Geo. Hunt Papers
B# 1/6

Why I Oppose the Approval of the Colorado River Compact

BY GEO. W. P. HUNT
Governor of Arizona

"The pick and shovel never made a state---
It takes a plow to do that."
—Emerson Hough, in the Covered Wagon.

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The reason the State of Arizona should not ratify the Colorado River Compact may be summed up in the sentence, "It is wholly unfair to this State."

The plan for the compact originated out of the desire of Colorado and the states in the upper basin, to obtain by diplomacy and bargain, something they could not hold by law.

A uniform law was passed by the seven states in the Colorado river basin, and congress, authorizing these states and the United States to enter into a compact to apportion the water BETWEEN THE STATES.

Each state appointed a conferee and Honorable Herbert Hoover was appointed to represent the United States, and acted as chairman.

The conferees were unable to agree upon a plan to apportion the water BETWEEN THE STATES, and so compromised by apportioning it BETWEEN THE UPPER AND LOWER BASINS.

In apportioning the water between the upper and lower basins, adequate water was allocated to the upper basin IN PERPETUITY, to take care of all its future needs, making it forever impossible to utilize this water in the lower basin, for the reason that it will be impossible to finance an irrigation project, the waters of which may be claimed by the upper basin states at any time they desire to utilize them.

Sufficient water was apportioned to the lower basin to meet the requirements of the program outlined by the United States Reclamation Service under Secretary of the Interior Fall and Arthur P. Davis, who is now the consulting engineer of the City of Los Angeles and an advocate of the Boulder Canyon project.

Under the United States Reclamation Service program, from the water allocated to the lower basin, the maximum acreage of land which would be irrigated from the Colorado River proper in Arizona would be 280,000 acres.

Of this 280,000 acres, 130,000 are already under irrigation in the Yuma project. Of the remainder, 110,000 acres are in the Parker Indian Reservation, and the balance consists of lowlands along the river bottom which constitute drainage rather than irrigation projects.

The advocates of the Colorado River Compact, who contend that there is adequate water to meet the requirements of all the states, must be satisfied to see Arizona limited to 280,000 acres of land to be irrigated from the Colorado River. I am not satisfied with this apportionment. We have millions of acres of land in Arizona which it is possible to irrigate from the

Colorado River. The only question is the one of practicability.

INADEQUATE WATER SUPPLY

Mr. E. C. LaRue of the United States Geological Survey, who was Chairman of the Arizona Engineering Commission (the commission which investigated the highline canal) in his supplemental report stated that:

> "1. The further investigations recommended by the Arizona Engineering Commission may show that it is feasible to reclaim by irrigation, large areas in Arizona if a proper plan for diverting the waters of the Colorado River is worked out.
>
> "2. While the larger irrigation projects on the lower river in Arizona and California may not be feasible at this time, these projects may be feasible 20 or 30 years from now.
>
> "3. Taking the Colorado River basin as a whole, many projects are listed which are not feasible of development today, yet it has been suggested that the right to divert water for the development of these projects shall never be denied.
>
> "4. The larger projects on the lower river are no more visionary than certain projects in other parts of the basin. It is, therefore, suggested that a way be found to reserve the right to develop these larger irrigation projects in Arizona and California, should they be found feasible of development at some future time."

After analyzing the possibilities for irrigation in the lower basin and the available water supply, Mr. LaRue states:

> "The writer therefore wishes to call attention to the need for a broad investigation, for it is his opinion that the water supply of the Colorado River **will not be sufficient** to reclaim the lands which may be found commercially feasible of development." (Emphasis mine).

If the Colorado River Compact is ratified and the plans of California and those interested in the development of lands in Old Mexico are carried into effect through the building of a dam at Boulder Canyon, it will forever bar Arizona from developing and irrigating the vast areas which are susceptible of cultivation in the State of Arizona.

THE SWING-JOHNSON BILL

The ruthless manner in which the Swing-Johnson bill now pending in the Congress of the United States, attempts to dispose of Arizona's rights in the Colorado River, reflects the philosophy of California while the pages of space advocating the Boulder Canyon project by California newspapers, and the propaganda in the national magazines by the California and Mexican land interests and the insidious propaganda articles of the power trust, all bear the imprint of a desire for plunder. As a further indication of the attitude and sentiment of California with reference to this great resource, your attention is invited to the fact that the Governor of California declined to even receive a committee from Arizona to discuss a possible supplemental Compact between the states in the lower basin, which would conserve the interests of the State of Arizona. (In this connection, I have appended copy of the correspondence in full between the states of California, Arizona and Nevada, dealing with the subect of a supplemental Compact).

The interesting phase of this whole subject is that Arizona, which is referred to as playing the "dog in the manger," is in the position of holding the key to the development of this great natural resource, yet one would think to read the propaganda sent out by the California newspapers, the power trust and the Mexican land interests, that this Colorado River was a California river, and that the damsites and power sites were all located in the back yard of Los Angeles.

POWER DEVELOPMENT IN ARIZONA

Eighty per cent of all power which will be developed in the Colorado River will be developed wholly within the State of Arizona, and the balance between the states of Arizona and Nevada. And yet we have the State Engineer of California, acting and speaking for the Governor of California, cooly declaring that "Any attempt on the part of the lower basin to allocate any POWER which may be developed, if such development be financed by the federal government would be stoutly opposed by the upper basin states," indicating further the collusion between California and the states in the upper basin to dispose of the resources which lie within this state. Possibly, this is another reason why nearly all the compact advocates favor development at Boulder Canyon.

I concede no right in the upper basin states to control any power in the river below Lee Ferry, and I assert, on behalf of the State of Arizona, that all power developed wholly within the State of Arizona is absolutely free of any control by California. I refuse to consent for one moment to the approval of any Compact which would deprive us of our rights to regulate the sale of power developed wholly within the State of Arizona.

One would think to listen to some of the advocates of the adoption of the Colorado River Compact that we had resources lying around so thick that we can afford to dispense with them like the passengers of Pacific liners who throw pennies into the water to see Hawaiians dive for them.

The Colorado River is our great resource and unless we conserve it and get the maximum benefit from it, we can depend upon becoming a sort of vermiform appendix to Los Angeles, instead of becoming one of the great empire states of this nation.

When the Commission which drew the Colorado River Compact was unable to agree over the apportionment of the water BETWEEN THE STATES of the Colorado River basin to the satisfaction of the upper basin states and California, it undertook to apportion the water of the "Colorado River system."

The representative of the State of Arizona graciously consented to include the waters of the Gila River in the program, involving and tying up to the Compact the vested water rights of the Salt River and Gila projects in this bargain arrangement. And then generously set out to try to prove to the people of the State of Arizona that it was folly to attempt to secure anything in addition to the pitiful 280,000 acres of land that we were to have irrigated from the Colorado River.

I cannot conceive the Arizona Legislature being so asinine as to ratify a Compact which will guarantee to the upper basin states IN PERPETUITY all the water they can use, and leave the law of prior appropriation for beneficial use to apply in the lower basin, knowing that it is the intention of California and Mexican land speculators to immediately proceed to put the lower basin water to beneficial use and with the full knowledge that when this is done, it is going to be forever impossible to secure for the State of Arizona the water essential for bringing its lands under cultivation.

WILL NOT PREVENT LITIGATION

Aside from this, the argument is advanced by advocates of the Colorado River Compact, that it will avoid litigation. Some of the leading advocates of the Compact in the State of Arizona recognize the contradictory, slipshod and loose manner in which it is drawn up, and have written letters to various governmental agencies saying that "I am trying to interpret it to mean this" and pleading that it be given such an interpretation. Other pact advocates are trying to interpret it to mean something else. Instead of eliminat-

ing litigation, in my judgment, the Compact means the inauguration of a whole flood of litigation. Why not stay with the present law?

When the advocates of the pact talk about litigation, what do they mean? Litigation over what? The law is definite. It says in clear and unmistakable terms which have been approved by the United States Supreme Court that the title to water shall be vested in him "who first puts it to beneficial use."

Arizona can fully afford to depend on that law, and if we attempt to enter a bargain giving someone else a right they do not now possess, why strip ourselves of every right as is done by the Colorado River Compact in order to get such a bargain? The Compact gives us nothing and takes everything.

If any document ever written and submitted for the voluntary approval of any commonwealth is indefensible, it is the Colorado River Compact. It solves no legal problems. It opens up a whole field for litigation. It even involves the present established water rights of the various irrigation projects in this State when five million acre feet of water is stored for use below Lee Ferry.

I am confident that without a Compact the states of Nevada, Arizona and Utah can solve any question which confront them, in a legal and harmonious manner.

CONCLUSION

I do not enthuse over an Asiatic colony in Mexico. I do not pine to contribute to the greater glory of Los Angeles and southern California at the expense of this commonwealth. I am willing to concede certain needs and rights to the upper basin states where the majority of the water falls. I am willing to concede certain advantages to California. But I am not ready to make a donation of the great natural resource upon which depends the future prosperity of this great State of Arizona when we are not even offered the proverbial mess of potage in exchange.

The injustice of the Colorado River Compact to Arizona is clearly demonstrated by the following tabulation showing the distribution of the water:

ALLOCATION OF WATER BY THE PROPOSED COLORADO RIVER COMPACT

	Upper States	Lower States
Total water allocated, acre ft, per year	7,500,000	8,500,000
Water used in 1920, acre ft, per year	2,136,000	4,127,000
Additional allocated over present use, acre ft, per year	5,364,000	4,373,000
Per cent allocated over per cent used per year	252%	106%
Allocation in case of drought acre per year	7,500,000	What is left

The above amounts are allocated "in perpetuity."

Provision is made for allocating any surplus if available above these amounts in 40 years.

APPENDIX

Correspondence between Governor Geo. W. P. Hunt, of Arizona, Governor Friend W. Richardson, of California, and Governor J. G. Scrugham of Nevada.

Letter of Governor Hunt to Governor Richardson, of California, and Scrugham, of Nevada.

October 19, 1923.

My dear Governor:

Among the many questions pressing for solution in Arizona at this time is the matter of development of the Colorado River. There are numerous conflicting opinions in the State in this regard, opinions which are so tena-

tiously held and advocated that if allowed to develop may split the people of our State into factions which would endure for a life time.

One of the Subjects involved is the proposed Colorado River Compact. I submitted this Compact to the Legislature and carefully refrained from advising that it be rejected or adopted. The Legislature failed to ratify the Compact and it is an open question whether it would receive the approval of the people of Arizona if it were submitted to them.

I am very anxious that this question shall not come into the realm of political controversy because it is too big and too much depends upon the united efforts of all the people of this and adjacent states to permit any such outcome.

I feel that Arizona is not protected by the Compact as we are left between the upper mill stone of the upper basin states, under the bargain terms of the Compact which give them ownership in perpetuity of the necessary water to meet their requirements, and the lower mill stone in the lower basin where the doctrine of "prior appropriation for beneficial use" would apply as between the states of California, Nevada, Arizona and Mexico.

Development in California and Mexico will naturally be earlier than development in Arizona, with the result that by the time Arizona might be ready to utilize her share of the water, the rights would have been acquired by California and Mexico, which would make it impossible for Arizona to develop her lands. This would be especially true, in my opinion, if the early development took place at Boulder Canyon.

I see no reason to justify the contention that it will not be ultimately feasible and practical to irrigate a million and a half or more acres in Arizona. In my opinion, Mr. E. C. LaRue of the United States Geological Survey, knows more about the Colorado River than any man living. I had hoped to have an opportunity to discuss with him the result of his investigation as Chairman of the Arizona Engineering Commission, but he almost immediately entered the Canyon again with an expedition under Colonel Birdseye and I failed to see him. However, in his supplementary report, as Chairman of the Arizona Engineering Commission, Mr. LaRue expressed himself in a manner anything but discouraging to those who hope to see a vast irrigated empire in Arizona.

With these ideas in mind I called a meeting of some sixty-five prominent citizens of Arizona representing as far as possible all conflicting opinions and interests, with the hope that they would be able to evolve a solution for this perplexing problem.

This committee authorized the appointment of a sub-committee of nine to work out a plan. This sub-committee, in trying to develop their ideas, came to the conclusion that it was necesssary that a better understanding of the rights of Arizona and the federal government, be arrived at, and they requested a conference with the Federal Power Commission to that end, with the hope that through the discussion of the matter we might achieve the result obtained by New York State in a similar conference where differences of opinion were ironed out and a mutual understanding arrived at which resulted in the practical withdrawal of pending litigation. We are somewhat disappointed in our hopes because the Federal Power Commission, without notifying us, invited in representatives of the other six states in the basin, as well as the private interests who are seeking permits in the river, and the hearing became rather a discussion between the various interests in the entire basin, and largely hinged around the Colorado River Compact.

However, we obtained some information that was valuable to us in ar-

riving at a better understanding of our rights in the river, as a result of the conference.

At a meeting of the committee which I appointed last May, and at subsequent meetings of the sub-committee, it was suggested that a conference be called of the three states in the lower basin to see if it were possible to adjudicate some of the differences which are responsible for the opposition to an agreement in Arizona. This suggestion was also made by several citizens of the State of Arizona and also by Governor Scrugham, of Nevada. I delayed taking steps in the matter pending the outcome of the hearing at Washington, in order that we might be better advised as to where Arizona stood with reference to the federal government.

I am very anxious as Governor of Arizona, to find a solution. I abhor a merely negative attitude. Of course, I want, more than anything else, to protect the interests of my state, but at the same time I want to expedite the development of the River, if a way can be found to do so.

The suggestion has been made that a supplementary pact be entered into by the states of the lower basin. In any event, I have decided to ascertain your opinion as to the advisability of having a conference between representatives of the State of Arizona, Nevada and California to discuss our mutual interests in the development of the river, and the possibility of entering into a supplemental Compact, and such other questions relating to the subject as might tend to clarify the situation.

I would appreciate a candid expression of your opinion. If you concur in this suggested conference, I would appreciate it if you would suggest the time and place of meeting, as well as the number of conferees from each state you would recommend. I shall refrain from making this matter public until I hear from you and from Governor Richardson, (Scrugham).

Respectfully yours,

(Signed) GEO. W. P. HUNT,
Governor of Arizona.

Hon. James G. Scrugham,
Governor of Nevada,
Carson City, Nevada.

Hon. Friend W. Richardson,
Governor of California,
Sacramento, California.

Reply of Governor Friend W. Richardson, of California.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE, SACRAMENTO
November 1, 1923.

Hon. Geo. W. P. Hunt,
Governor of Arizona,
Phoenix, Arizona.

My dear Governor:

I have received a report from the State Engineer as to the advisability of holding a conference on the Colorado River problems, as suggested in your letter of October 19th. After fully considering the matter I do not deem it advisable to attend any conference which is not participated in by all of the states in interest.

With kindest regards, and thanking you for the suggestion, I am,

Yours Sincerely,

(Signed) F. W. RICHARDSON.

Reply of Governor James G. Scrugham, of Nevada.

STATE OF NEVADA EXECUTIVE CHAMBER, CARSON CITY
October 31, 1923.

Hon. George W. P. Hunt,
Governor of Arizona,
Phoenix, Arizona.

My dear Governor:

Upon my return to my office I find your letter of October 19, 1923, regarding advisability of calling a conference between representatives of the states of Arizona, Nevada and California to discuss the Colorado River situation.

I deem that such a conference is highly desirable in order that we may present a united request to the incoming Congress for such action as may be agreed upon. If such a conference is not held it appears certain that the Colorado River developments will be blocked for many years to come.

I suggest that Los Angeles will be the most convenient place for the meeting, that each state name 5 or 7 members to attend the conference.

I will ask you to wire me if this plan is agreeable to your views and suggest that some suitable date between November 15 and November 20 be designated by you.

Yours truly,

(Signed) J. G. SCRUGHAM,
Governor.

Copy of letter of Hon. W. F. McClure, State Engineer of California, addressed to Governor James G. Scrugham, of Nevada.

(Note: Your attention, in particular, is called to paragraphs numbered 3 and 4).

November 8, 1923.

Hon. J. G. Scrugham,
Governor of Nevada,
Carson City, Nev.

SUBJECT: COLORADO RIVER

Dear Governor:

Responding to yours of November 6th, which was accompanied with a copy letter from Governor Richardson of California to Governor Hunt of Arizona, and a copy of "Colorado River Plan for Co-operative Action" by Mr. Heard, same being a reprint from the Arizona Republican of September 22, 1923.

In all matters of controversy relating to the failure of the State of Arizona to ratify the Compact, I have felt that,

1st. It would be a breach of diplomatic courtesy for me, having acted as California's representative on the Colorado River Commission, to place my ideas in type relating to the refusal of Arizona to ratify that would not go to the proper representatives of all the states concerned, for

2nd. Any attempt to modify the terms of the Compact as touching the allocation of water as between the States of the Lower Basin would, in no way, affect the division of water as between the Upper and Lower Basin States, as provided for in the Compact; and to entertain any idea or hope of securing the consent of the Upper Basin States for the allocation of the use of any larger quantity of water than that agreed upon in the Compact would be futile.

3rd. Any attempt on the part of the States in the Lower Basin to allocate any power which may be developed, should such power be financed by

the Federal government, would also be stoutly opposed by the Upper Basin states.

4th. The Upper States furnish the water, which fact alone is sufficient to base the strongest kind of a claim to a fair portion of any power that may be developed anywhere on the River if such development is financed by Federal moneys.

5th. The idea of increasing the area of practicable irrigable areas in Arizona, as suggested by some parties, must be in fairness be met with a like suggestion by California and Nevada.

In short, I am convinced, as I have always been since the 24th day of November last, the date of signing the Compact, that the Compact speaks for itself and when properly analyzed is the best answer to any attack that may be made upon it.

7th. If Article II of Mr. Heard's suggested co-operative plan be substituted for Article I, all of the other suggestions would follow in natural sequence.

With kind personal regards, believe me to be,

Very sincerely yours,

(Signed) W. F. McCLURE,
State Engineer.

CC: Governor Richardson.
Governor of New Mexico.
Governor of Wyoming.
Governor of Colorado.
Delph E. Carpenter.
Governor of Arizona.
Hon. Herbert Hoover.
Hon. Carl H. Hayden.
Governor of Utah.
Dwight B. Heard.

Letter from Hon. Dwight B. Heard, of Phoenix, Arizona, to Governor Geo. W. P. Hunt.

THE ARIZONA REPUBLICAN, PHOENIX

October 16, 1923.

Hon. Geo. W. P. Hunt,
Governor of Arizona,
Phoenix, Arizona.

My dear Governor:

In compliance with your suggestion made at our interview today, I am handing you a copy of the letter of Governor Scrugham of Nevada, relative to the calling of a Tri-State Conference.

Many citizens of Arizona have suggested that a Conference of representatives of California, Nevada, and Arizona, to consider the problem of the control and development of the Colorado River as effecting the states of the Lower Basin, would be helpful at this time and might clear the way for a practical plan of co-operative action.

Such a conference would, I believe, bring about a clearer understanding as to the use of the waters of the River, might remove many objections which now exist within our State to the approval of the Colorado River Pact, and through a better understanding with our neighboring states pave the way to the endorsement by Arizona of the Pact, of which many of our citizens are earnest supporters.

I am in hopes that after consideration you will feel justified in suggesting to the Governors of California and Nevada the calling of such a Conference, which might appropriately be held in Phoenix. I suggest the appointment by each Governor of nine representatives, and in order that the Conference might be of the greatest constructive value believe the discussions should be limited to definite question of vital importance.

Should you deem it proper to join in such a call, I hope you may feel it consistent to make it plain that if the three states in the Southern Basin can come to a satisfactory understanding as to the allocation of water rights and the distribution of revenues from power plants in the Southern Basin, that you will feel justified in recommending the approval of the Colorado River Pact by the Arizona Legislature.

I recognize that you as a citizen of this State, are naturally keenly interested in bringing about a period of development in Arizona through the early harnessing of the Colorado River.

I also recognize that you feel as I do that the control and development of the Colorado River is an economic, and not a political question, and feel sure that the appointment of Arizona's delegates would be made on this basis.

If I can be of any service to you in the preliminaries leading up to such a conference, should you decide to call one, I hope that you will feel at liberty to call upon me.

Faithfully yours,

(Signed) DWIGHT B. HEARD.

Letter of Governor Geo. W. P. Hunt to Hon. Dwight B. Heard.

EXECUTIVE OFFICE, STATE HOUSE, PHOENIX

November 15, 1923.

Dear Mr. Heard:

At your request I have invited the following named gentlemen and yourself, to meet in conference at my office on Tuesday, November 20, to consider some proposals which will be offered concerning a better understanding of the Colorado River:

Hon. John C. Greenway,
Hon. Mulford Winsor,
Hon. Joseph H. Kibbey,
Hon. A. T. Kilcrease,
Hon. Howard Cornick,
Mr. A. S. McGregor,
Mr. Thos. A. Maddock,
Hon. Lewis Douglas,
Hon. H. A. Elliott and myself.

I am advising them that you have expressed the opinion that there is an opportunity for federal development for flood control only, if certain conditions are met, and that you have suggested the conference as one of the means of trying to arrive at such understanding.

Trusting you may be able to be present, I am

Yours sincerely,

(Signed) GEO. W. P. HUNT,
Governor.

Hon. Dwight B. Heard,
Phoenix, Arizona.

Telegram from Governor Geo. W. P. Hunt to Governor F. W. Richardson, of California, and Governor J. G. Scrugham, of Nevada.

WESTERN UNION TELEGRAM

Phoenix, Arizona,
November 21, 1923.

Hon. F. W. Richardson:
Hon. J. G. Scrugham:

At non-partisan important conference my office yesterday of leaders public opinion regarding Colorado River Compact feeling strongly expressed that would be to mutual advantage of Lower Basin States to hold Tri-State conference stop. As result of conference have appointed Lewis Douglas and Dwight B. Heard to confer with you at your earliest convenience as to desirability of arranging as promptly as possible for Tri-State conference as suggested. Kindly advise by wire on what date you can meet these two representatives of Arizona.

(Signed) GEO. W. P. HUNT,
Governor of Arizona.

Reply of Governor James G. Scrugham, of Nevada.

WESTERN UNION TELEGRAM

Carson City, Nevada,
November 21, 1923.

Hon. Geo. W. P. Hunt,
Governor of Arizona,
Phoenix, Arizona.

Will be pleased to attend Tri-State conference at any convenient date and place.

(Signed) J. G. SCRUGHAM, Governor.

Reply of Governor Friend W. Richardson, of California.

WESTERN UNION TELEGRAM

Sacramento, California.
November 22, 1923.

Governor W. P. Hunt,
Phoenix, Arizona.

Former correspondence gives reasons why I do not deem it wise to take part in limited conference period with highest personal esteem I am

(Signed) FRIEND W. RICHARDSON,
Governor

PRESS OF TOMBSTONE EPITAPH