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SPEECH AND REPLIES

OF

HON. FRED T. COLTER

Colter, Arizona

ON

THE COLORADO RIVER COMPACT

SENATE CONCURRENT RESOLUTION No. 8

SENATE BILL NO. 136

DELIVERED IN

THE ARIZONA STATE SENATE

REGULAR SESSION

TUESDAY, FEBRUARY 27

1923

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REMARKS OF HON. FRED T. COLTER, SENATOR FROM APACHE COUNTY, ON THE MOTION TO SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8 FOR SENATOR ELLIOTT'S MOTION THAT SENATE BILL NO. 136 DO PASS IN THE ARIZONA SENATE ON FEBRUARY 27, 1923.

MR. COLTER: Mr. Chairman, I move you as a substitute for the bill we now have here (136) that we substitute Senate Concurrent Resolution No. 8.

THE CHAIRMAN: Senator Colter, you know there is a motion before the committee.

MR. COLTER: I want to amend it. I am amending it by substituting Senate Concurrent Resolution No. 8. Do I have a second?

THE CHAIRMAN: Does the Chair hear a second?

MR. HAYHURST: I second the motion.

MR. COLTER: And in behalf of this substitution, Mr. Chairman, I would like to say—

MR. CAMPBELL: I would like to hear it read.

(Senate Concurrent Resolution No. 8 was read as follows:

SIXTH LEGISLATURE,

Regular Session, State of Arizona.

SENATE CONCURRENT RESOLUTION NO. 8.
IN THE STATE SENATE.

Introduced by Senator Colter of Apache.

Whereas, the Colorado River Compact entered into at Santa Fe, New Mexico, by the seven states touched by the Colorado River System is now before this Legislature for ratification; and,

Whereas, the Legislature has upon several occasions appropriated money for the purpose of securing adequate information about the Colorado River and the possibilities it holds for the State of Arizona, so that Arizona might decide intelligently as to its interests therein; and,

Whereas, the efforts of the Arizona Legislature to secure said information have to this date proved without avail; and,

Whereas, Congress has appropriated $100,000, to be immediately available for the further investigation of the Colorado River, its power sites and reservoir sites and all related subjects within the Grand Canyon; and,

Whereas, there are resolutions and bills providing for appropriations for engineering and relative data to protect the State of Arizona in filing on water and power rights and getting intelligent information upon which to act; and,

Whereas, the Governor has signified by special message to the Legislature that he would call a special session for the purpose of considering matter relative to the Colorado River Compact;

Whereas, on account of this investigation it will probably take some time before Congress will be ready to enter upon the construction of, or pass upon the application for, any dam; and,

Whereas, on this account no interest of Arizona, nor for that matter, any part of the Basin States, will be delayed if the said Compact is not now ratified,

Therefore, Be It Resolved, by the Senate and the House of Representatives of the Sixth Legislature of the State of Arizona, that further consideration of this Compact, proposed between the seven states of the Colorado Basin, which was entered into by the representatives of the several states at Santa Fe, New Mexico, on November 24, 1922, be postponed until the next session, either special or regular, of the Arizona Legislature.

MR. COLTER: Mr. Chairman, in support of this Resolution, No. 8, I would like to say that unfortunately we haven't a Legislature that has nothing else to do but consider this Colorado River Compact, alone. This pact itself is enough, it is sufficiently large, and it means enough to the State of Arizona—in fact, it is the biggest thing we have ever had to come before any Legislature, and sixty days would be short for the consideration of the pact alone.

There have been many other matters and bills here in this Legislature that have taken up the different legislators' time, and I am sorry. This is the case in my behalf. I can say because of the consideration of the Lyman Dam, on the Little Colorado River, where I was born and raised and have built several dams, which consideration has taken much of my time in order to keep some of the people up in my county going, and myself in overalls, it has been impossible to give the matter of the Colorado River Compact the consideration it deserves, and I am sure many of the other Senators have had problems from their respective counties which should be solved, to take up their attention. Therefore, due to the lack of consideration which we have been able to give, I feel haste would be a mistake. I am sure that the pact as it is is not protecting Arizona; time for engineering data will tell to what extent, and give us an opportunity to intelligently file on those rights.

I have gotten together a few remarks which I desire to bring before you. I am not much on prepared speeches, but on account of the lack of time given me to consider this issue, giving it the consideration due, I have prepared a few remarks in regard to the postponement of this pact, as written, until a special session of the Legislature, at such time when we can get more engineering and other data relative to the Colorado River, which we do not have, to sufficiently protect Arizona at this time.

It is hard to conceive how anyone having the welfare of the people of Arizona at heart can ignore the warnings of the Governor's message against hasty action on the Colorado River Compact.

He calls attention to the inevitable working out of our mines. None but an agricultural foundation for taxation to support the future state is dependable. The mines now pay over half the taxes, and the lands only a little over ten per cent. What would the burden be on the farms, what will it be in the future, without the mines?

The Governor calls attention to the great reclamation project

under the proposed Arizona High Line, and to our lack of authoritative information with reference to its practicability.

The Legislature has twice made appropriations adequate for the ascertainment of the facts that must be known before that project can be rejected as impracticable, and yet you have not that information. If the necessity exists for waiting until it is obtained before throwing away this stupendous agricultural basis for taxation through all future time, who is to blame for that? Must we, because State officials, with the money at their disposal, have not performed their duty, surrender rights of the State so vast in extent that the ordinary mind fails to grasp them?

The Arizona High Line Project will reclaim 2,500,000 acres of land. We know that land is there. There is no doubt whatever about that part of it. What we do not know is exactly what it will cost to reclaim it. We are entitled to know that before we throw away that project in exchange for illusory benefits which it is claimed we will get if we rush this pact through before we know what we are doing. We know if by accident it shouldn't be practical now it soon will be, as the demand for land will be greater, and new inventions and discoveries are coming to the front, and therefore future development should be preserved and retained for future generations.

We know that General Goethals, who built the Panama Canal, has approved a project with greater engineering difficulties than our proposed Arizona High Line project, the Columbia Great Basin project in the State of Washington. The average estimated acreage cost of that project is $144.90, the acreage to be reclaimed 1,750,000, and the length of the canal line before it reaches the lands to be irrigated is 158 miles. The length of the Arizona High Line is something less, and the acreage to be reclaimed 2,500,000.

Apply the Washington acreage cost estimate to the Arizona project and we have $362,250,000 available for construction costs, to which should be added at least $100,000,000 for the one million horsepower that can be developed under the Arizona project at Williams River and Ehrenburg, besides 266,000 more horsepower developed between Lone Mountain Pass or the Nottbusch Pass and Gillespie Dam.

Now how can it be contended that our project is impracticable beside the Washington project, which has the approval of one of the greatest living engineers?

But we are asked to disregard the Governor's message urging us to wait until we have the necessary engineering facts—we are asked to throw this vast asset of the State away, in exchange for a pact, which, in its practical operations, will give to Mexico the water from the Colorado River, where large private interests are awaiting the passage of the pact to start immediate work, that would otherwise irrigate this vast acreage in Arizona, that lies under the Arizona High Line Canal, or any of the other projects that are feasible that we now have no engineering data to work on.

It seems incredible that anyone in Arizona should be willing to make that exchange. True, the pact does not say that it gives the water to Mexico, but that is the practical and inevitable effect of its deceptive provision.

Beneficiary use, prior appropriation, is the essence of the pact, and it restricts us and says that Mexico can expect by a signed agreement of several States and Congress, in the sure coming event of a

treaty, which, as you see, the pact safeguards the billion dollars' worth of American and foreign capital to immediately start work to apply and appropriate their rights ahead of Arizona, with our failure to file on and apply—on account of engineering data unavailable.

The discharge of the Colorado River at Laguna Dam is 16,400,000 acre feet annually, averaged over twenty years. This now goes to Mexico, unregulated, in great floods. When regulated by reservoirs in our country it will continue to go to Mexico in a regulated flow, easily diverted and used, unless diverted and used in the United States. This raises the question: UNDER THE PROVISIONC OF THE PACT, HOW MUCH WATER WILL CONTINUE TO GO TO MEXICO AND BE AVAILABLE FOR BENEFICIAL USE FOR IRRIGATION IN THAT COUNTRY? The appropriation for the upper basin under the pact is 7,500,000 acre feet annually. Deduct 3,500,000 as their present use, leaves a reserve apportionment for the upper basin of 4,000,000 acre feet. This cannot be deducted from the 16,400,000 because it will not be used in the upper basin for many years, and in the meantime it will be used in Mexico, where it goes. By virtue of that first use Mexico will claim a permanent right to it when the time comes in the future that they try to take it away from Mexico in the upper basin.

So we still have 16,400,000 going to Mexico, less only what can be used in Arizona and California. The apportionment of the Lower Basin is 8,500,000 acre feet. Of this, the Davis estimate is that 6,100,000 acre feet will be used in California and Nevada, and 940,000 acres in California and 280,000 acres in Arizona. The remaining 2,400,000 acre feet is the waters of the Arizona rivers, and not to be taken from the Colorado River at all.

If the whole 6,100,000 acre feet is deducted from the 16,400,000 acre feet, it leaves 10,400,000 acre feet for Mexico, enough to reclaim two million acres of land.

But th at is not all that will be left for Mexico. The 940,000 acres included in the irrigable area in California by Davis is twice the area irrigable unless the All-American Canal is built. The Mexican interests are bitterly hostile to the All-American Canal, and if they can, as they no doubt will, keep it from being built, it will add 2,350,000 acre feet to the annual supply of wter going to Mexico. That, in addition to their supplies, will cover all losses from evaporation in reservoirs and channels and leave them a net supply of ten million acre feet.

Arizona cannot use any part of this water that Mexico will get under the pact, because the pact is so drawn as to prevent it. The physical conditions are such that Arizona cannot irrigate more than the 280,000 acres described in the Davis report, unless the water can be brought through the Osborn Pass, enough water to reclaim 2,500,000 acres, so as to make the cost per acre low enough to justify the cost of building the Arizona High Line Canal. Under the pact, that is impossible, and the inevitable result of the pact is to destroy the Arizona High Line Project and give the water to Mexico.

The objections to the present pact (and don't think for a second but that we can get another) are fundamental. The law under which it was framed contemplated a partition of the water between the respective states. The pact does not do that. It divides the states into two groups, thus multiplying the probabilities of litigation, first

by two, and then leaves four states to fight it out in the upper basin and three states to fight it out in the lower basin.

There is no division of the water, the 8,500,000 acre feet apportioned to the lower basin, between California and Arizona, no determination as to how long Arizona would have to wait for the California interests to fight for the All-American Line Canal until they finally accept defeat at the hands of the opposition Mexican interests, even if Arizona could use the water at all.

The pact provides that all rights to the beneficial waters of the Colorado River, other than present perfected rights (Article VIII), "shall be satisfied solely from the water apportioned to that basin in which they are situate." How much each shall have is left to a fight between the states.

The Turley Project in New Mexico proposes to irrigate over 1,000,000 acres. Are they entitled to a preference over Colorado or Utah—if they beat them to it, and use the water first?

There are so many ambiguities in the pact, so many vital provisions as to the effect of which the advocates and opponents of the pact flatly disagree as to the right construction, that this alone is enough to condemn the instrument.

The proponents of the pact have contended that Mexico will not enlarge their use beyond 2,000,000 acre feet a year. The House of Representatives of this Legislature has taken them at their word and put that into the pact. But they still are not satisfied, and even that limitation would not prevent them from getting the whole 10,000,000 acre feet that will run down to them by the law of gravity, if they can get rid of the Arizona High Line Canal as the result of the ratification of the pact.

Why should we ratify this pact before we know facts that the Arizona Legislature appropriated the money twice to find out?

Why should we not know that the Arizona High Line Canal will cost with all the detail the State Engineers of Washington have estimated the cost of the Columbia Great Basin Project?

Why should we not know every fact referred to in the Governor's message before we blindly put our head in a bag?

Why should we not know who owns this land in Mexico, and what, if any, rights they have to the Colorado River, before we deliberately give it to them?

Why should we have any doubt as to what water we are going to get from the upper states in a cycle of dry seasons, or what amount we would have to make good to Mexico as a deficiency?

Why should we be asked to surrender our vested rights to the lower water flow before we have any assurance of any storage at all?

The pact raises innumerable such questions, and it is no answer to say that we are going to get power in exchange for giving the water to Mexico and surrendering control of the vast power resource of the river to interests over which Arizona would have no control, and from whom we have no assurance of justice, either in the amount of power the state shall get, or the price at which it is to be furnished.

One of the most potent reasons for going slow in the whole

matter of this pact is the unseemly haste with which its proponents are endeavoring to rush it through, without giving the people of Arizona time to acquire the information referred to in the Governor's message or to acquire a full understanding of its provisions before ratifying it. There is not one citizen of this state in one hundred who now understands the real effect of this pact upon the future development of the state.

We naturally, geographically, geologically, physically, hold the natural position by riparian or joining rights and undeveloped irrigation and power projects the greatest in the world. Naturally in Mexico and adjoining states with large private capital they would want to transmit cheap power and divert the water and reclamation from our great undeveloped and inherent asset to themselves.

It is misleading to say that an amendment "kills the pact." The machinery that brought it into existence once can easily be again set in motion. There was no difficulty in getting the original bill from Congress authorizing it. There would be no difficulty in extending the time of its operations. The amendments adopted by the House do not cover all the defects in the pact, but they do point out to the people three specific points as to which the pact should be amended.

The amendments adopted by the House of Representatives should be supplemented by an additional provision postponing the pact until the information specified by the Governor has been obtained, and the means and machinery for obtaining it should be provided by this Legislature. It should be obtained by unprejudiced and dependable agents.

No one can possibly be injured by such a reasonable delay. The present session of Congress will adjourn on March 4th. This pact cannot be jammed through Congress in that brief time. It has not yet been ratified by Colorado. Another Congress will not meet until December. There is no possible justification for any such rush as is now being made to enforce action by Arizona without due consideration and without adequate information.

We had far better heed the Governor's warning and "go slow" than to rush ahead and repent it afterwards.

THE CHAIRMAN: It is the Chair's understanding that we will take action upon your resolution, Senator Colter.

MR. COLTER: It is an amended motion.

THE CHAIRMAN: An amended motion to Senator Elliott's motion in favor of Senate Bill 136.

MR. CAMPBELL: I would like to ask Senator Colter what he is driving at? We have had everything here for a month, we have had the pact. We have heard it discussed pro and con, we have had all the engineers in the United States for or against it. What do you expect?

MR. COLTER: I thought I made it clear in the remarks that I made, what it meant. It meant that we haven't sufficient information and that there is no reason for this haste at this time because we can get information by a little time, expense, and get engineering data that we need, in order to really ascertain our rights. And the prolonging of this would not in any way interfere with the eventual results, and may mean at least a great deal for our future welfare, and there can be no harm in the situation at all. And we haven't, I will say, any engineering data for the protection of Arizona itself. And

you can readily see that land is the basis for all, in any state. You go into the different states or nations, and where they have a great deal of farming land and have been protecting their lands you will see better conditions existing there. You take the agricultural states and you will see a better balance of government there. You don't see strikes and fights in those countries where there is sufficient agricultural foundation of the country to balance it. We are short of acreage, Mr. Chairman, very markedly so, as it is, and we have a great body of 2,500,000 acres of land out here that can be obtained, the richest on earth, and we ought to add that to what little we have. The pack cuts it out.

MR. COLTER: That is not the question before the house. I think the gentleman from Mohave is just supposing as far as Senator Hayhurst's excellent remarks are concerned. As far as the data we have, I know, Mr. Chairman, that in between all this other grind of work, and with what past experience I have had in irrigation and reclamation of lands, which has been twenty years in building reservoirs and reclaiming of land on the head of Little Colorado River, that it is near to my heart, and I have formed with what little time I have had to consider this pact, convictions as I have gone along; and as I was going to say a while ago when I was rushing through with my remarks—I didn't want to take up time because I know talk is cheap—yet in addition to those remarks as my convictions were coming to me in the consideration of this pact in the short time that we will have in this session, and it is not one-tenth time enough, that Senate Concurrent Resolution No. 5 was the first conviction I had with regard to this proposition, or pact, and the first dangers I could see confronting us, as far as the pact is concerned, on account of the urge from large capital, and their publicity, and on that account the people only have one side of the pact. I felt like bringing it up and introduced Senate Concurrent Resolution No. 5. I won't say I am exactly right, but a man is entitled to his convictions, and that was my honest convictions. And I introduced Senate Concurrent Resolution No. 5, Senate Concurrent Resolution No. 7, and finally I resolved that the best thing we could do was in Senate Resolution No. 8, which is before us now, was at least to put it off until we could have more time and get more engineering data to consider this pact alone. It is big enough to consider at a special session, and, Mr. Chairman, we will then do justice to it, and right along there, I would like to have these resolutions of mine go with the remarks that I have made. I don't want to burden you Senators here with reading them, which you have, but they are Senate Concurrent Resolution, numbered 5, Senate Concurrent Resolution No. 7, and Senate Concurrent Resolution No. 8.

SIXTH LEGISLATURE

Regular Session, State of Arizona.

SENATE CONCURRENT RESOLUTION NO. 5

In the State Senate.

Introduced by Senator Fred T. Colter of Apache.

Whereas, Arizona has under existing laws inherent rights in and to the waters of the Colorado River for reclamation and for power development, which, in the opinion of this Legislature, should be retained and preserved, so far as possible, by the State of Arizona, for the present and future use of our people; and,

Whereas, there have been no adequate surveys made, and no reports compiled by any engineer or board of engineers, for the State of Arizona, from which to estimate or determine our reclamation and power resources and opportunities; and,

Whereas, by virtue of the natural geographical position and physical formation of the State of Arizona, practically all of the surplus unappropriated waters of the Colorado River and its tributaries may be made available for use in Arizona by means of a suitable system of dams and canals; and,

Whereas, though a gravity canal system or a reclamation or power project of such magnitude might be found to be not economically practicable at this time, it may become practicable in the future, because of the increasing demand for our irrigated lands and our hydro-electric power, and especially in view of the many new inventions and discoveries now so rapidly coming into use, some one or more of which may at any time bring the whole project well within the limits of feasibility; and,

Whereas, the development of our irrigation and power resources means much also to the development of our many mines, and our vast undeveloped mineral resources.

Now, Therefore, Be It Resolved, by the members of the Senate of the Sixth Legislature of the State of Arizona, the House of Representatives concurring, that the policy of this Legislature shall be to provide by suitable legislation for the making of complete surveys and engineering investigations regarding the possibilities of using the unappropriated waters of the Colorado River for irrigation and for power within the state; also for the investigation by competent legal authorities of the present status of our rights to the use of said waters; and for the protection and preservation of such rights by suitable filings or other means that may be deemed feasible and practicable; and,

Be It Further Resolved, that we hereby express and record our belief, based on such information of a public and private character as is now available to us, that the Colorado River presents within the State of Arizona that the largest single irrigation and power project within the United States, which must ever become increasingly valuable to the present and to the future generations of our people, unless sacrificed or crippled in undue haste through immature plans of development and monopoly by private capital; and,

Be It Further Resolved, that the Sixth Legislature of the State of Arizona, on account of the great magnitude of the power and reclamation resources involved in the reclamation of the Colorado River in the State of Arizona; which power could be the origin of the greatest private monopoly in the United States of America, go on record as favoring the reservation of these natural resources and inherent legal rights to the waters and reservoir sites of the Colorado River from a point five miles below Boulder Canyon Site to Lee's Ferry in this State, to itself, for the State or Government to build and develop either with or without Federal participation; and,

Be It Further Resolved, that copies of this resolution be sent to our Senators and Representatives in Congress, and to the Congressional Committee on Agriculture and to the Arizona State Legislative Committees of Agriculture, to the United States Reclamation Service and to the Federal Power Commission.

SIXTH LEGISLATURE,

Regular Session, State of Arizona.

SENATE CONCURRENT RESOLUTION NO. 7.

IN THE STATE SENATE.

Introduced by Senator Colter of Apache.

Whereas, the people of Arizona have under existing laws, an inherent right in and to any or all of the unappropriated waters of the Colorado River and its tributaries which originate within, or which water the State of Arizona from other states, which right is without limitation at this time, and is without possible future limitation save by possible future prior appropriation by the people of other states; and,

Whereas, it is apparent to the members of this Senate and the members of the entire Legislature from the sources of information now at our command, that the right in and to such unappropriated waters constitutes an asset of incomparable value to the people of this State; and,

Whereas, the value of these water rights depends on the physical and financial feasibility of storing, regulating, diverting and applying to beneficial use these waters within the State of Arizona; and,

Whereas, reputable engineers and irrigation authorities have recently appeared before the Committee on Agriculture and Irrigation of this Legislature with maps and data purporting to establish the feasibility of using such unappropriated waters of the main Colorado River within and below the Grand Canyon thereof, for generating several millions of horsepower of electrical energy and for reclaiming more than two millions of acres of arid land, all within the State of Arizona; and,

Whereas, accurate and authoritative topographic maps and other engineering data from which to determine such claims of feasibility are not now available; and,

Whereas, recent progress in science, in invention, and in engineering practice, have rendered feasible of accomplishment many plans for public improvements, which were formerly considered impracticable; and surprising discoveries and inventions are rapidly coming forth.

Whereas, the Colorado River Compact now before this Legislature for consideration proposes to restrict the development and perfection of water rights within the lower basin of the Colorado, that is below the point known as Lee's Ferry on said Colorado River, to an aggregate consumptive use, including that consumed in the satisfaction of the present perfected rights, of not to exceed 8,500,000 acre feet per annum, for a period of forty years; and,

Whereas, though it should prove feasible to use the whole or any part of the unappropriated surplus waters of the Colorado System within the State of Arizona, amounting perhaps to 5,000,000 acre feet of water per annum, such surplus water may not under said Compact be appropriated and applied to beneficial use and a permanent right to the use of said waters be thereby established,

NOW, THEREFORE, BE IT RESOLVED, by the Sixth Legislature of the State of Arizona, the House and the Senate concurring therein, that it be declared to be the settled purpose and policy of the Sixth Legislature to defer action with reference to said present pending Compact until adequate engineering data has been obtained by means of such field surveys, maps, plans, and estimates as may be necessary to supplement the information already available from public and private sources, and until such data shall have been reviewed by a board of not less than three consulting engineers of wide experience and of unquestioned standing in the engineering profession, to be employed exclusively by the State of Arizona for that purpose, and until said Board of Engineers shall have reported on the possibilities of using such surplus waters for irrigation and power within the State of Arizona; and,

Be It Further Resolved, that it is the purpose and policy of this Legislature to provide by suitable legislation for such surveys and other engineering work and reports as may be necessary to carry out the plans and purposes of the policy hereinbefore set forth as speedily as may be consistent with the proper and economical prosecution of such work; and,

Be It Further Resolved, that this Legislature, in so far as leis within its power, commits the State of Arizona to a policy of State, or joint State and Federal control and development with regard to the waters of the main Colorado River, to the end that the said river may be developed without private gain and monopoly, and in the interests of all who may be, or who may hereafter become dependent on it as a source of power or of water for irrigation and domestic use; and,

Be It Further Resolved, that this Legislature pledges itself to co-operate in any reasonable manner, not inconsistent with the rights of the people of Arizona, with the Federal Government, or with the State of California, or with both, in the speediest possible solution of the problem of flood control of the Colorado River, under such conditions and limitation as will maintain unimpaired all present rights to appropriate water in other states; and,

Be It Further Resolved, that copies of this resolution be sent to Senators Henry F. Ashurst and Ralph Cameron and Representative Carl Hayden, and that the Governor be requested to transmit copies hereof to the Governors of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming, and to Hon. Herbert Hoover, Secretary of Commerce of the United States; U. S. Federal Power Commission and U. S. Reclamation Service.

But I want to say, Mr. Chairman, with all—I don't want to leave the impression that I am a rabid partisan. I am not. In regard to the Republican party, or in regard to the Democratic party, I believe in the country and the state first of all. As you all know there are differences in the Republican party, and, as you all know, there are differences in the Democratic party, and I will say to you when you go back into the history of our state or our government, you will see that we have had the reactionary Republicans, that we have had the progressive Republicans, that we have had progressive Democrats and we have had conservative Democrats, and I will say, with due credit to the Republican party, if Roosevelt, who was the progressive of the Republican party, or Lincoln, who was a progressive of the Republican party, would turn over, according to my opinion, Mr. Chairman, and my view of it at the present time, in their graves, if hey could see what is taking place, Mr. Chairman, by the most reactionary administration that appointed this Commission, Mr. Chairman, that the government has ever had proposed this. And why the haste?

MR. COLTER: After President Winsor's remarks, I would like to arise to a point of special privilege here, for this reason. I want to make myself perfectly clear. Any remarks that I have made in the past in this regard, Mr. Chairman, and that is this, that as far as the Governor is concerned, I know not whether he favors Senate Bill 136, which so recently came up, or whether he favors the postponement now, and in my remarks I only mentioned the Governor in this respect that in his message to the Legislature and his special message when he gave us the pact, that he addressed himself, that in the event that we saw fit to put this off for further consideration, that there would be no danger in it, and I only mentioned it in that regard, and again in connection with what he himself said that there was lots of data we didn't have, and I don't want the gentleman from Yuma, or anyone else to think that it was investigation that brought about asking for the postponement in my resolution, and in these remarks it was the failure to have engineering data, Mr. Chairman, for Arizona, for Arizona alone, is my reason for asking for a postponement, and as far as times benig better, as some here say by ratifying the pact. We all know only monopoly brings money panics and distress and war.

(The question was again called for, and the roll call continued as follows:

Colter: Aye. Dratchman: Nay. Elliott: Nay. Gilbert: Nay. Hayhurst: Aye. Kimball: Aye. Kinney: Nay. MacMillin: Nay. Moore: Nay. Phillips: Nay. Pierce: Nay. Roberts: Nay. Rutherford: Aye. Sims: Nay. St. Charles: Nay. Mr. President: Nay.

THE CHAIRMAN: By a vote of firteen noes and four ayes the motion is lost.

MR. ELLIOTT: I move you that the committee turn to the consideration of Senate Bill No. 136. I move you that when this committee arises that Senate Bill No. 136 do pass.

The motion was seconded.

MR. COLTER: Mr. Chairman, just hearing President Winsor again I didn't think I was going to say anything more, and don't want to take up the time, but being a dirt farmer and a cowpuncher and a small reservoir builder at the head of the Little Colorado River, can't help just at this time to say a few words, and to

this effect: As far as the prolonging of this pact, prolonging the time, if we don't refer or change it. I have heard that said before. I full well remember the time when I was in the Constitutional Convention with our honorable President, Mulford Winsor, I remember full well when they said to us that we haven't had statehood for years and years and years and when are we going to have it? They have told us what we can have, as they submitted it to us in an enabling cat, for statehood, and so forth, and they said if we change that at all in any respects we will never have statehood, for we wanted to put recall of judiciary in it, and I remember the most eloquent remarks of our President Winsor in that Constitutional Convention, when he took the opposite side from what he is now, and, Mr. Chairman, I wish we could have him on our side now, to make the eloquent remarks that he can make and as he did make at that time in the Constitutional Convention. In so far as settlement of this question of whether the pact is going to be prolonged or not, I remember well, they said then we would never get statehood if we submitted to reservation in the enabling act, if we would put in the recall of the judiciary in that Constitution we would never have statehood, but we didn't pay any attention to them. We knew we had the right to vote on it, just as all these states do on this pact, and that is the object in signing and submitting this pact, and in changing it in any way we see fit. What did we do in the Constitutional Convention? We put the recall of the judiciary in and they said we would never get statehood again, but we got statehood very shortly, and I will tell you we will get it in this, if we put what we are entitled to in this pact, because that is the object of submitting it to the states and people.

Another thing I have heard said here many times, and I can't help but refer to it, and that is they say we have all of the information that is needed on this Colorado River canyon, and I will say that we do not have the information that is needed for Arizona. We have the information as far as all data is concerned on the Colorado River Basin for the information of California and Mexico, so far as all the other states are concerned, so they can have it and use it and monopolize that great big untouched resource that belongs to us in Arizona. But have we got one iota of information so far as the protection of Arizona is concerned? We have not. And that is what we want. And here is the point: After we have all that information, and there is plenty and lots of it as far as power that can be developed and the amount of water that goes down that canyon so they can use it in Mexico or California, or any other place, and the power as well, but here is the big point, that in the pact they have divided up two great big basins so they can have a legal document that is higher than any Supreme Court past decision. and some of those Supreme Court decisions were talked about yesterday by Mr. Winsor as the highest law in the land. The pact is higher and it states definite things, that it divides this Colorado River into two basins and that we are entitled to so much in the upper basin and so much in the lower basin, cutting the shortage in Arizona, leaving barren three million acres of rich land. You remember, that is definite—so much water goes down below, you can't get around that in this pact, and they leave the remaining states of the lower states to fight it out amongst themselves. Why didn't they settle it where every state is concerned, and now while they are fighting out a certain point among themselves, prior appropriation is the essence of this pact and the beneficial use of the water. And they will be using the waters while we are fighting it out and failing to ascertain a right.

MR. WINSOR: It hasn't been my policy to interfere with any speaker, but I am wondering if in the interests of clarity the Senator would yield for a question at this time. I realize that it isn't the proper thing to do.

MR. COLTER: Yes, sir.

MR. WINSOR: I want to ask the Senator if he is supporting Senate Bill No. 136?

MR. COLTER: Mr. Chairman, I thought I made that very clear—

MR. WINSOR: Now all the Senator needs to do is to say yes or no.

MR. COLTER: Mr. Chairman, I would like to tell the gentleman from Yuma, whom I respect, I can answer this question, I think, in the way I see fit, because I am not on a jury.

MR. WINSOR: That is the way all of the Senators have answered questions. I am just wondering whether the Senator knows whether he is supporting Senate Bill No. 136.

MR. COLTER: I am supporting Senate Bill No. 136, absolutely as a last resort.

MR. WINSOR: That is fine. I would like to ask the Senator from Apache if he thinks the interpretation which constitutes the central and only feature of Senate Bill No. 136 will give Arizona another acre foot of water than that given by the Compact?

MR. COLTER: I do, because—I first wanted my postponement because I didn't think we were getting the things we were entitled to. They are not specifically enough stated in the Compact.

MR. WINSOR: Does the Senator think that this repeals that portion of the pact that allocates the waters of the Colorado River?

MR. COLTER: I think this, Mr. Chairman, that if we could prolong that, we would have an opportunity to ascertain and get our rights. We didn't get my resolution No. 8 yesterday. I voted for 136 because I thought that would prolong it so that we would have an opportunity to get it, and if it didn't prolong it, we would have something, Mr. Chairman, and remember, Mr. Chairman, that we are different from any other state in the Union. We have got a great big undeveloped resource there, something that shouldn't be taken away, something that belongs to us, whether we use it now, twenty years from now or one hundred years from now, and that is what we want to protect, and that is why they will rush in and sign up when they haven't anything to lose, and especially when there is back of that thousands of their acres of land to reclaim in California and Mexico.

Another thing, Mr. Chairman, I can't help but give some mention to, and that is, so far as the many requests from the Honorable Carl Hayden, whom I regard and respect a great deal—they say that he has asked us to vote for this Compact. Now this was submitted to us and I think it is a matter for us entirely. It will come up to him to act on later on, and no one has said what Senator Ashurst has advised us to do, and I know in one instance where he figured and stated it wasn't a matter for him to pass on in a telegram to that extent at least, and I think we should regard his wise action to some extent, and not just only the other side.

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