

**THE COLORADO RIVER COMPACT:
REPORT OF S. B. DAVIS, JR., COMMISSIONER FOR
NEW MEXICO**

JANUARY 5, 1923.

HON. JAMES F. HINKLE,
*Governor of New Mexico,
Santa Fe, New Mexico.*

DEAR SIR: There has been filed with the Secretary of State, a duly certified copy of the Colorado River Compact recently signed at Santa Fe by the commissioners representing the United States and the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. This compact is the result of legislative action by the United States and the several states authorizing the appointment of commissioners to form an agreement for the equitable division among the states of the waters of the Colorado River. The New Mexico act is found as Chapter 121 of the Laws of 1921.

The Colorado River is the third largest stream in the United States in volume of discharge. Several million acres of land are now irrigated from it, but there is still a very large flow, many million acre-feet, which is unappropriated and unused.

All of the states interested have large areas of land on which the water of the river could be used and all have ambitious projects looking to their development. Such a condition necessarily gives rise to interstate conflict. That situation on other interstate streams has caused frequent disputes in the past giving rise to long, tedious, and expensive litigation usually with results unsatisfactory to both parties. So long as the rights to the use of water are doubtful, development is necessarily delayed, for irrigation projects involve large expenditures of money and their success must depend upon the certainty of water supply. The underlying thought behind the compact was the correction of this situation by substituting agreement for litigation and by making an apportionment of the water among the states so that all might know the extent of their rights in advance of the construction of any works.

All of the acts which authorize the appointment of commissioners provide that the compact agreed upon must be approved by the Congress of various states before it becomes effective. It is therefore

appropriate that it be submitted to the New Mexico Legislature for its consideration at the present session.

The compact does not allocate water to each individual state as that plan was found to be impractical for several reasons. Instead of this, it divides the states into two groups, the Lower composed of the territory lying below Lee's Ferry and situated mostly in the States of Arizona and California, and the Upper comprising the territory above Lee's Ferry.

Lee's Ferry is the point at which the river enters a canyon many miles in length below the mouth of the San Juan River. New Mexico falls in both the Upper and the Lower divisions, the drainage of the San Juan being in the Upper and that of the Gila and the tributaries of the Little Colorado in the Lower.

Under the compact, the waters are divided between the two basins, each being entitled to the use of seven and one-half million acre-feet per annum, with an agreement on the part of the Upper States that they will not diminish the flow of the river below a total of seventy-five million acre-feet in any ten-year period. This amount of water is ample for the present needs of both divisions and also for any projects which can be reasonably anticipated in the future. There is a provision for a further distribution of the surplus waters of the river by another commission at the end of forty years, at which time an apportionment may be made in accordance with the conditions then existing, which, of course, cannot now be foreseen.

New Mexico's principal interest in the matter is in the development of the lands in San Juan County. The San Juan River with its tributaries furnishes about one-sixth of the flow of the Colorado River, having a volume of some three million acre-feet per annum passing the state line. There are ample lands on which this water can be utilized and which need nothing more to become fertile and productive. The largest projects contemplated are on the San Juan proper and on the Las Animas. I shall not discuss them in this report as information regarding them is available in the files of the State Engineer. I may mention, however, that the available lands in New Mexico constitute the largest single area subject to irrigation in the entire Colorado River Basin, excepting perhaps those in the Imperial Valley.

There are several very large sites for power dams in the Basin and a number of power projects are in contemplation. New Mexico is not directly interested at this time because of their distance from us which probably makes the attaining of power on them for any large portion of this state economically impractical under existing methods for the transmission of electrical power. How rapidly such methods may develop and how soon it may become possible for us to obtain power from these sources is a matter of prophecy or interesting speculation.

None of the large power sites are within our boundaries. The use of the water for power purposes is made by the compact subservient to its use for agriculture as is entirely proper.

The compact contains provision for the settlement of disputes which may arise under it by representatives of the interested states to be appointed by the governors—another attempt to adjust the controversies without recourse to litigation.

This agreement was reached among the states only after long investigations and hearings extending over two years and carried on in all of the states interested, and after protracted discussions and negotiations, the last meeting at Bishop's Lodge having been a continuous conference for nearly three weeks. It summarizes the best thought and effort of the representatives of the states interested, and of the United States. In some respects it is the result of compromise as is inevitable in the solving of a situation made up of conflicting desires, diverse ideas, and opposing ambitions. I believe it is an eminently just solution of a perplexing problem and that under it the rights of all the states are fully protected. It is a particularly fair agreement for New Mexico. Its ratification will constitute the first step toward the development of what is, without doubt, the greatest undeveloped resource of this state.

As the New Mexico representative on this Commission, I have no hesitation in urging that this state ratify the compact by proper legislative action.

A copy of the proposed compact is attached.

Yours very respectfully,

(Signed) S. B. DAVIS, Jr.