



THE COLORADO RIVER COMPACT

Max Fefer

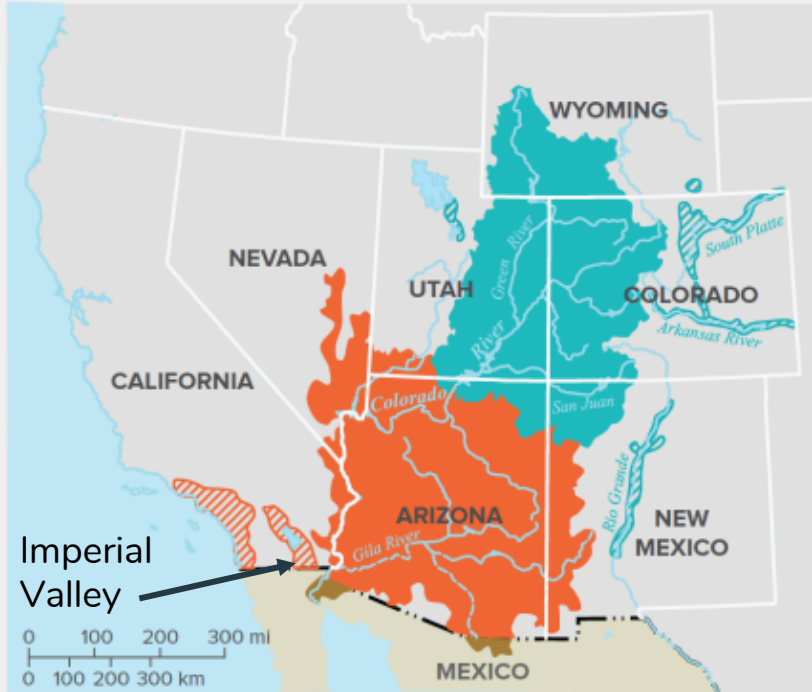
Objectives

1. How is water divided among states in the Colorado River Basin?
2. What is the Colorado River's "Law of the River"?
3. Discuss the primary reasons for formation of the Colorado River Compact
4. Process of negotiating the Compact
5. What can we learn from the Colorado River Compact history?

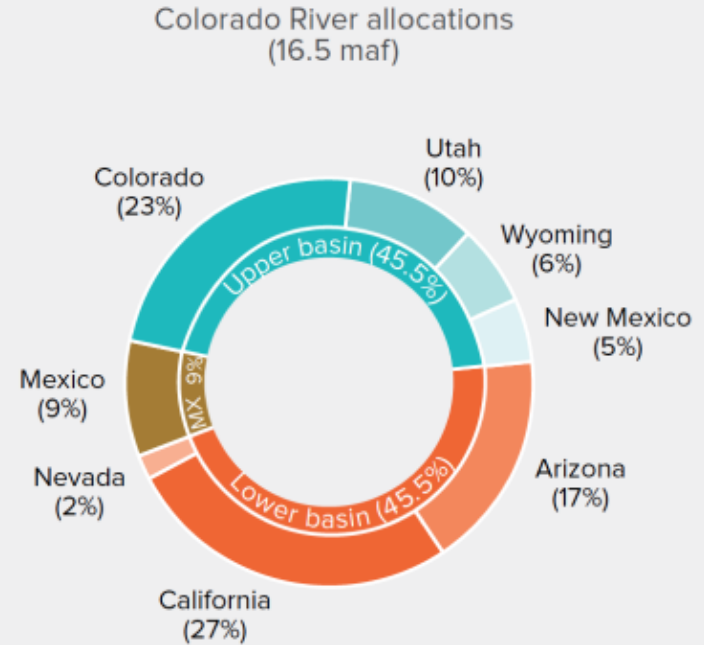


The Colorado River Today

What does Colorado River allocation look like today?



- Upper Colorado Basin
- Upper Colorado export areas
- Lower Colorado Basin
- Lower Colorado export areas
- Colorado Basin in Mexico





“Law of the River”

Law of the River

1. [The Colorado River Compact of 1922](#)
2. [The Boulder Canyon Project Act of 1928](#)
3. [California Seven Party Agreement of 1931](#)
4. [The Mexican Water Treaty of 1944](#)
5. [Upper Colorado River Basin Compact of 1948](#)
6. [Colorado River Storage Project of 1956](#)
7. [The Arizona v. California U.S. Supreme Court Decision of 1964](#)
8. [The Colorado River Basin Project Act of 1968](#)
9. [The Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs of 1970 \(amended March 21, 2005\)](#)
10. [Minute 242 of the U.S.-Mexico International Boundary and Water Commission of 1973](#)
11. [The Colorado River Basin Salinity Control Act of 1974](#)

Law of the River

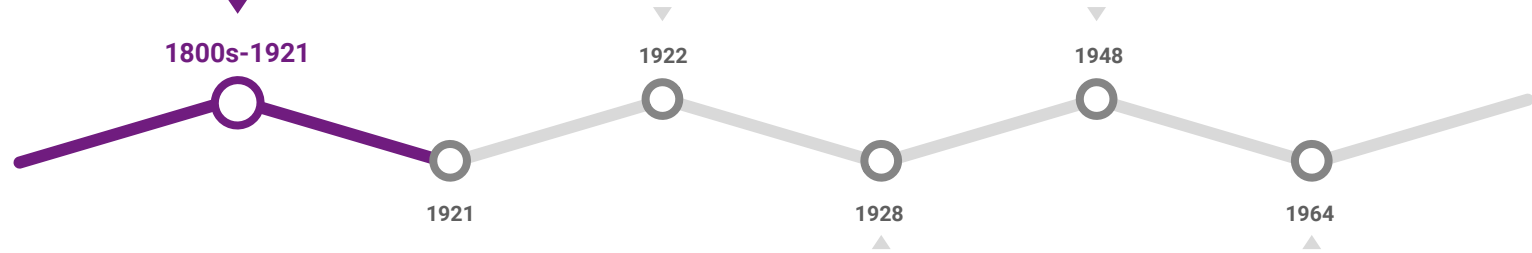
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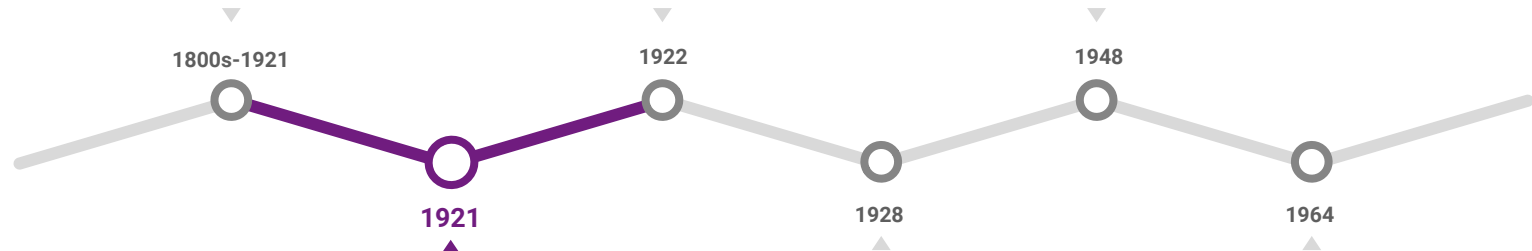
Negotiations Timeline

Westward Expansion

1. Development of Imperial Valley and Los Angeles
2. Growing concern among northern states about development in California and Arizona
3. League of the Southwest



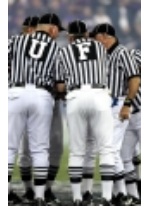
Negotiations Begin on Colorado River adjudication



Congress authorized the formation of the Colorado River Commission, headed by Herbert Hoover (USDA Secretary at the time). Commission was in charge of drafting the Compact.

Lower Basin:

Arizona
California
Nevada



Bureau of Reclamation

Upper Basin:

Colorado
New Mexico
Utah
Wyoming



Congress

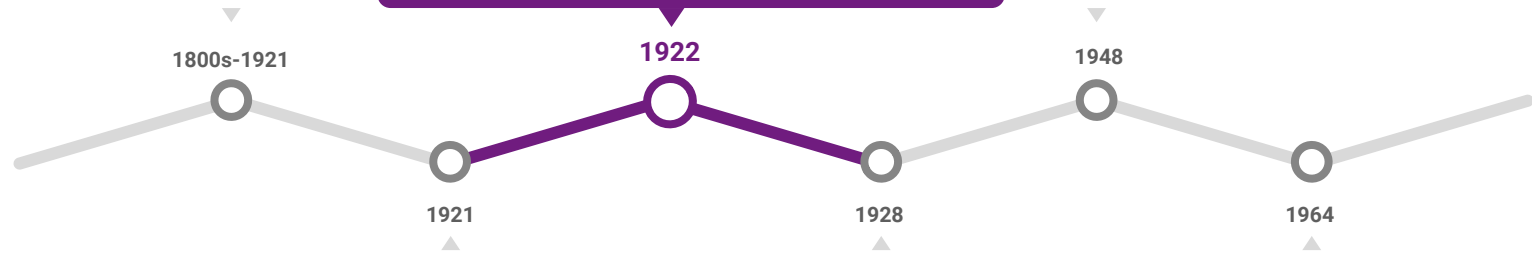


Mexico
Native American Reservations

The Colorado River Compact of 1922

Negotiations took 11 months with multiple meetings (27th and final at Bishop's Lodge in Santa Fe).

1. 7.5 MAF for Lower and Upper Basins
2. Rights to extra 1 MAF for Lower Basin (presumably for Arizona tributaries)
3. No considerations for Mexico or tribes
4. 8 articles, 7 pages! Very short.

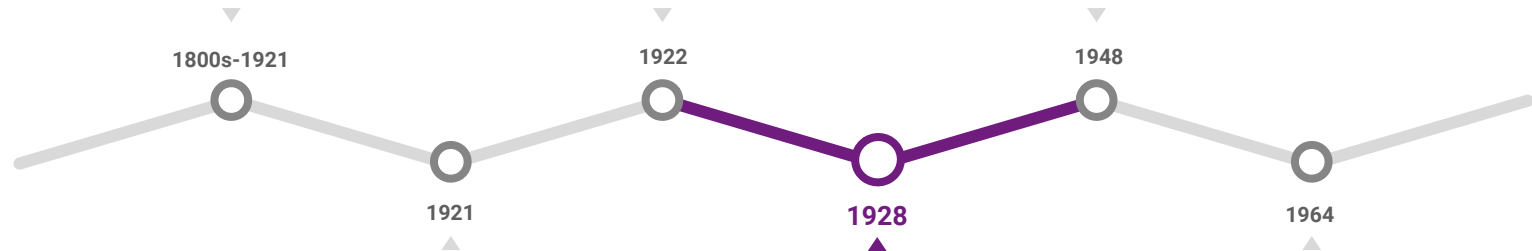




- Upper Colorado Basin
- Lower Colorado Basin
- Colorado Basin in Mexico
- Upper Colorado export areas
- Lower Colorado export areas

	Colorado River Basin Drainage: Area by States (In Square Miles)	Law of the River
Wyoming	19,000 (8%)	7%
Colorado	39,000 (16%)	26%
New Mexico	23,000 (9.5%)	5.5%
Arizona	103,000 (42.5%)	26%
Utah	40,000 (16.5%)	11.5%
Nevada	12,000 (5%)	2%
California	6,000 (2.5%)	29%
Total area in the US	242,000	
Area in Mexico	2,000	(1.5 MAF)
Grand Total	244,000	

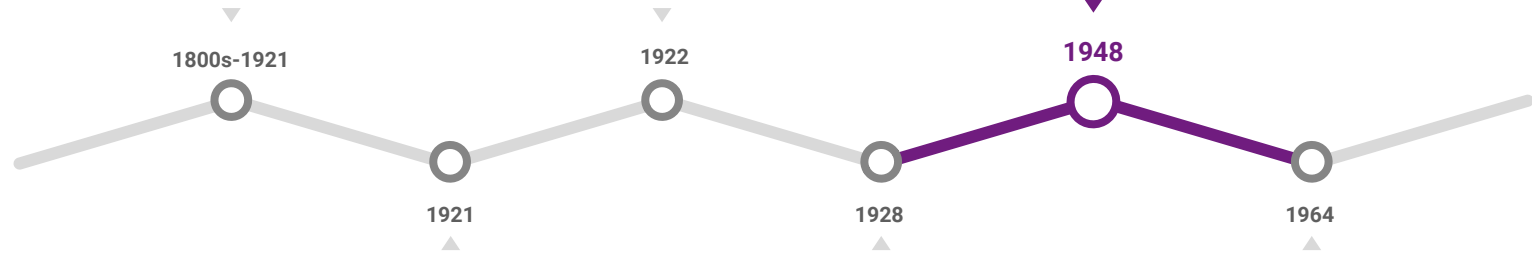
Boulder Canyon Act of 1928



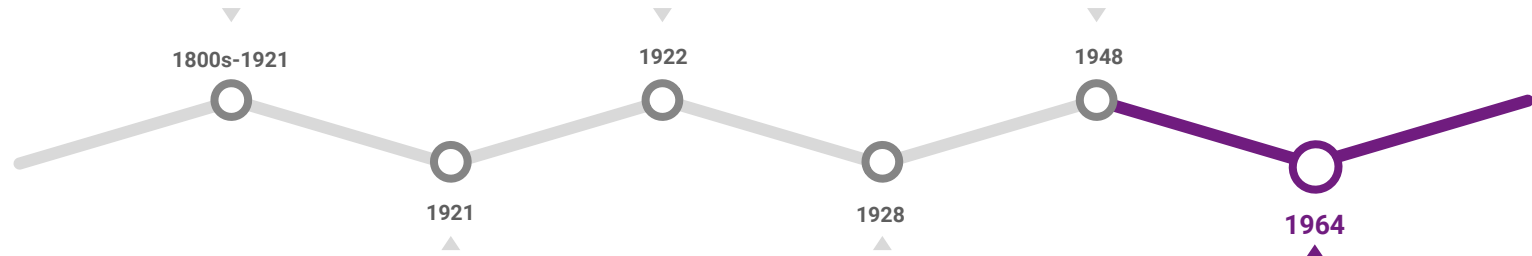
Authorized the Colorado River Compact and construction of Hoover Dam & other Lower Basin irrigation projects. "Suggested" Lower Basin allocation: 4.4 MAF to California, 2.8 MAF to Arizona, and 0.3 MAF to Nevada.

Upper Basin Colorado River Basin Compact of 1948

Created the Upper Colorado River Commission and apportioned the Upper Basin's 7.5 maf among Colorado (51.75 percent), New Mexico (11.25 percent), Utah (23 percent), and Wyoming (14 percent); the portion of Arizona that lies within the Upper Colorado Basin was also apportioned 50,000 acre-feet annually.



Arizona v. California U.S. Supreme Court Decision of 1964



Settled 25-year-old dispute between Arizona and California over water allocation. Arizona won the suit, but Supreme Court interpreted Boulder Canyon Act of 1928 as an adjudication rather than as a recommendation.

What can we learn from the Compact?

1. Powerful driver to compromise was the overall mission to develop the West.
2. The original intent of a compromise compact was to avoid litigation, yet still extensive litigation.
3. Consensus building is quite difficult
 - a. Water allocation
 - b. Hydropower
 - c. Development
 - d. Storage
4. Similar problems across different geographic areas and policy disciplines
 - e. NorCal vs. SoCal
 - f. California groundwater management
 - g. Arid regions (What basins used Compact as an example?)
5. Cooperative sub-federalism
 - h. National, state, and local governments interact cooperatively and collectively to solve common problems, rather than making policies separately but more or less equally.



Source: University of Arizona

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6. Brian E. Gray, Ellen Hanak, Jay Lund, Ariel Diner, Richard Howitt, Jeffrey Mount, Peter Moyle, and Barton "Buzz" Thompson, **Myths of California Water—Implications and Reality**, 16 *Hastings W.-Nw. J. Envtl. L. & Pol'y* 246 (2010).
7. Colorado River Commission, "Minutes of the Twenty-seventh Meeting" (November 9, 1922).
8. *Arizona v. California et al.*, 373 U.S. 596, 598-601 (1963).
9. *The Colorado River Compact*, H. Doc. 605, 67th Congress, 4 session. (1923).
10. Many primary sources... (Letter by Mary Austin, other court cases, speeches, pamphlets)

Any Questions?