arguments presented by both sides" he had concluded to approve "the plan calling upon the Bureau of Reclamation to draft necessary recommendations to the Congress for the building of Echo Park and Split Mountain dams." [See Exhibit A]
It should be borne in mind too that, in February of 1951, the Secretary of the Interior's proposed report on the Colorado River Storage project and participating projects was duly circularized among the affected States as required by the Act of December 22, 1944 (supra) and that, although under the statute, only 90 days is required to be granted by the Secretary of the Interior for the submission of comments, time for the submission of comments on the Colorado River Storage Project and participating projects was extended far beyond such 90-day period. Notwithstanding such extension of time, and the full and free public discussion that had occurred within the States concerned regarding the features of the proposed Colorado River Storage Project and participating projects, none of the comments submitted by the affected States reflects opposition to the authorization of the Echo Park dam or the Split Mountain dam.

Thereafter, the report on the Colorado River Storage Project and participating projects was processed within the Department of the Interior and prepared for transmittal to the Bureau of the Budget on its way to the Congress of the United States. Such report has, for what appears to be an unduly extensive period, awaited that signature or directive of the Secretary of the Interior which would permit its transmittal to the Bureau of the Budget.

Extensive delays in the transmittal of the report in question to the Bureau of the Budget have given rise to serious concern on the part of the Upper Colorado River Commission. This concern is evidenced by a resolution unanimously adopted by the Commission on September 18, 1950 [See Exhibit E]. This concern is evidenced also by an editorial published in the Grand Junction Daily Sentinel on August 17, 1951 [See Exhibit G].

The statements attributed recently to the Secretary of the Interior [See Exhibit D] and to Assistant Secretary Doty [See Exhibit E] have raised such concern to the point of extreme fear [See Exhibits E, F and G]. This extreme fear can be allayed only by the immediate reiteration by the Secretary of the Interior of the decision made by him on June 27, 1950 and by the prompt transmittal to the Bureau of the Budget of the Department of the Interior's report on the Colorado River Storage Project and participating projects.
POINTS

(1) That reasonable time within which the Secretary of the Interior might, in equity, have announced a change of mind with respect to his decision in regard to the Echo Park and Split Mountain dams has long since expired.

(a) Elaborate hearings on the subject were held over a year and a half ago.

(b) The Secretary’s decision was announced on June 27, 1950, approximately one year and five months ago.

(e) The States of Arizona, Colorado, New Mexico, Utah and Wyoming and the Upper Colorado River Commission have relied thereon and have, therefore, generally refrained from tactics which might have had the appearance of pressuring the Secretary of the Interior to act precipitously upon his decision of June 27, 1950 and have sought in every way to avoid any action which might tend to embarrass the Secretary with respect to this matter.

(d) The States of Arizona, Colorado, New Mexico, Utah and Wyoming, the people within them, and the Upper Colorado River Commission, having governed their activities in good faith, in reliance upon the Secretary’s decision of June 27, 1950, the Secretary can not, in good conscience and equity and at this late date, reverse such decision.

(e) The decision made public by the Secretary of the Interior on June 27, 1950, was unequivocal. No where therein was there conveyed even so much as a hint that the Secretary had assured or proposed to assure those who had appeared on the other side that, notwithstanding such announced decision, he would afford them additional time to “study the possibilities for an alternative solution.”

(2) Even if there had not long since expired that reasonable time within which a change of mind should have been announced by the Secretary of the Interior on the question of including the Echo Park and Split Mountain dams in the list of works to be recommended as a part of the Colorado River Storage Project and participating projects, there has, in the meantime, been presented to the Secretary of the Interior no evidence or argument on the merits which warrants the Secretary in so changing his mind.

(a) The Secretary’s decision of June 27, 1950, was founded upon two propositions, to-wit: (i) that “when the Dinosaur National Monument was enlarged the probability of this development was envisioned” [See second paragraph of the Secretary’s letter to Senator Thomas, as quoted in Exhibit A]; and (ii) “the demonstrated need for water” [See second paragraph of the Secretary’s letter to Senator Thomas as quoted in Exhibit A]. These reasons, upon which the Secretary acted almost a year and a half ago, remain valid. [See Point 3]. In the case of the second ground adduced for his decision, the need has become more acute.
(b) So far as the Upper Colorado River Commission has been able to ascertain, the only material purporting to be of any consequence presented to the Secretary from any source outside the Department of the Interior, since the Secretary's decision of June 27, 1950, was handed down, consists in a memorandum dated "August 1951," subject "The Upper Colorado Reclamation Project," signed by U. S. Grant 3rd. (See Exhibit Q.) Some of the material appearing therein is scandalous. Engineering conclusions therein set forth are consonant with their author's total innocence in the highly specialized field of hydrology.

(3) The overwhelming preponderance of the testimony presented at the hearing held on April 3, 1950 is as persuasive at this time as it was when presented, and upon review leads inevitably to the conclusion reached and announced by the Secretary of the Interior on June 27, 1950. (See Exhibit A.) It fully supports the allegations then made:

(a) That the national interest requires the construction of the Split Mountain and Echo Park dams;

(b) That comparatively few scenic and geologic values and no reptilian remains would be submerged in the proposed reservoir area;

(c) That such losses of geologic and scenic values as might occur would be many times offset by new scenic and recreational values that would be added;

(d) That remaining geologic and scenic values will be vastly increased through their accessibility to the public;

(e) That the Presidential proclamation en enlarging the Dinosaur National Monument expressly reserves and has the legal effect of leaving inviolate the withdrawal theretofore effected under the Federal Reclamation Laws; and

(f) That at, and immediately before the time when the Dinosaur National Monument was enlarged and, as an inducement to general acceptance of such enlargement, it was represented, in effect, that prospective development of the area for power and other purposes would not be thwarted and that, should the need for development of reservoirs require the construction of dams in the area, Congressional action to provide for them would meet the approval of the National Park Service.

(4) Should the Secretary of the Interior fail promptly to order the transmittal to the Bureau of the Budget of the Department of the Interior's report on the Colorado River Storage Project and participating projects, including the recommendations therein contained for the authorization of the Echo Park and Split Mountain dams, then, in the light of the fact that there is no evidence warranting the exclusion of such units, notwithstanding that ample time has been allowed for the presentation of such evidence, the conclusion may be drawn, with, no doubt, great injustice to the Department of the Interior and to the Administration, that the Secretary's failure to act in the premises is based upon factors not connected with the merits.
WHEREFORE, premises considered, it is respectfully submitted that the Secretary should immediately act upon his decision of June 27, 1950, to include the Split Mountain and Echo Park dams and reservoirs among those recommended in the Department of the Interior's report on the Colorado River Storage Project and participating projects and should promptly direct the transmittal of such report to the Bureau of the Budget without further delay.

I

THAT REASONABLE TIME WITHIN WHICH THE SECRETARY OF THE INTERIOR MIGHT, IN EQUITY, HAVE ANNOUNCED A CHANGE OF MIND WITH RESPECT TO HIS DECISION IN REGARD TO THE ECHO PARK AND SPLIT MOUNTAIN DAMS HAS LONG SINCE EXPIRED.

(a) Elaborate hearings were held over a year and a half ago.

This is shown by the transcript of the Alderson Reporting Company. The transcript covers over 700 pages of oral and documentary evidence. The hearings commenced at 10 o'clock A.M. There was a brief recess for luncheon. They were then resumed and continued until approximately 6 o'clock P.M. Following a recess, they were resumed at approximately 8 o'clock P.M. and lasted for an hour or more in the evening.

(b) The Secretary's decision was announced on June 27, 1950, approximately one year and five months ago. (See Exhibit A).

(c) The States of Arizona, Colorado, New Mexico, Utah and Wyoming, and the Upper Colorado River Commission have relied thereon and have, therefore, generally refrained from tactics which might have had the appearance of pressing the Secretary of the Interior to act precipitately. They have sought in every way to avoid any action which might have tended to embarrass the Secretary with respect to this matter.

The record clearly shows that the Upper Basin States and the Upper Colorado River Commission have acted with great restraint. They desired to afford, and they have afforded, the Secretary of the Interior ample time within which to work out some friendly adjustment with opposition groups that would nevertheless permit the Secretary's recommendations with respect to the Echo Park and Split Mountain reservoirs to go forward. To this end they have sought to avoid newspaper and radio controversy on the subject.

(d) The States of Arizona, Colorado, New Mexico, Utah and Wyoming, the people within them, and the Upper Colorado River Commission, having governed their actions in good faith, in reliance upon the Secretary's decision of June 27, 1950, the Secretary ought not, in equity and at this late date, to reverse such decision.
It requires no citation of authority to show that where a public official, acting within his authority, has made a certain decision and such decision has stood for a considerable period, and States, organizations and individuals have governed their actions for such a period in reliance upon such decision, then equitable grounds for the reversal of such decision are lacking.

(e) The decision made public by the Secretary of the Interior on June 27, 1950/Exhibit A/ was unequivocal. No where therein was there conveyed so much as a hint that the Secretary had assured or proposed to assure those who had appeared on the other side that, notwithstanding such announced decision, he would afford them additional time to study the possibilities for an alternative solution.

Exhibit A, issued by the Department of the Interior's Information Service, and purporting to be a bulletin from the "Office of the Secretary," contains no iota of hint in this respect. Furthermore, all "conservation groups" had as much time as everyone else to prepare for the hearings held by the Secretary of the Interior. All information available to others was available to them. Finally, as will be shown elsewhere, the additional opportunity afforded to them by the Secretary to-date, though more than ample, has not resulted in their bringing forth any evidence warranting a change in the Secretary's decision.

II

EVEN IF THERE HAD NOT LONG SINCE EXPIRED THAT REASONABLE TIME WITHIN WHICH A CHANGE OF MIND SHOULD HAVE BEEN ANNOUNCED BY THE SECRETARY OF THE INTERIOR ON THE QUESTION OF INCLUDING THE ECHO PARK AND SPLIT MOUNTAIN DAMS IN THE LIST OF WORKS TO BE RECOMMENDED AS A PART OF THE COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS, THERE HAS BEEN PRESENTED TO THE SECRETARY OF THE INTERIOR NO EVIDENCE OR ARGUMENT ON THE MERITS WHICH WARRANTS THE SECRETARY IN SO CHANGING HIS MIND.

(a) The Secretary's decision of June 27, 1950, was founded upon two propositions, to wit: (1) that "when the Dinosaur National Monument was enlarged, the probability of this development was envisioned." /See 2nd paragraph of the Secretary's letter to Senator Thomas, as quoted in Exhibit A/; and (2) "the demonstrated need for water" /See 2nd paragraph of the Secretary's letter to Senator Thomas, as quoted in Exhibit A/. These reasons, upon which the Secretary's decision of almost a year and a half ago was founded, remain valid. /See Point 3/. In the case of the second ground adduced for his decision, the need has become more acute.

The ample evidence presented at the hearings held on April 3, 1950, proving beyond reasonable doubt that, at the time the Dinosaur National Monument was extended, the people were assured that such enlargement would not be allowed to
interfere with water resource projects, has never been contradicted. Nor can it be. Those who are now seeking to prevent the use of these areas for water resource development are, wittingly or unwittingly, seeking to persuade the Secretary to act in bad faith and in disregard of prior Departmental commitments.

It is believed that the Secretary should and will take notice of the growth in population of the Upper Basin, of increasing need for water and power to develop urgently needed minerals, for agriculture, for national defense, and for other purposes, and that it is, therefore, unnecessary to encumber this brief on that point.

(b) So far as the Upper Colorado River Commission has been able to ascertain, the only material, purporting to be of any consequence presented to the Secretary from any source outside the Department of the Interior, since the Secretary's decision of June 27, 1950, was handed down, consists in a memorandum dated "August 1951," subject "The Upper Colorado Reclamation Project," signed by U. S. Grant 3rd. /See Exhibit H/ Some of the material appearing therein is scandalous. Certain engineering conclusions therein set forth demonstrate their author's total innocence in the highly specialized field of hydrology.

General Grant's memorandum /Exhibit H/, is scandalous in so far as it consists in an attack on the Bureau of Reclamation and upon the engineers in that agency responsible for the investigations culminating in the report on the Colorado River Storage Project and participating projects. The implication contained in paragraph 5 of the memorandum that the Bureau of Reclamation has been something less than "loyal" is unworthy. It is scandalous. The same is the case with General Grant's accusation in paragraph 4 of his memorandum that the Bureau of Reclamation's insistence upon Echo Park dam "is evidently due primarily to the Bureau's desire to set a precedent for encroachment on such a prohibited area..." Such statements are contemptible beyond measure. The Department itself should deal with them by publicly avowing its complete confidence in the integrity and ability of the Bureau of Reclamation.

General Grant to the contrary notwithstanding, during the approximately fifty years of investigations that preceded the preparation of the report on the Colorado River Storage Project and participating projects (it is characteristic of the good General that he has not yet bothered to find out the correct name of the project) the engineers of the Bureau of Reclamation have performed a painstaking and thorough job. Having no inherited distinction, they have won laurels by their works. They have been completely devoted and they have been ever loyal.

It is fortunate indeed that public funds are not wasted by carrying all project investigations to the stage where final plans and estimates can be made. Some selection must, of course, be made among those many that are the subject of
The West generally is willing to rely upon the judgement of experienced Bureau of Reclamation engineers as to what projects are worthy of first consideration.

The policy which General Grant advocates—that all possibilities in a basin-wide plan shall be investigated to the stage that would permit of immediate construction of any unit would, if applied to the Bureau of Reclamation and the Army Engineers, be most extravagant and wasteful of public funds. The outstanding development that has occurred in the Tennessee Valley was a progressive development. The general picture was conceived by able engineers. Certain works were selected for early construction after preliminary investigations. These were given detailed study, while other dam sites were given subsequent detailed study and investigation as soon as it was determined that their construction was justified. The eminently successful development of the Lower Colorado River Basin was achieved by the Bureau of Reclamation by the same policies and methods in these respects. The same policies and methods are being followed for the Upper Basin. By the way, it is worthy of note that all dam sites in the Upper Basin, with the exception of Crystal and Gray Canyon, have been drilled, mapped and explored for construction materials.

In view of his experience in the Army Engineers, which does not require pay-out of the taxpayers' cost in its works, it is interesting to note the extreme solicitude demonstrated by General Grant to pay-out in the case of the Colorado-Big Thompson project. His reference to a quotation from Mr. Carhart's recent writings on the subject rather destroys the force of his remarks. Mr. Carhart has been known for some time in the West as a common scold of water resources development. What General Grant does not know is that the Colorado-Big Thompson case is not a valid analogy in any event. For the Colorado-Big Thompson project grew from the inadequate imagination of its original engineering progenitors, at which time its cost was estimated consistently, to a size where it is able to fulfill the needs of its affected areas and hence to a commensurate cost. It is an example of a project which, having been inadequately planned, fortunately grew to adequate size with a consequent increase in cost.

On the question of evaporation, General Grant has some interesting things to say. He ascribes to a Secretary of the Interior the statement that the whole subject of computing reservoir evaporation from pan observations is a "comparatively little known...phase of water resources development" and that it is "a hydrologic mystery." Now, although the subject of computing reservoir evaporation is apparently a mystery to General Grant, it is not, however, a mystery to competent engineers; to the American Society of Civil Engineers, in whose manual of practice it appears; to Messrs. Wisler and Brater, in whose recent work on Hydrology it is treated; to Foster, who discusses it in his "Rainfall and Run-off"; and to countless others, some of whom are listed in a footnote at page 2 of Exhibit I.
Whoever is responsible for having advised the Secretary that the computation of evaporation from pan observations is a "hydrologic mystery" did the Secretary an extreme disservice.

Exhibit G reports as follows:

"Doty said the Conservationists, headed by General U. S. Grant III, have now submitted an alternative site for the dams, but neither Chapman nor Doty has had time to study the plan."

As stated elsewhere in this brief, so far as the Upper Colorado River Commission is aware, the most recent presentation of General Grant on this subject consists in his memorandum of August 1951 Exhibit H. If, in fact, something more recent than that has been submitted by General Grant, ought not the Upper Colorado River Commission to be informed promptly and afforded an opportunity to comment? If, in fact, Exhibit H is the most recent Grant pronouncement on the subject, then it is respectfully submitted that three months would seem to allow sufficient time to "study" the same.

Basic data on evaporation in the Upper Colorado River Basin was collected, tabulated and analyzed under the direction of the Engineering Advisory Committee to the Upper Colorado River Compact Commission. The results of these investigations are contained in the final report of that Committee. The Bureau of Reclamation Engineers used those results in their reservoir operation studies to determine, probable losses due to evaporation from reservoirs being considered for inclusion in the Storage project.

At my request, an entirely new and independent investigation of the subject of evaporation losses has just been completed by Mr. Ralph D. Goodrich, Chief Engineer of the Upper Colorado River Commission, Dean Emeritus of the School of Engineering of the University of Wyoming, and an internationally famous hydrologist. The results of this new and independent and wholly objective study are attached as Exhibit I. This memorandum from Dean Goodrich is the most highly authoritative pronouncement to-date on the subject of comparative evaporation losses. The best combination of alternatives to Echo Park (Desolation and Gray Canyon) would cause an annual increased loss by evaporation of 285,200 acre feet. This theoretical combination is impracticable, since it would result in flooding the city of Jensen, Utah. See page 4 of Exhibit I. It would, therefore, be necessary to construct two reservoirs to provide the same active storage capacity. This would result in greatly increased evaporation loss. Thus, Bureau of Reclamation figures on evaporation and the figures arrived at by our Chief Engineer are found to be surprisingly close, though arrived at by different but equally scientific and recognized methods.

As a matter of fact, General Grant's comments on the subject of evaporation are not his own. It would have been appropriate for him to give credit to someone else for such gems as the suggestion, in effect, that the annual evaporation
at Lees Ferry is 63 inches and at Myton, Utah is 41 inches.
Such is the advice he apparently received from an assistant
who, it seems, advised him that these were Weather Bureau
evaporation pan observations and that they should be reduced
to convert to open water evaporation figures! As a matter
of fact, these were the quantities used in plotting evaporation
curves. They were obtained by General Grant's assistant from
the Salt Lake City Office of the Bureau of Reclamation and
they had already been properly converted from pan evaporation
to reservoir evaporation figures!

Many of the things which General Grant urges have already
been done. Provision has been made for meeting the needs of
existing water users. There is recognition of potential
demands of other projects and uses, proposed or expected.
The plan for the Upper Basin has sufficient flexibility to
permit of adjustment for unforeseen contingencies. Tentative
schedules for putting power on the market are based on
detailed studies in which facilities of the Federal Power
Commission and other reliable agencies were utilized. General
Grant seems, in these respects, to have overlooked the first
duty of the critic: to be well informed.

General Grant's worries about Glen Canyon reservoir
encroaching upon Rainbow Bridge are without foundation.
Tentative agreements between the National Park Service and
the Bureau of Reclamation for the provision of measures
needed to avoid such encroachment have already been reached.
Why doesn't some one tell our valiant General about these
things? The Bureau of Indian Affairs has been fully consulted
on the subject of the Navajo reservoir. This is true not only
as to consultations between officials of the Bureau of
Reclamation and the Bureau of Indian Affairs. It is true
also with respect to the Upper Colorado River Commission
which has scrupulously sought to consult and has consulted
consistently with representatives of the Bureau of Indian
Affairs. Surely our great soldier statesman can not long
remain ignorant of these things!

III

THE OVERWHELMING PREPONDERANCE OF THE TESTIMONY
PRESENTED AT THE HEARING HELD ON APRIL 3, 1950,
IS AS PERSUASIVE AT THIS TIME AS IT WAS WHEN
PRESENTED; AND, UPON REVIEW, LEADS INEVITABLY TO
THE CONCLUSION REACHED AND ANNOUNCED BY THE
SECRETARY OF THE INTERIOR ON JUNE 27, 1950
(See Exhibit A)

(a) The national interest requires the construction
of the Split Mountain and Echo Park dams.

The Department of the Interior has reported heretofore,
as a result of its investigations in the Colorado River Basin
that, in effect, there is not enough water available in the
Basin for all the purposes for which it is needed. It
follows then that neither the Basin nor the country as a
whole can afford the additional loss by evaporation (some
where between 350,000 and 285,000 acre feet per annum) that
would result from the use of the best possible combination of alternative sites. [See inter alia, Transcript, p.p. 230-31; Exhibit H. It has been demonstrated [See Point 27 that scientific computations, following different, though recognized, methods reach remarkably similar conclusions as to comparative evaporation losses.

(b) Comparatively few scenic and geologic values and no reptilian remains would be submerged in the proposed reservoir area.

The evidence on this point is too voluminous to refer to in detail. It was virtually uncontradicted; although attempts to overcome its weight were made through general statements that represented a worthy regard for the National Park System as a whole and little knowledge of actual conditions at the proposed reservoir sites. Some of the most impressive evidence on this point is to be found in the testimony of F. C. Merrill [p.p. 155-163 of the Transcript]; the statement filed on behalf of the Utah Wildlife Federation [p.p. 170-171 of the Transcript]; the statements of Dr. J. E. Broaddus and of Dr. G. E. Unterman [p.p. 342 and 211, respectively, of the Transcript].

(c) Losses of geologic and scenic values as might occur would be many times offset by new scenic and recreational values that would be added.

The testimony of Drs. Broaddus and Unterman goes to this point also. Several hundred pages of additional testimony was presented on this point. It is impossible to refer to any of such testimony without doing injustice to others who testified with equal knowledge and eloquence. The opposition was not persuasive. Even Secretary Ickes suggested that he could do no more than express a "general opinion" on the subject. His general opinion was, of course, that National Park and Monument areas should be left untouched. It is a general proposition with which we do not disagree.

(d) Remaining geologic and scenic values will be vastly increased through their accessibility to the public.

See Broaddus and Unterman and many others in Transcript.

(e) The Presidential proclamation enlarging the Dinosaur National Monument expressly reserves and has the legal effect of leaving inviolate the withdrawal theretofore effected under the Federal Reclamation laws.

See my statement p. 109 et seq. of Transcript.

(f) At and immediately before the time when the Dinosaur National Monument was enlarged and as an inducement to general acceptance of such enlargement, it was represented, in effect, that prospective development of the area for power and other purposes would not be thwarted and that, should the need for development of reservoirs require the construction of dams in the area, Congressional action to provide for them would meet the approval of the National Park Service.
It is unnecessary to dwell upon this point since the Secretary himself has conceded its validity. See Exhibit 1. Mention should, however, be made of the affidavit of David H. Madsen, p. P. 143-149 of the Transcript; and to the correspondence between the late Senator King and the then Acting Director of the National Park Service 1Transcript, p. p. 144-145.

IV


The Upper Colorado River Commission does not itself draw such a conclusion. It is a non partisan organization. It desires and expects that all matters affecting the conservation, development and utilization of the water resources of the Upper Colorado River Basin shall be handled on merit alone. It deplores suggestions that factors other than merit may be responsible for delays that have occurred to-date. It most earnestly represents that the best means of avoiding such suggestions consists in the prompt release of the report in question to the Bureau of the Budget and to the Congress.

Respectfully submitted,

[Signature]

John Geoffrey Mill
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Upper Colorado River Commission