

COLORADO RIVER BASIN STATES COMMITTEE

Transcript of Proceedings

January 21, 1951

Room 330

State Office Building

Denver

Colorado

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APPEARANCES

MEMBERS OF THE COLORADO RIVER BASIN STATES COMMITTEE

ARIZONA:

Chas. A. Carson	Legal Counsel, Arizona Interstate Stream Commission, Title & Trust Bldg., Phoenix, Arizona.
Wayne M. Akin	Chairman, Arizona Interstate Stream Commission, Phoenix, Arizona.

COLORADO:

Clifford H. Stone	Director, Colorado Water Conservation Board, State Office Building, Denver, Colorado.
Frank Delaney	Attorney, Colorado River Water Conservation District, Glenwood Springs, Colorado.

NEW MEXICO:

John H. Bliss	State Engineer, Capitol Building, Santa Fe, New Mexico.
Fred E. Wilson	Legal Adviser for New Mexico Upper Colorado River Commissioner, 806-8 First National Bank Bldg., Albuquerque, New Mexico.

UTAH:

Joseph M. Tracy	State Engineer, State Capitol, Salt Lake City, Utah.
Clinton D. Vernon	Attorney General of Utah, State Capitol, Salt Lake City, Utah.

WYOMING:

L. C. Bishop	State Engineer, Cheyenne, Wyoming.
Austin P. Russell	Assistant State Engineer, Cheyenne, Wyoming.

ADVISERS AND OTHERS PRESENT

ARIZONA:

Dr. Alfred Atkinson	Member, Arizona Interstate Stream Commission, Tucson, Arizona.
R. Gail Baker	Engineer, Arizona Interstate Stream Commission, Phoenix, Arizona.
J. H. Moour	Attorney, Central Arizona Project, Phoenix, Arizona.
W. W. Lane	State Water Commissioner, Phoenix, Arizona.

COLORADO:

Jean S. Breitenstein	Attorney, Colorado Water Conservation Board, Denver, Colorado.
Frank C. Merriell	Member, Colorado River Water Conservation District, Grand Junction, Colorado.
Glenn Saunders	Attorney, Denver Water Department, Denver, Colorado.
Chas. R. Neill	Colorado River Water Conservation District, Hotchkiss, Colorado.

NEW MEXICO:

John R. Erickson	Engineer, New Mexico Interstate Stream Commission, Santa Fe, New Mexico.
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UTAH:

G. G. Roskelley	Assistant State Engineer, State Capitol, Salt Lake City, Utah.
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WYOMING:

No advisers present.

BUREAU OF RECLAMATION:

J. R. Riter

Chief Hydrologist,
Branch of Project Planning,
Denver, Colorado.

**INTERNATIONAL BOUNDARY AND WATER COMMISSION,
UNITED STATES SECTION:**

Frank B. Clayton

Attorney,
El Paso, Texas.

UPPER COLORADO RIVER COMMISSION:

Harry W. Bashore

Chairman and Commissioner for the
United States of America,
Mitchell, Nebraska.

J. G. Will

Secretary-General Counsel,
Grand Junction, Colorado.

R. D. Goodrich

Chief Engineer,
Grand Junction, Colorado.

PROCEEDINGS

The meeting was called to order by Chairman Stone at 10:30 o'clock a.m., on Sunday, January 21, 1951, in Room 330 of the State Office Building, Denver, Colorado.

CHAIRMAN STONE: The Committee will come to order. General Vernon will be here very shortly. We might save some time by taking the appearances. Arizona, the appearances for your state, please.

MR. CARSON: Wayne M. Akin and Charles A. Carson, members of the Committee. Dr. Alfred Atkinson, W. W. Lane, R. Gail Baker, and J. H. Moaur.

CHAIRMAN STONE: New Mexico?

MR. BLISS: Fred E. Wilson and John H. Bliss, members of the Committee; and John Erickson as an adviser.

CHAIRMAN STONE: Wyoming?

MR. BISHOP: L. C. Bishop and Austin P. Russell, members of the Committee.

CHAIRMAN STONE: Utah?

MR. TRACY: Clinton D. Vernon, Attorney General, and Joseph M. Tracy, as members of the Committee; and C. O. Roskelley, consultant.

CHAIRMAN STONE: Colorado?

MR. DELANEY: Clifford H. Stone and Frank Delaney, members of the Committee. Jean S. Breitenstein, Glenn Saunders, and Frank Merriell as advisers, and Chas. R. Neill,

a member of the Colorado River Water Conservation District.

CHAIRMAN STONE: Other appearances: Upper Colorado River Commission, Harry W. Bashore, Federal Representative on the Commission and Chairman; J. G. Will, Secretary and General Counsel. The Bureau of Reclamation, J. R. Riter, Chief Hydrologist of the Branch of Project Planning, Bureau of Reclamation. The United States Section of the International Boundary and Water Commission, Frank Clayton. Is it General Counsel or Attorney?

MR. CLAYTON: Counsel.

CHAIRMAN STONE: I think it would be most appropriate if Mr. Bashore as Chairman of the Upper Colorado River Commission, and Mr. Will as Secretary, would sit down at the table. (Discussion off the record.)

There are matters coming up today which should be considered, I believe, when both representatives of each state on the Committee are present. However, there is one matter which we might well dispose of while we are waiting for General Vernon. It is a matter which came up before the Upper Colorado River Commission and which in the judgment of the Chair should be considered by the Colorado River Basin States Committee. It is a matter which probably can be disposed of rather quickly. I refer to the recodification of the Federal Reclamation Laws.

In order that the matter may be briefly and concisely and quickly set forth for such action as the Committee may take, I should like to call on Mr. Will to explain that

situation and explain what was done by the Upper Colorado River Commission with respect to it. Mr. Will, would you do that for us, please?

MR. WILL: Mr. Chairman, yesterday the Upper Colorado River Commission was addressed briefly by Mr. Witmer, who is an Assistant Chief Counsel of the Bureau of Reclamation. It was explained to us that about two weeks ago, maybe a little bit longer, a galley proof of a codification of the Reclamation Laws was furnished the Department of the Interior by the Department of Justice. The Subcommittee on Codification of Laws of the House Committee on the Judiciary had asked the Department of Justice for comments on this galley proof. After considerable effort, a number of galley proofs were obtained, sufficient to enable the Bureau to circulate copies to its Regional Counsel, as well as to have a few extra copies in Washington.

They have done a good deal of work on it but review of such codification is really a monumental job and there are some very serious omissions and errors in this codification so far. Just to be very brief, one of the omissions is omission of that language in the old Hayden-O'Mahoney amendment, on which at least in great part we hang the irrigation subsidy, the aid to irrigation costs from power revenues. There are rather horrible things in that codification but I won't take your time telling you about them.

The Upper Colorado River Commission yesterday unanimously adopted a resolution pointing out that this

codification is a matter of great interest to the Commission as well as to all of the 17 Western States; and it has asked in that resolution that the Committee on the Judiciary arrange for the submittal of drafts to a committee of Western lawyers and that nothing in the way of the introduction of a bill to enact this code be done until there has been ample opportunity in the Western States for review of that proposed code and comments thereon.

That resolution will be communicated to the Committee on the Judiciary of the House and we are going to do everything we know how to prevent the introduction of a bill at this early stage before that code has been got in some sort of decent shape. Right now it is in terrible shape and would do us a lot of damage. That I think, Mr. Chairman, about sums it up.

CHAIRMAN STONE: Thank you, Mr. Will. Yesterday I explained to the Commission that a subcommittee of the National Reclamation Association was designated at the time I was Chairman of the Legislative Committee--I am no longer Chairman of that Committee--and as I recall Mr. Arvin B. Shaw was the chairman and another member is Mr. J. H. Moeur of Arizona. Mr. Moeur has just returned from Washington and I should like to call on him to tell us what he knows about that situation.

MR. MOEUR: As you know, the request for recodification was a mandate of the convention--I think the Omaha convention.

MR. WILL: Of the Phoenix convention.

MR. MOEUR: The Phoenix convention. We looked the situation over a little bit. The third man was Clif Fix. I think he was designated a member of that committee.

CHAIRMAN STONE: I believe it was Fix.

MR. MOEUR: Fix was the other man on the committee. When we looked the thing over it was apparent there was a lot of work to it and nobody had the time or funds in order to do that job, that is, the Association didn't have. So we went to the House Judiciary Committee and we had several interviews with them and they agreed they would undertake the job and get the job done for the House Judiciary Committee. We followed that up until they told us what they were going to do. I think they got Bobbs Merrill to do this work. That is the understanding we had and have, and the agreement we had.

I think you ought to send a wire or call Bill Welsh because I didn't know this galley proof was out. It was news to me when I heard it last night. The committee's job was to get the work started. It was not our job to review the work but to get the machinery set up by which the work might be done. And that was done and the thing was started, but we had a clear understanding with the Judiciary Committee that when the work was initiated and the galley proofs were out, it would be submitted to the National Reclamation Association and enough copies would be furnished so that all interested people could go over it. Now apparently they haven't done that thing they should do, and if the Judiciary Committee keeps faith with us, they will do that.

(Mr. Vernon enters meeting room.)

CHAIRMAN STONE: I have written a letter to Bill Welsh--it will go out today air mail--asking him what he is doing about it. I am advised by Mr. Witmer that the Bureau did call Bill's office and advised him of the situation.

MR. MOEUR: Bill didn't say anything to me about it. I talked to him yesterday morning the last thing before I left Washington and he didn't say anything to me about it at all.

CHAIRMAN STONE: In order to shorten this, I think nearly everyone here this morning were present yesterday and know the nature of the resolution which the Upper Colorado River Commission adopted, a resolution dictated into the record by Mr. Will. Making appropriate changes in that resolution, a similar one might well be adopted by the Colorado River Basin States Committee.

MR. MOEUR: I think you are going to have to set up the machinery some place. It is one of those jobs where it is everybody's job and nobody gets the work done. We are going to have to provide some way and make it somebody's responsibility to see that that thing is studied.

CHAIRMAN STONE: Does any member of this Committee have any suggestion as to any further or different procedure from that which was considered and acted upon by the Upper Colorado River Commission? Mr. Delaney, you were present at a meeting when Mr. Witmer went over this draft somewhat in detail. Do you have any suggestions to make?

MR. DELANEY: Well, as Mr. Moeur mentioned, it seems

to me that the responsibility to follow the thing up will have to be placed on someone. I am not sufficiently familiar with the machinery of the National Reclamation Association to know whether or not we can safely entrust that responsibility to that Association. If it does have the machinery, then I think the resolution passed by the Upper Colorado River Commission is sufficient if we concur in it; that ought to accomplish the purpose.

What do you say, Mr. Moeur, does the National Reclamation Association have the machinery to follow the thing up?

MR. MOEUR: I question it very seriously at this time.

MR. CARSON: So do I.

MR. MOEUR: I think they will do some work on it. But let them do their work and don't stop at that, follow it up yourself. I don't think you can rely on what would be done there because I don't know who would be on the committee or what would be done there.

CHAIRMAN STONE: As I understand it, Mr. Moeur, your subcommittee had accomplished its job when you got this matter initiated and got the action by the House Judiciary Committee?

MR. MOEUR: That is my opinion, and we are through.

CHAIRMAN STONE: And nobody can have any full and complete confidence that appropriate action may be taken, and by that statement I don't wish to reflect in any way upon Mr. Bill Welsh. He is not a lawyer but I think he would appreciate

the significance of the thing and would do all that he can.

It is running in my mind and I wondered if---we have got five states represented here, states that are very greatly concerned about this matter. A recodification might pull the rug right out from under us. Furthermore, if this draft is not clarified before it gets in the form of a bill, there are going to be endless hearings, and I wondered whether in addition to the action taken yesterday, that we might find someone in these five states whose job it would be to see that the review is accomplished on behalf of these states by a committee of lawyers.

MR. WILL: May I ask a question, Mr. Chairman?

CHAIRMAN STONE: Yes.

MR. WILL: First--this is not quite in the form of a question--but General Vernon made a suggestion to me that I think this Committee might wish to explore. He wondered if it wouldn't be possible to create a committee of say five lawyers, which committee could meet and divide up this draft of codification into perhaps five divisions, each member of the committee being responsible for the careful review of one division. Then the committee could get together from time to time and coordinate its work. The member of the committee in charge of the examination of his particular division might want to confer and would be free to confer with others whom he regarded as skilled or a specialist in some particular branch of the law examined. That is the suggestion that Mr. Vernon mentioned to me and it sounded to me as if it were a worthy one and

ought to be explored perhaps by this Committee.

The question I had in mind to ask was whether anyone knows whether the American Bar Association has a Western Division?

CHAIRMAN STONE: Mr. Breitenstein, can you answer that?

MR. BREITENSTEIN: What was it?

MR. SAUNDERS: The answer is, "No."

MR. BREITENSTEIN: Mr. Saunders says, "No."

MR. WILL: They do not have a Western Section or anything like that?

MR. SAUNDERS: No.

CHAIRMAN STONE: May I ask this of Glenn or Jean, whether this is a matter in which the Colorado Bar Association would interest itself or should interest itself?

MR. SAUNDERS: We have some very good people on the Water Section of the Colorado Bar Association and they are all pretty busy. But if we followed Mr. Will's suggestion and farmed out smaller pieces of the thing, it might be we could give some attention to it.

(Mr. Russell enters meeting room.)

MR. BLISS: Mr. Chairman, not being a lawyer, I can make a suggestion perhaps. I was wondering if you might consider the possibility of employment of some qualified attorney to consider the entire Reclamation Law and the recodification and perhaps go into it in more detail than it would be possible for a group or groups of busy lawyers to do.

I don't know whether the Upper Colorado River fund has any money for that purpose or not. It is just a suggestion, an idea that you might consider.

MR. WILL: May I, Mr. Chairman, not being a member of this Committee, comment on that?

CHAIRMAN STONE: Yes.

MR. WILL: I think, John, that while that sounds good, in actual practice it wouldn't work out.

MR. CARSON: No.

MR. WILL: The Reclamation Law, like perhaps many bodies of law that have grown up over a long period of years, means things which are not to be determined in general by even a highly competent lawyer who has not spent a good many years in the practice of that specialized field. The average lawyer, competent as he may be, reading, for instance, the Hayden-O'Mahoney amendment, will generally miss the significance of it. And that is what happened in the Subcommittee of the House Committee on the Judiciary. I don't believe that there was a deliberate attempt there--perhaps there was--but I don't believe that there was any deliberate attempt there to misstate the effect of the Hayden-O'Mahoney amendment. I think it just wasn't appreciated.

MR. MOHR: Mr. Chairman, if I can make one more comment, I didn't intend to convey the impression that I didn't think the National Reclamation Association was competent to handle this or they wouldn't handle it. I just don't know. There are a good many differences of opinion in the N.R.A. and

I don't know who would be put on a committee like that nor do I know what the result would be. But I don't think you could afford to depend entirely on it. I want to get that clarified.

Now there will be a meeting probably of the Board of Directors of the N.R.A. sometime before March 15th, and I doubt very much if they do too much before that time unless you can hold this thing up. It would appeal to me that your proper procedure here would be, first, to pass a resolution similar to that yesterday. Follow that up with a letter to the National Reclamation Association, to Bill Welsh, to make the same kind of request to see that no bill gets introduced. And then you appoint a committee here, composed of one member from each state that is willing to work on the thing, and let that committee divide the work as suggested a moment ago; leave it up to the committee to divide this work and then make somebody responsible for it.

MR. BISHOP: Mr. Chairman, I was going to say that I agree with John's idea that it would be a good idea to hire some competent lawyer to at least head this committee and be responsible for it, and probably pay them for it. I am sure that Wyoming could dig up their share of paying for such a lawyer's services. And then have a lawyer from each state to cooperate with him and review what he has done. And then of course I would say you should have at least one engineer to keep the lawyers straight.

CHAIRMAN STONE: Of course, I concur in the general idea which Jeff Will has, that it isn't purely a job that any

lawyer whom you might hire could do. It requires a rather broad background and understanding of the practices and past application of the existing reclamation law. To find such a man who has the time to do that job would be very difficult, and in my judgment to pay him adequately would be expensive. If a lawyer undertook that he would want to do a good job and it would require a good deal of his time and there are very few men in the West familiar enough with the Reclamation Laws and how they have been applied and what the effect of certain interpretations and codifications would have on the West. It would be a pretty sizable undertaking.

I think we can rely to a great extent upon, and benefit by, the work that is being done by the Chief Counsel's office of the Bureau of Reclamation. Those men are experts in the field. They have been working at it for years and any committee would want to probably keep contact with them. Even the designation of one lawyer from each of these states to work on it is going to be a considerable assignment.

MR. CARSON: Mr. Chairman, I move that we adopt a similar resolution, with appropriate changes in language to substitute the Chairman of this Committee for the Secretary and General Counsel of the Upper Colorado River Commission in that resolution; and that you immediately take steps to try to delay the introduction of a bill in Congress. (It was my understanding from Mr. Witmer that they wanted to introduce it by the end of this month.) And then that each of the states appoints one lawyer, or alternate lawyers as it sees

fit, to try to get copies of this and go over it carefully and have meetings and digest it and report back to this Committee.

MR. DELANEY: I second the motion.

CHAIRMAN STONE: That change, you say, is to substitute Mr. Will--

MR. CARSON: Substitute you for Mr. Will. In the Upper Colorado River Commission resolution it was that the Secretary and General Counsel should send the letters and so forth.

CHAIRMAN STONE: Oh, yes.

MR. BLISS: Mr. Chairman, for my information, I am wondering if the Department of Agriculture and the other agencies besides the Reclamation Bureau which are directly affected by this recodification, are thoroughly happy with the recodification and are going along with it? I wonder if anybody could answer that question?

CHAIRMAN STONE: I don't think so. I asked that same question of Mr. Witmer walking down town last night and he assumed they were going into it carefully but he could not answer positively.

Is there any further discussion?

MR. TRACY: Mr. Chairman, he says that they won't have time if they don't stop the thing. It is going to go through too fast and they won't have a chance to check into it.

MR. CARSON: We would still have to do it anyway. If it is introduced and gets away from us, we would still have

to go over it and straighten it out in Congressional committee.

MR. WILL: I don't believe for a minute, Charlie, the Judiciary Committee would throw out such a bill if they had a couple of letters.

MR. CARSON: I am somewhat disappointed after talking with Mr. Moaur. The Bureau of Reclamation was trying to keep in touch all the time and this comes to them, not from the Committee but from the Department of Justice, and apparently the Committee didn't do anything as this H.R.A. committee understood it would. So I think it is very urgent that we try to stop its introduction immediately.

CHAIRMAN STONE: Any further discussion on the motion?

MR. ELISS: Question.

CHAIRMAN STONE: Question has been called for.

(Thereupon a vote is taken.) The motion is carried unanimously.

(The Resolution adopted by the Upper Colorado River Commission, which is adopted by the Committee by the above action, with appropriate changes to be made therein, reads as follows:)

"WHEREAS, the Commission is informed that the Subcommittee on the Codification of the Laws of the House Committee on the Judiciary is preparing to introduce in the near future a bill codifying the Federal Reclamation Laws; and,

WHEREAS, this Commission believes that before any such bill is introduced the fullest opportunity should be

afforded this Commission and the 17 Western States to consider any draft of such codification:

NOW, THEREFORE, BE IT RESOLVED that this Commission directs its Secretary-General Counsel to advise the Judiciary Committee of the House and such officials of the appropriate subcommittee thereof as should be so advised, and the legislative members of the five Upper Basin States, of its concern and of its wish that every possible reasonable opportunity be afforded not only the Commission but also the 17 Western States, to consider drafts of any proposed codification and to make comments thereon, and to consider any redrafts thereof that may be made in the light of such comments, prior to the crystallization of any such draft in the form of a bill."

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CHAIRMAN STONE: It has been sometime since we have had a meeting of this Committee. I am glad we are together now because there are several matters that should be considered. We are fortunate in having with us today, Frank Clayton, who is prepared to give us a report on matters relating to the situation at the border on the Colorado River. Frank, are you prepared to make your statement now?

MR. CLAYTON: Yes, sir.

CHAIRMAN STONE: We will be glad to have you do so.

MR. CLAYTON: Mr. Chairman and gentlemen: I think first I ought to fix the responsibility for my being here because I don't want to assume it.

The idea of my being here today originated with Mr. Charlie Carson, and he persuaded the Commissioner that there would be some virtue in appearing here to account for our stewardship since the last time I appeared before the Committee on this subject. The matter was taken up with Judge Stone and I think out of an abundance of politeness, he thought he should extend that invitation. So that is why I am here.

CHAIRMAN STONE: May I interject, it was not a matter of politeness or a desire to be polite, but we really wanted you to be here, Mr. Clayton.

MR. CLAYTON: Thank you. The last time I was before your Committee on this particular matter was February 18, 1948. That is pretty near three years ago and there has been a good deal transpire since that time, but I am going to make this statement brief and I invite any questions or comments during the course of my remarks. Anybody that wants to interrupt, I welcome the interruption.

I think perhaps, Mr. Chairman, I should have some understanding about the way my statement is to be handled. I have no objection to it being taken down. I would like to have the right to revise and extend and maybe delete my remarks after I have seen the transcript, if I have violated any confidence.

MR. CARSON: I move that he be permitted to talk off the record.

CHAIRMAN STONE: Without objection it will be understood that Mr. Clayton's statement is off the record. Do I

understand this is in the nature of a confidential report and not for release to the press?

MR. CLAYTON: Yes, sir, I would appreciate it.

(Presentation made off the record.)

CHAIRMAN STONE: Thank you, Mr. Clayton. We appreciate your being here.

MR. CLAYTON: I am glad to be here.

CHAIRMAN STONE: We are going to proceed with other matters now and we would be very glad to have you remain with us today.

MR. CLAYTON: Thank you, Judge. I have a daughter in town that I haven't seen for a while and unless I could be of any help, I would like to be with her.

MR. CARSON: Mr. Chairman, before he goes I want to move that the subcommittee be continued to keep in touch with this situation.

CHAIRMAN STONE: Is there a second to the motion?

MR. BLISS: Second the motion, Mr. Chairman.

CHAIRMAN STONE: Before we act on that, may we let it appear in the record who the subcommittee members are and whether there are any changes?

MR. CARSON: There might be some changes. I am on it for Arizona.

CHAIRMAN STONE: The members of that committee: For Arizona, Charles A. Carson.

MR. CARSON: Fred Wilson from New Mexico; and Jean Breitenstein or Judge Stone, either one, from Colorado.

CHAIRMAN STONE: Make that Jean S. Breitenstein.

MR. CARSON: And Melvin Rollins, I think it was, from Wyoming.

MR. BISHOP: Melvin Rollins has left the state.

CHAIRMAN STONE: Who do you wish to substitute?

MR. BISHOP: I would like to consult the Governor about that before I would say.

MR. CARSON: And then Judge Howell was on it from Utah.

CHAIRMAN STONE: Does that remain the same, or what does Utah want to do about that?

MR. TRACY: I would have to take that up before I name the person on that.

CHAIRMAN STONE: Does that cover all the states? Then it is understood that the committee remains the same except as to Utah and Wyoming, and will you gentlemen advise me reasonably soon about that? Mr. Tracy, will you advise me for Utah?

MR. TRACY: Yes.

CHAIRMAN STONE: And Mr. Bishop as to Wyoming?

MR. BISHOP: Yes.

CHAIRMAN STONE: Are you ready for the question?

MR. BLISS: Question.

(Thereupon a vote is taken.)

CHAIRMAN STONE: The motion is carried unanimously.

MR. TRACY: What is the name of the committee? What do you call it?

MR. CARSON: I think we called it the Committee on the All-American Canal.

CHAIRMAN STONE: Or the International Boundary situation on the Colorado River. I don't think we gave it any--

MR. CARSON: --designation--

CHAIRMAN STONE: --again to refer to Herb DeVries' language--"any definitive title".

MR. CARSON: I think it would be better to call it, "on the International Boundary Situation".

MR. TRACY: Mr. Chairman, may I state you may name me on the committee and in the meantime if there is any change I will so advise you.

CHAIRMAN STONE: All right, Mr. Tracy for Utah and if there is any change he will advise me. That motion is carried. Now, gentlemen, do you want to proceed until twelve-thirty? We were rather late in getting started.

MR. ELISS: How much more have we to discuss?

MR. CARSON: We have quite a lot we would like to take up.

MR. ELISS: Will you be through by three o'clock?

MR. CARSON: Let's go on a while and see how we get along, unless you are all getting hungry.

CHAIRMAN STONE: All right.

MR. SAUNDERS: Mr. Chairman, before you start on a new subject, I suggest you haven't quite completed the one you started on, the matter of the compilation of these Reclamation

Laws. I have been thinking about that a little. You haven't done anything to implement that resolution. Mr. Bishop and Mr. Bliss suggested this is going to take a little bit of money somewhere along the line. Anybody that does this actual physical work is going to have to do, for instance, some secretarial work. A parallel between the old and new laws is going to have to be gotten or gleaned, and that is going to cost a little bit of money.

I think what Charlie Garson says, that you have to live with this thing, is true; nevertheless there is a little bit of mechanical background that costs money. Anyone who undertakes the work to get this information simulated and correlated and back together, is going to have to have some money to go along. Of course we might expect the engineers on this Committee to see that mechanical problem, but it is a real problem and it seems to me that you ought to provide some money for whoever is going to undertake this.

In the first place it seems to me you ought to ask your Chairman to see that some progress is made on the actual study of this law on behalf of these Upper Basin States. And then you ought to put a little money in his hands so he can actually have the sinews of war to carry this thing along.

I don't see how anybody who has the responsibility and authority for superintending this work can get along without some money. I don't think you are going to get anywhere if your Chairman doesn't have authority to spend some money and designate somebody to proceed. I don't know whether

it is going to turn out to be Breitenstein or Will or Carson or who, but somebody is going to have to go ahead and do something about it, and he is going to have to have a little bit of money to act with.

MR. VERNON: You are speaking of the chairman of the Legal Committee?

MR. SAUNDERS: I am speaking of Judge Stone as Chairman of the Colorado River Basin States Committee. And he ought to be in a position where he has a direction to see that somebody goes ahead with it. He can't do it himself but he can direct somebody to do it, and then they should have some money to work with. Postage alone may become a problem.

CHAIRMAN STONE: I think Mr. Saunders is right. As I recall our resolution, to implement this each of the states will probably designate somebody, some lawyer, to assist in this work, and I am to follow up on that. It will require some money. This Colorado River Basin States Committee does have some money. I entrusted to Mr. Peterson in my office the keeping of that account, and this afternoon I will ask him to come up here and tell you how much money we have got, and maybe we have got enough money to do this work. I rather suspect that we have if you want to devote that money to that purpose. We haven't been functioning too actively in recent years and we did have a bank account. I know we have got one now but I can't tell you how much is in the bank. I think we ought to have a report on that anyway, and I will ask him to come up and give you the amount this afternoon and then

we will determine that.

MR. DELANEY: Mr. Chairman, there is another question touched on just incidentally by Mr. Saunders, and that is the wording of that motion or resolution which was adopted. It provided for a committee of the states to make these studies but I don't remember that it provided how that committee was to be designated or appointed.

MR. CARSON: Each state was to select one or more.

MR. DELANEY: When is this to be done?

MR. CARSON: I think we just as well do it now, as far as we are concerned.

MR. WILL: May I ask a question on that? I have been wondering whether it isn't quite possible that the National Reclamation Association will take quite an active interest in this thing and that there would be the one body of lawyers to examine this codification?

MR. CARSON: I think we want to do it on our own too, Jeff. We ought to do it ourselves too.

MR. WILL: You think we ought to do it independently as well?

MR. CARSON: Yes.

MR. VERNON: The only question that I see there is that there might be a duplication of effort; and unless the possibility of a different approach is as real in both instances that a duplication might be justified by differences in approach, I think there should be an effort made to at least coordinate the work of this committee with the work of the

committee representing the National Reclamation Association as well as coordination of the work of both with any work that is being done by the Bureau or any other group.

MR. CARSON: If the National Reclamation Association appoints a committee, why we have a couple of the directors here and we could ask them to appoint our men on that N.R.A. committee.

CHAIRMAN STONE: From a practical point of view--- that suggestion of course is desirable, we don't want any duplication of effort--but from a practical point of view that will and can be accomplished. I mean by that, Mr. Mosur is the Director for Arizona and I assume that he would see to it that there is no duplication so far as that state. Mr. Wilson is the Director from New Mexico. I am the Director from Colorado. In Wyoming I am sure Mr. Bishop would be in touch with Earl Hoyer, who is the Director. And Utah, the Director of the Association is William R. Wallace. And I think as a practical matter we would naturally see to it that there is no duplication of effort there.

Then shall we leave the matter this way: This afternoon I will advise you of the bank balance that this Committee has. I rather suspect that we have enough money to take care of the items which Mr. Saunders mentioned. And it is left, as I understand it, each state is going to designate his own man and advise me, and I think that should be done rather soon.

MR. CARSON: We can do ours now. Either J. H.

Moeur or myself. One or the other might have to be present at the various meetings. We will try to handle it ourselves and handle it in Arizona, with all of our expense met there.

CHAIRMAN STONE: Does Utah wish to make any designation now?

MR. TRACY: It would be Mr. Vernon, being the legal talent in the State of Utah.

MR. VERNON: You mean one of them.

MR. TRACY: No, he is the legal talent. He is the Attorney General.

MR. BISHOP: How long would it take us to finish up this work? We have got to drive home and I am not supposed to work overtime.

CHAIRMAN STONE: You mean everything we have on the agenda here? I have got so I have stopped guessing; I don't know. Are you in a position, Mr. Bishop, to state a member of that Recodification Committee from Wyoming?

MR. BISHOP: I would of course appoint the new Attorney General, Harry Harnsberger. I will state this, Judge, if you have Jean Breitenstein at the head of it, we won't worry about it at all. We will figure that Jean knows all about it and that he will see to it that our interests are pretty well taken care of, and our man will cooperate.

CHAIRMAN STONE: We have been loading the man up with a lot of work.

MR. BISHOP: That is what I had in mind when I said we would pay our share.

MR. VERNON: I think that is quite a tribute to Mr. Breitenstein.

CHAIRMAN STONE: I think that Jean would want somebody from each of the states if he assumed to act on that committee and act as chairman. After all, we have got five states here and there are different views on these matters and they should be thoroughly discussed.

MR. BREITENSTEIN: I want to say frankly right now, I cannot give anybody any assurance I can undertake the work. The way my office is set up I couldn't do it. I would have to make some changes in my office setup and that would cost money. I am being as frank as I can, that I would not do that unless I am sure there would be no financial loss.

CHAIRMAN STONE: I am fully familiar with the load that we are placing on Jean now and that is why I made the statement I did. I would have to talk to Jean and Glenn Saunders and Frank Delaney and other attorneys here to see how we would handle that in Colorado, and I don't think we could determine that today. But Colorado will designate a man and I think your statement is quite a tribute to Jean.

MR. BISHOP: You can put us down for Mr. Harry Harnsberger, the Attorney General, as the Wyoming representative on that committee.

CHAIRMAN STONE: New Mexico?

MR. ELYSS: Mr. Chairman, as far as I know Fred Wilson will continue on that committee.

MR. WILSON: Always subject to the vicissitudes--

CHAIRMAN STONE: You say "continue"; this is a new committee.

MR. ELISS: He will work on that.

CHAIRMAN STONE: We will keep that in mind and discuss it here in Colorado. And I will act as a sort of liaison to keep this thing moving and we will advise you about the money we have on deposit this afternoon.

Mr. Carson expressed a desire to submit certain matters to this Committee. I will call on him now.

MR. CARSON: Mr. Chairman, as you know, this Committee has had heretofore, committees to appear before Congressional committees to oppose these suit resolutions that have been heretofore introduced by California. We don't know now how they are going to be handled but they have introduced several more of these suit resolutions in this present session of Congress. They are in effect the same as the other and we may be able to avoid a hearing. We are not sure.

But then they have also introduced a resolution to appoint a board of engineers to examine and report on the proposed Central Arizona project and delay it indefinitely. Now of course we want all the help we can get on the Central Arizona project. The principles involved in that bill--I have copies of the new bill, I only have five but I will distribute them among each of the states--are of vital interest to every state in the Basin, and involve the principles, as I understand it, that the Upper Colorado River Storage project involves, and are violently opposed by California, and it is

a very powerful state.

We need active support from you on the Central Arizona project bill which has been introduced now in this Congress as S. 75, and also in opposition to these suit resolutions if they go to hearing, and also in opposition to that proposal to appoint a board of engineers to examine the Central Arizona project. Of course, the Central Arizona project has been thoroughly examined by the Bureau of Reclamation engineers. They reported it favorably. It passed the Senate last session by a vote of 55 to 28. It was reported favorably by the Subcommittee on Irrigation and Reclamation of the Public Lands Committee of the House, and then bogged down in the full committee and never was reported the last month.

So we revised it in the light of some of the amendments that had been made by the Subcommittee on Irrigation and Reclamation of the House, and added another provision there, Section 15, which you find there in the bill, which I think is of value in avoiding any conflict with the defense effort. But we have to get this bill through and get it authorized before there can be any justiciable issue in the Supreme Court, and there is a provision in the bill there that permits California to sue us and we take the load if they do sue us, and delays any construction of irrigation works for diversion of water from the river until that suit is concluded.

I also have here a list of the new members of the Public Lands Committee of the House, the present members of the Committee. I think this resolution to appoint a board

of engineers is before this committee, and of course our bill is before this committee. The suit resolution has been referred to the Judiciary Committee again. There is some prospect that it might be referred to the subcommittee of the Judiciary Committee of which Mr. Byrne of New York continues as chairman. We hope if it is referred there, that maybe they can handle it without a hearing.

CHAIRMAN STONE: If it is referred to the Public Lands Committee you mean?

MR. CARSON: No, the Judiciary Committee, the subcommittee of which Mr. Byrne of New York was chairman. They have heard all this before and his committee refused to take action. If it does go to a hearing, then we want to oppose it and we are sure that you will then want to oppose it, and I hope that you will want to support the Central Arizona project bill as strongly as you can. This Committee has always done so in the past, but I would like to get as much active support as possible. This is tough in Washington; it is awfully tough.

We had a committee before to fight these suit resolutions and I would like to move that a committee be appointed from this Colorado River Basin States Committee to join in opposition to these suit resolutions of California and in support of the Central Arizona project, and any other matters that come up there that directly affect this Basin, to report back at the next meeting of this Committee and in the meantime to be authorized to take action. It may come very quickly.

CHAIRMAN STONE: Mr. Carson, you make that as a motion?

MR. CARSON: Yes.

CHAIRMAN STONE: Is there a second to that motion?

MR. DELANEY: I second it.

CHAIRMAN STONE: The motion is seconded by Mr. Delaney. Now we are ready for discussion. May I ask a question: I reviewed these suit resolutions and I note that some in the House are in a little different form from the one introduced in the Senate and others introduced in the House.

MR. CARSON: Yes.

CHAIRMAN STONE: But in substance the resolution is substantially the same as it was last year?

MR. CARSON: Yes. I don't know just how many there are here--I have got six. I haven't got enough copies to give everybody a copy of each one, but I have enough to distribute them so you can get an idea about one of them.

MR. VERNON: Why don't you read the numbers?

MR. CARSON: H. J. Res. 114. H. J. Res. 113. H. J. Res. 112. H. J. Res. 21. H. J. Res. 57. H. J. Res. 43. These are the copies of the suit resolutions I have. And then the resolution to appoint a board of engineers to examine and report upon the Central Arizona project is H. J. Res. 42. Our bill for the authorization of the Central Arizona project is S. 75 in the Senate and H. B.--I have--1500 and 1501 in the House.

MR. WILL: May I have those last numbers?

MR. MOEUR: 1500 and 1501.

MR. WILL: H. R.?

MR. MOEUR: Yes, H. R.

CHAIRMAN STONE: They are ordinarily designated H. R.

MR. TRACY: What are the numbers again?

MR. MOEUR: 1500 and 1501.

CHAIRMAN STONE: Now, Charlie, in order that we may refresh our memory, just read the "Resolved" part of that suit resolution so we can get that before us.

MR. MOEUR: May I say first, I compared the resolutions with the resolution you had last year and the suit resolutions before. The resolution introduced by Paulsen, which I think was 57, is exactly, except for one word, the same resolution that you had before your committee before. The other resolutions contain only the "Resolve" part, not the "Whereases". Otherwise they are exactly the same.

CHAIRMAN STONE: What is that one word?

MR. MOEUR: I have forgotten.

CHAIRMAN STONE: Is it material?

MR. MOEUR: It is not a material word.

CHAIRMAN STONE: Very well. When the California boys leave out a word I get suspicious.

MR. MOEUR: I have forgotten what it is.

CHAIRMAN STONE: Read that "Resolve" part, or I will
"RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,
That consent is hereby given to the joinder of the United

States of America as a party in any suit or suits, commenced within two years from the effective date of this resolution in the Supreme Court of the United States by any State of the lower basin of the Colorado River, as that basin is defined in the Colorado River compact, for the adjudication of claims of right"--I want you to keep that in mind--"asserted by such State, by any other State, or by the United States, with respect to the waters of the Colorado River system as defined in said compact available for use in that basin."

Now the great danger of that is the wide-open aspect of that resolution which could mean and could be interpreted, and by California we fear would be interpreted, to determine rights to Colorado River water irrespective of the Colorado River Compact, the California Self-Limitation statute, and the Boulder Canyon Project Act, and other pertinent documents.

I think to refresh the minds of everyone here, and in order that we may determine the present status of this matter, I should like for Mr. Mosur or Mr. Carson to turn to S. 75 and refer to the provision of that law on this same subject.

MR. WILSON: What was the number of that?

CHAIRMAN STONE: I was reading from House Joint Resolution 21.

MR. CARSON: I haven't got a copy of the bill here.

CHAIRMAN STONE: I have. It is Section 12. That reads as follows--and members of this Committee have had a

great deal to do with the wording of this section with the concurrence of the Arizona sponsors of the bill.

MR. MOEUR: This suit amendment was sponsored by Senators Millikin and O'Mahoney.

CHAIRMAN STONE: Yes, this amendment was sponsored in the Senate by Millikin and O'Mahoney, and it was worded and sponsored by them after rather extensive consultation with representatives of the states that make up this Committee.

MR. CARSON: And also the Department of Justice.

CHAIRMAN STONE: And also the Department of Justice. It reads that:

"If any State or States within six months after the effective date of this Act shall begin a suit or suits in the Supreme Court of the United States to determine the right to the use of water for diversion from the main stream of the Colorado River through aqueducts or tunnels to be constructed pursuant to this Act for beneficial consumptive use in Arizona, and to adjudicate claims of right asserted by such State or States or by any other State or States, under the Colorado River compact"---note that language---
 "under the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057), the California Self-Limitation Act (Cal. Stat. 1929, ch. 16), and the Boulder Canyon Project Adjustment Act (54 Stat. 774), consent is hereby given to the joinder of the United States of America as a party in such action or actions. Any State of the Colorado River Basin may intervene or be impleaded in such suit or

suits. Any such claims of right affected by the project herein authorized and asserted by any defendant State, impleaded State, or intervening State under said compact and statutes, or by the United States may be adjudicated in such action. In any such suit or suits process directed against the United States shall be served upon the Attorney General of the United States.

MR. CARSON: Then the next section there, Judge.

CHAIRMAN STONE: The next section has a relationship:

"There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act: PROVIDED, That no moneys appropriated under the authority of this Act shall be expended for the construction of works authorized by this Act which are required solely for the purpose of diverting, transporting, and delivering water from the main stream of the Colorado River for beneficial consumptive use in Arizona, during the period of six months after the enactment of this Act and during the pendency of any suit or suits in which the United States shall be joined as a party under and by virtue of the consent granted in section 12 of this Act. The pendency of a motion for leave to file a bill of complaint shall be considered pendency of a suit or suits for the purposes of this Act: PROVIDED FURTHER, That power sales contracts shall be made with a view to the reservation

of generating capacity sufficient for the operation of all features of the project and that rates for power shall be fixed in accordance with the Federal reclamation laws; and that revenues derived from the sale of power shall be credited in accordance with the provisions of the Act of May 9, 1938. ."

Now the significant things about these two provisions, which were contained in the bill passed by the Senate and which were previously approved by representatives of that state and this Committee are: As to Section 12 you will note that consent is given to joinder of the United States in a suit to determine any rights under the Colorado River Compact, the Boulder Canyon Project Act, the California Self-Limitation Act, and the Boulder Canyon Project Adjustment Act, and that wide-open end of the California resolution is thereby eliminated.

MR. MOEUR: This would only grant jurisdiction where the question is involved where the diversion by Arizona is going to conflict with the rights of any other states.

CHAIRMAN STONE: It is limited to the diversion from the river and limited to the law of the river.

MR. MOEUR: And it wouldn't throw it into a suit that would have to be referred to a Special Master and take twenty years to try.

CHAIRMAN STONE: And drag all the states in, irrespective of the law of the river, which we said might be the purpose, to readjudicate the rights to Colorado River water.

The other pertinent provision, Section 13, which Arizona consented to and included in their act, is a provision that pending this adjudication there will be no appropriation of money or construction of works on that part of the project designed and needed to divert water into Central Arizona.

MR. CARSON: That is right.

CHAIRMAN STONE: Which is a fair provision and which Arizona has consented to. Of course California resists both these provisions, obviously.

MR. MOEUR: Mr. Chairman, when this was before the House Judiciary Committee of the 79th Congress or the 80th, I have forgotten which, and extensive hearings were held on these same resolutions with the same effect, opposition was voiced by all these states, not only members of this Committee here but the Governors of the states and different senators and so on and so forth, voiced opposition to these suit resolutions by California then.

And then as you will remember, during the last session of Congress it was reintroduced--the hearings are not printed on this last round--but as you will remember, it was reintroduced and we had extensive hearings last year. Mr. Breitenstein appeared and the Colorado River Basin States Committee submitted what is called the "Howell Brief", joined in by people from all these states, opposing these resolutions.

CHAIRMAN STONE: Actually this Committee did, I think, a magnificent job.

MR. MOEUR: A magnificent job.

MR. CARSON: Yes.

CHAIRMAN STONE: And it is the same old problem. California still hopes to readjudicate the river. And there isn't so much to do now because much of the "pick and shovel" work has been done in preparing the briefs, which this Committee did prepare and printed; and the arguments and the reasons that were presented in previous Congresses are applicable in opposition to the more recently introduced resolutions.

MR. CARSON: Of course what California hopes to do by this, I think, is to confuse Congress and defeat this Central Arizona project authorization bill. I don't think that they think they would have any cause of action now against Arizona until Arizona has some means of diverting water, and we can't have that until we have an authorized project. It has to be a threat of injury to a claimed existing right, and in this case we haven't an authorized bill to divert water to Arizona. If they think that diversion would in any way conflict with their rights, then we could go to court, but we would come out of there with a decree. If they try to get a suit resolution and go in without a justiciable controversy, we might all go into the proposition of 20 or 30 years of taking testimony and the court in the end dismissing it because it had no jurisdiction in the first place.

CHAIRMAN STONE: Of course we all realize---it hasn't been mentioned in this meeting but it has been mentioned in the past---that if the rights to water from the Colorado River are in doubt so far as the Central Arizona project is concerned

in the Lower Basin, the same claim might well be drummed up against any major development in the Upper Basin.

MR. MOEUR: I think the theory of beneficial consumptive use is questioned.

CHAIRMAN STONE: I don't say the two situations are identical because they are not, because the situation in the Upper Basin has been clarified by a compact. But the probabilities are that the same tactics would be employed--if I can put it that way--and that was a matter of great concern to the Upper Basin.

MR. CARSON: Mr. Chairman, may I just comment briefly on this resolution that would appoint a board of five eminent engineers and so on and so forth?

CHAIRMAN STONE: Let's dispose of this other first.

MR. CARSON: It is all part of the same thing. That is the only reason I am commenting on it.

CHAIRMAN STONE: I wish you would.

MR. CARSON: It is rather an absurd thing. If this criteria is set up, any time you want to stop a project all you would have to do is take it clear away from the Bureau of Reclamation and appoint a board of five engineers and I don't know how long they would take to report. I don't know who would pay for them or anything else. This bill provides this board would report by January, ^{1st,} 1950. They would have to report pretty fast. I don't know who would do it or where they get the idea, and to me it is a most dangerous precedent.

If we can't go before Congress with an authorization

bill supported by the engineering data furnished by the Bureau of Reclamation with comments from the various states and comments from the Department of Agriculture, and we have got to have a reviewing board go over it after all that is done, of course you just are not going to have any projects, that is all there is to it. And to me it is a dangerous precedent and for that reason I think anybody interested in reclamation who contemplates that they are going to have in the near future any bill before Congress for authorization of a project, ought to oppose that kind of legislation.

CHAIRMAN STONE: I agree with you. And the thing that occurred to me is that five eminent engineers--

MR. CARSON: None of them connected with the Government.

CHAIRMAN STONE: --and none of them connected with the government, of course--

MR. CARSON: --or any Bureau of the United States Government.

CHAIRMAN STONE: --and the President appoints them. That would create a precedent to be applied to any major project and the President would have in his hands appointments which would probably be influenced to a large extent by opponents to the projects; and the political aspect would become dominant rather than the aspect of consideration of these matters by the Congress, which represents all the states, because it would be a veto power exercised by an unknown group of men, the personnel of which could be influenced and it might

and probably would be eminent engineers from the City of New York and places in the East that don't know an irrigation ditch from a prairie dog hole. And I think it is a pretty dangerous precedent myself. I agree.

Now these matters are up for discussion. The motion is up for discussion. You are all familiar with the action we have previously taken. The motion covers the suit resolutions, the appointment of this reviewing committee. All matters should be handled by one committee.

I would like to make this additional comment on House Resolution 42. This should be of interest to the Upper Basin States. As I understand and recall the provisions of the Boulder Canyon Project Adjustment Act, the proceeds from the Colorado River Development Fund until 1955 go to the Upper Basin States. This says the job has to be completed by 1950. It is assumed they will change that date, of course.

MR. CARSON: Yes.

CHAIRMAN STONE: But they are going to propose to take the payment for this eminent board of engineers out of this Colorado River Development Fund, contrary to the provisions of the Boulder Canyon Project Adjustment Act, which assigns that money until 1955 for use in the four Upper Basin States. I don't know what they were thinking about on that one.

MR. CARSON: It is just a delaying tactic; anything to defeat us in Congress. And we are in such shape in Arizona-- I don't know whether you all appreciate it--but Arizona's

whole economy is going to collapse unless we can get this water from the river within the next very few years. They have over-extended the irrigated land on which surface water is used. There is less than 200,000 acre feet of water stored now in reservoirs which have a capacity of nearly 3,000,000 acre feet. And they are pumping from underground and the water table has just gone down so now, some of these people are pumping water to irrigate farm crops for more than a 400 foot lift. Places the wells have gone dry and the whole thing is on the verge of collapse, and if it does collapse, then it will be of great harm not only to the people of Arizona but the people of all the states of this basin and of the United States.

We wanted to know whether we were justified--we pay back 98½ percent of this cost, there is less than 1½ percent nonreimbursable--whether we were justified in undertaking that expense. We got an independent agricultural appraisal company, we thought the best we could find, the Doane Agricultural Service of St. Louis, Missouri, to come out and examine the whole thing and tell us for our own information in Arizona.

They said that we couldn't afford not to do it, nor could the United States afford not to do it; that unless we do do it, the Federal Treasury will lose better than \$31,000,000 a year now paid there in income taxes. And in addition to that loss, there would be a displacement of people, a failure of the Arizona contribution to the Federal

Treasury, of the crops that are grown there which are eaten in the other parts of the country where they can't grow them. We would just be wiped out and go back to the desert, be ruined.

We assume we have got to go through a lawsuit with California; and the closer we get to it, I think the less they want a lawsuit. But we have assumed we have to go through a lawsuit. We have to get going on this authorization bill before the court can have any jurisdiction to come out with a definition of right. In the meantime if money becomes available, they could go ahead and build Bridge Canyon dam, but it would be tied into irrigation works, and if they built it they might want to build it almost immediately for power purposes, with sufficient power reserved for pumping of the water, and the revenue from the sale of the excess power goes in to help pay for the works. And we could have this lawsuit over if they bring it, in time to build these canals and works for the diversion of water. In the meantime, the Bridge Canyon could be built and produce power.

If we don't get some water in the next five years, why Arizona is blown up. This year there will have to be a tremendous amount of land left out of cultivation. A lot of these marginal wells are going dry and more will go dry.

MR. BASHORE: Mr. Chairman, I would like to ask Mr. Carson a question: What assurance do you have that if you get this water from the Colorado that you are not going to get yourself in the same shape, say 25 years from now, by

overpumping?

MR. CARSON: We have passed an Underground Water Code. It is not perfect by any means, but under it, the State Water Commissioner, Mr. Lane, who is here, and the Geological Survey, set up what we call critical ground water areas where the water table is going down; and that statute then prohibits anybody from drilling a well in that area for irrigation of any new land.

Now they have moved as fast as they could with the money that has been available to the Geological Survey and his office to cooperate in these surveys. They have established several and we have a lot of petitions for more. It is not perfect but it does stop the over-expansion of agricultural lands.

MR. BASHORE: And in your opinion, the law that you have is workable, is that correct?

MR. CARSON: It is workable. It is not ideal. We tried to fight through--we did fight through two special sessions of the Arizona legislature, a total of 43 days in session with nothing else before the legislature except the Ground Water Code. We worked out the best that we could get.

We had an idea in the beginning that we had to take control of the amount of water that could be pumped from each well. Geological Survey men testified that in the Eloy area they are pumping out 14 to 16 times the annual recharge. So the legislature said, "Well now, we are not going to cut all that back to the annual recharge. It would be 14 or 15 years

before anybody could farm at all, and if they are going to go broke, it is not going to be by act of the legislature." So this is the best we could come out with, to stop any new land coming into cultivation where there is any shortage of ground water.

MR. BLISS: Mr. Carson, I think you may have answered my question: The State Water Commissioner can determine undeveloped lands as being critical?

MR. CARSON: Yes, wherever they can get a report that shows there is a critical ground water area, he is prohibited by law under any condition from permitting anybody to put a well in there for the purpose of irrigating new land.

MR. TRACY: What about other purposes?

MR. LANE: They can't put in anything over a hundred gallons a minute for any other purpose.

MR. CARSON: Also, they could put down a new well, couldn't they, to carry on production on existing irrigated land?

MR. LANE: That is true.

MR. CARSON: What we are trying to do with that, and we hope it will be effective in the future, Harry, is stop an over-expansion again; but that is the best we could do to try to save what is there until we can get this water out of the river. That will relieve this overdraft on the ground water basin and build it up; and there will be no more new lands irrigated in these critical areas that Mr. Lane is establishing.

MR. AKIN: Of course the provision in the bill that water shall only be used for presently irrigated land also contributes to safeguarding the situation.

MR. BASHORE: Of course that means surface application of the water to irrigated lands?

MR. CARSON: No, from pumps--either.

MR. RITTER: You mean this legislation, S. 75, has that provision?

MR. CARSON: No, it is the Ground Water Code of Arizona.

MR. LANE: I would like to further amplify what Mr. Carson said in regard to the functioning under this Ground Water Code. Surveys which have been made by the Geological Survey will furnish data on which these critical areas are to be set up. Of course that has been going on constantly. We have two such areas now set up and we have all of the remaining area of any consequence now about ready to be set up. The surveys are about to be completed on all the other remaining areas of any consequence.

MR. BASHORE: How long has the Geological Survey been working on that?

MR. LANE: Since 1948.

CHAIRMAN STONE: That is under a cooperative contract between the State and the U.S.G.S.?

MR. CARSON: Yes.

MR. ELIAS: Off the record. (Discussion off the record.)

MR. TRACY: Will this Bridge Canyon Dam provide enough power to do the pumping necessary on the Central Arizona project?

MR. CARSON: Yes. It takes about a third of the capacity of the dam to do the pumping and the rest will be available for other purposes. The State of Arizona through its Arizona Power Authority has made application and wants to buy all the power that will be available for sale. The power needs there are growing very, very rapidly.

CHAIRMAN STONE: Are there other questions?

MR. TRACY: Mr. Chairman, has this Committee taken this favorable action heretofore?

CHAIRMAN STONE: Yes, sir. As a matter of fact, Mr. Tracy, we had a very active committee on this suit resolution. That committee did a lot of work on it, and I think in the defeat of this resolution, we can claim considerable credit, perhaps a major amount of credit.

MR. CARSON: Yes.

CHAIRMAN STONE: We had some very able lawyers who appeared before that committee and studied the matter. Before we act on this, a member on that committee which acted very effectively was Mr. Breitenstein. Do you have anything to add to this, Jean?

MR. BREITENSTEIN: I have nothing to add. It seems to me we have been through the problem a good many times before and we ought to be all familiar with it.

CHAIRMAN STONE: Mr. Wilson?

MR. WILSON: I don't think I have anything to add.

CHAIRMAN STONE: Mr. Delaney, do you have anything?

MR. DELANEY: No, I don't believe I do. It seems to me from the standpoint of one who doesn't follow these water matters, still is sort of an inner and outer though, that equities in favor of Arizona are very strong. My association with the deliberations of this body in the old Committee of Fourteen, convinced me that California was very willing to go along with the other states up to the time it secured the Boulder Dam project and Lake Mead, and its own development. From that time on it seemed to me, just looking at it as an outsider, that California has endeavored to do by every possible means, the things that would prevent Arizona development, and for purely selfish reasons.

So far as I was concerned, I have more interest in the success of Arizona because I think, using Uncle Willie Wallace's language, every man of good will should feel that way. And as far as I am personally concerned, I would like to do anything possible to help Arizona in this fight to secure what I think is just a natural claim to fair dealing. That is my position.

CHAIRMAN STONE: That has been my feeling, Frank. I would like to call to the attention of the Committee, a very significant statement--at least it was very significant to me--made by Senator Millikin. He is the ranking member of the Interior and Insular Affairs Committee. I suppose he sat through as many extended hearings on Colorado River matters

as any member of that committee unless it would be Senator McFarland or Joe O'Nahoney, who as Chairman of that committee sat through these hearings. On the question of economics and the participation of the Federal Government in this matter, Senator Millikin made this significant statement, and this is quite aside from the equities as among our states: that the Federal Government can go a long ways to save a sovereign state. And in view of the situation in Arizona, it almost amounts to that, does it not?

MR. CARSON: Sure.

CHAIRMAN STONE: And I want to ask this question before we act, just for information: What are the prospects for water in Arizona at the present time?

MR. CARSON: I said that we have less than 200,000 acre feet in storage capacity of approximately 3,000,000 acre feet.

CHAIRMAN STONE: Is that worse than it was last year at this time?

MR. CARSON: It is a lot worse.

MR. AKIN: Less than half.

CHAIRMAN STONE: That is worse than it ever has been?

MR. CARSON: Yes.

CHAIRMAN STONE: Gentlemen, are there any other questions? Mr. Saunders, did you have any comments or questions?

MR. SAUNDERS: No, Frank Delaney spoke my thoughts.

CHAIRMAN STONE: Are you ready for the question? If there is no further discussion or questions, I will call the roll of the states. Colorado?

MR. DELANEY: Yes.

CHAIRMAN STONE: Utah?

MR. TRACY: Yes.

CHAIRMAN STONE: Arizona?

MR. GARRON: Yes.

CHAIRMAN STONE: Wyoming?

MR. BISHOP: Yes.

CHAIRMAN STONE: New Mexico?

MR. BLISS: Yes.

CHAIRMAN STONE: The motion is unanimously carried.

Now to expedite this matter and get along as quickly as possible, we did have a committee and the motion calls for the appointment of a committee. I assume that there may be some revisions of that committee on the part of representatives from some of the states. Utah, who would be your representative on that committee?

MR. TRACY: I will have to take it under consideration. I don't know what the duties will be and what they will have to do. What will they have to do?

CHAIRMAN STONE: It is really a legal committee. Judge Howell served before. He was chairman of the committee and did a very effective job. He helped prepare that brief. I would say that the duties of the committee are not as arduous as they were before because a good deal of the work has been

done. It amounts to following up on this matter and making presentations and arrangements for presentations before the appropriate committees of Congress.

MR. TRACY: It is more of a legal matter than anything else?

CHAIRMAN STONE: That is right.

MR. TRACY: I have only one recourse and that is Mr. Vernon. We are loading him up with a lot.

CHAIRMAN STONE: Mr. Vernon gets into kind of the same position that Jean Breitenstein does. Charlie, I assume that you will serve as a member of that committee for Arizona?

MR. CARSON: I would like to have it so if I can't be there, J. H. "Hub" Meaur would be there.

CHAIRMAN STONE: Wyoming, who was your member of the committee?

MR. BISHOP: Melvin Rollins. And I have in mind to take it up with the Governor and probably recommend Norman Barlow. I feel this way, gentlemen, that a person that is really interested as Mr. Barlow is, and Mr. Budd, out there in the Basin, would be more effective and probably more available to help than an attorney general that might not be so interested. I just want to talk to the Governor and the Attorney General about that. I believe you will all agree that Mr. Rollins was a pretty efficient man on that committee regardless of the fact that he wasn't a lawyer.

CHAIRMAN STONE: Yes, he probably kept the lawyers straight.

MR. BISHOP: I would like to have the minutes show that I would like to have a copy of these minutes sent to Mr. Norman Barlow in order that he will have full information concerning the matter.

CHAIRMAN STONE: We will see that that is done.
New Mexico?

MR. ELISS: So far as I know there will be no change. Fred Wilson will continue.

CHAIRMAN STONE: Colorado. Jean Breitenstein has been serving on that committee. There will be no change.

MR. MOEUR: Mr. Chairman, these lists that were handed around a moment ago, for the convenience of the members, the first names appearing down to James C. Donovan are Democrats; the rest are Republicans. You can just make that notation for your information. You have a 27-man committee, 15 Democrats and 12 Republicans.

MR. BISHOP: The only objection I have is there are too many Democrats.

MR. MOEUR: I would gladly take about two or three of them off of there.

CHAIRMAN STONE: There should be a chairman named to that committee and we will designate Charles Carson as chairman of that committee. Will you accept that?

MR. CARSON: I would rather somebody else would be chairman. I would prefer someone from one of these other states. If I serve as chairman of this committee it would look like it was all Arizona, and I don't think it is all

Arizona. I think it is your fight as much as our fight and I would like to have the benefit of that prestige around Congress, that the chairman is from one of the other states.

CHAIRMAN STONE: Fred Wilson, will you assume chairmanship of that committee?

MR. WILSON: I don't know how active I can be in this matter. I won't know for two or three weeks. I think the Chairman might hold that up and designate a chairman later.

MR. CARSON: It is going to move pretty fast.

CHAIRMAN STONE: Charlie, can you do this temporarily and for the moment to keep the committee advised? Can it be the understanding among us that you temporarily will act as chairman?

MR. CARSON: Yes. I will keep you all advised as to what we run into. I am going from here to Washington.

CHAIRMAN STONE: Then when the committee meets, if it is necessary to take some action, the committee can designate its own chairman.

MR. WILSON: What is the difference between this committee and what we have been calling the resolution committee?

CHAIRMAN STONE: You mean the codification committee?

MR. WILSON: No, we have been talking about the resolution committee.

CHAIRMAN STONE: It is the same committee.

MR. WILSON: We want to fight the resolutions.

CHAIRMAN STONE: It is the same committee.

MR. CARSON: Although this is a little broader base. I want you to help fight this Central Arizona bill through, and that board of review.

MR. WILSON: New Mexico is very directly interested in the bill itself. It is one of the beneficiaries, and I presume New Mexico will do everything possible to make its own fight.

MR. CARSON: If you could be that chairman it would be swell.

CHAIRMAN STONE: For the present, you serve in that capacity until there is a meeting of the committee and then the committee will select its own chairman.

MR. CARSON: Yes.

CHAIRMAN STONE: I understand there are some here who wanted to know when we are going to get away. I have checked off here all the matters to come up, except to call the Committee's attention to the fact that there was an understanding yesterday that at the appropriate time, and during the 90-day period for official comments under the 1944 Flood Control Act, it would be understood there would be a joint meeting of the Upper Colorado River Commission and this Committee to discuss that matter. That is a matter of announcement.

Now are there other matters to come before the Committee?

MR. CARSON: There is one other matter that I wanted to talk about for a minute here. In the full committee of

the Public Lands Committee of the House, California offered an amendment to delay all these works in the Lower Basin for Arizona, the Bridge Canyon and all the rest of it, until storage had been provided above Bridge Canyon, meaning the Upper Basin.

CHAIRMAN STONE: Meaning Glen Canyon.

MR. CARSON: Yes, meaning Glen Canyon.

CHAIRMAN STONE: Off the record. (Discussion off the record.)

Gentlemen, may I ask somebody to take the Chair a moment so I can get down and find out about our funds. I think maybe Peterson is back.

MR. MOEUR: You want me to go see?

CHAIRMAN STONE: Yes. Tell him to bring those records. And Mr. Elias calls my attention to the fact that we transferred the remaining funds in the old Upper Colorado River Basin Compact Commission to the Colorado River Basin States Committee. You will all remember that.

MR. BISHOP: I remember that.

MR. CARSON: Whatever the expense is of the Colorado River Basin States Committee, we are ready to furnish our share.

CHAIRMAN STONE: I don't think there is any necessity for calling on anybody for any money at this time. I think we have got a pretty good balance.

MR. CARSON: Then there is one other thing, while we are waiting: California always puts up the story--and will

fool a lot of people--saying if we get the water in Arizona, we will dry up the faucets in Los Angeles. We have got the record of their total use and possible use in California, and they can furnish every irrigated acre in California with a full supply of water and every drop that Los Angeles and San Diego want, all within their 4,400,000 acre feet.

I just had this one copy of this letter that I gave to Clinton Vernon. It was in "Business Week" for October 7th, 1950, and I will just read it:

"Sirs:

In that portion of your discussion of water problems (EW-Sept. 9 '50, p82) devoted to Los Angeles, some misstatement of facts appeared. The original Los Angeles Aqueduct, planned in the early 1900's and completed in 1913, did not bring water from the Colorado River but from the Owens River in the High Sierras of California. Subsequently, an additional aqueduct to serve Los Angeles and other southern California cities was built by the Metropolitan Water District and did bring to this area water from the Colorado River.

Los Angeles now has available plenty of good, low-cost water, not only to meet the present needs of this city, but also to take care of more than twice the number of residents in the future.

(Signed) Samuel B. Morris

Chief Engineer and General Manager
Department of Water & Power
Los Angeles, California."

CHAIRMAN STONE: That would be a city of about what, 12,000,000?

MR. CARSON: 12,000,000. Debler in his paper before the Public Lands Committee has got that all calculated and condensed about as close as it could be done on their uses and their needs and the population it can support. It can support around 12,000,000.

MR. MOEUR: I regret to report that Mr. Peterson is not in your office. Your office is open, if there are any funds there--

CHAIRMAN STONE: Gentlemen, I will advise each of you how much money there is, but I am sure we have a substantial balance.

MR. WILSON: We will be satisfied with an approximation.

CHAIRMAN STONE: Since I leave the books with him I wouldn't even guess.

MR. CARSON: It is agreeable to me to just leave it with Judge Stone to let us know if he needs any more.

CHAIRMAN STONE: However, I will send you a report. I think you are entitled to it. I am sure there is more than enough money to do the work Mr. Saunders had in mind. All I want to know is if it is agreeable to the Committee that we use such money as is necessary and desirable for this work?

MR. WILSON: I think, Mr. Chairman, there was a resolution that gave you that authority. If not, I move the Chairman be given authority to use such money as is available

for this codification. Is that the purpose?

CHAIRMAN STONE: Yes.

MR. TRACY: I will second it.

MR. SAUNDERS: And solicit from the states additional funds as necessary, is that right?

MR. WILSON: Let's put that in. That doesn't mean he will get it; he can solicit it.

CHAIRMAN STONE: I think there is about \$800 in the fund now.

MR. SAUNDERS: That isn't going to start to take care of it.

CHAIRMAN STONE: If we need more, you will hear from me.

MR. BISHOP: I would like to have it "directed". "Authorized" doesn't mean much. If you direct the Judge to do it, you might have more influence on him.

CHAIRMAN STONE: Are you ready for the question?

MR. BLISS: Question.

(Thereupon a vote is taken.)

CHAIRMAN STONE: The motion is carried.

MR. WILL: Mr. Chairman, I would like to ask that committee over which Mr. Carson will preside to keep me advised of its work so that I can keep abreast of developments, particularly in Washington, in connection with these resolutions, particularly the litigation resolutions.

CHAIRMAN STONE: Jeff, you made a mistake in making that suggestion because that calls to my mind the necessity

and the advisability of your serving as a member of that committee representing the Upper Colorado River Commission.

MR. WILL: I am not a member of the Basin States Committee.

CHAIRMAN STONE: But we assume the prerogative of designating you as the General Counsel of the Upper Colorado River Commission. Where there are four of these states on that Commission, respectfully requesting that you so serve, would you be willing to do that?

MR. WILL: Oh, yes.

CHAIRMAN STONE: Very well, we will have that understanding, that Mr. Will is a member of that committee.

Are there other matters to come before the Committee? Mr. Carson, do you have anything further?

MR. CARSON: No, that is fine. Thank you very much.

CHAIRMAN STONE: Does Utah have anything to present?

MR. TRACY: No.

CHAIRMAN STONE: Mr. Delaney, do you know of anything?

MR. DELANEY: No, sir.

CHAIRMAN STONE: Wyoming?

MR. KISHOP: Nothing.

CHAIRMAN STONE: New Mexico?

MR. WILSON: Nothing.

CHAIRMAN STONE: There being no further business to come before the Committee, the Committee will stand adjourned subject to call.

(1:20 p.m., Sunday, January 21, 1951, meeting adjourned.)