

# Encyclopedia of Politics of the American West

## Colorado River Compact (1922)

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The Colorado River Compact (Pub. L. 67–56) came about through the efforts of the U.S. government, led by Secretary of Commerce Herbert Hoover and seven states, to create a mechanism for equitably distributing Colorado River water to the increasing populations of the western states. The participating states included Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. They were divided into two different basins. Upper-basin states included [p. 252 ↓ ] the parts of Arizona, Colorado, New Mexico, Utah, and Wyoming whose waters drain naturally into the Colorado River north of Lee's Ferry in Coconino County, Arizona. Lower-basin states included the parts of Arizona, California, Nevada, New Mexico, and Utah whose waters drain naturally into the Colorado south of Lee's Ferry.

The compact also sought to promote beneficial water uses and interstate comity, remove causes of present and future controversies, secure Colorado River Basin agricultural and economic development, and provide flood control to protect life and property. This agreement has experienced some success but also has encountered implementation delays, interstate disputes, contentiousness with Mexico, and significant court litigation.

Participating states could not agree on water allocation, so Hoover suggested each basin had the right to develop and use 7.5 million acre-feet (MAF) annually, thus reserving water for future upper-basin development while allowing planning and development for greater population growth in the lower basin to proceed. The 1928 Boulder Canyon Project Act (Pub. L. 70–642) authorized Hoover Dam's construction, a 1944 Mexican Water Treaty committed 1.5 MAF annually of river annual flow to Mexico, and Arizona finally joined the Compact in 1944.

A long-standing dispute between Arizona and California over Arizona's desire to build the Central Arizona Project to facilitate its use of its full Colorado River apportionment was settled by the 1963 Supreme Court ruling *Arizona v. California*, 373 U.S. 546. The Court ruled in favor of Arizona, saying lower-basin states could appropriate and use tributary flow before the tributary comingled with the Colorado River. A follow-up decree (383 U.S. 268) enjoined the secretary of the interior from delivering water

outside the law's apportionment framework and mandated preparation of annual reports documenting water use in the lower-basin states.

The 1968 Colorado River Basin Project Act (Pub. L. 90–537) authorized construction in both basins of several water development projects, including the Central Arizona Project, while giving California priority with regard to this project's water supply in times of shortage. Amendments to the statute in 1970 and 2005 provided for coordinated reservoir operation in upper and lower basins while also setting conditions to release water from Lake Powell and Lake Mead. In 1973, the U.S.-Mexico International Boundary and Water Commission required the United States to reduce the salinity of water delivered to Mexico at Morelos Dam, and the 1974 Colorado River Basin Salinity Control Act (Pub. L. 93–320) authorized desalting and salinity control projects, such as the Yuma Desalting Plant, to improve Colorado River quality.

The Colorado River Compact involves the policymaking interactions of the U.S. Bureau of Reclamation; Congress; state, local, and tribal governments; private corporations; and individuals. These interactions can be contentious. The 2005 Energy Policy Act (Pub. L. 109–58) required the Department of the Interior to promote commercial oil shale development, which would necessitate increased water usage in the Colorado River basin in Colorado, Utah, and Wyoming. Achieving resolution of this desire to enhance domestic energy production without environmental damage or increasing water shortages will be challenging for compact members.

Population growth and increasing water demand will also pose acute challenges for the western United States and national water policy. Nearly all Compact states experienced significant population increases between the 2000 and 2010 decennial Censuses, with this collective growth averaging 19.6 percent and Nevada's population increasing by 35.1 percent. This population growth saw the seven Compact states gain three congressional seats, starting with the 113th Congress in January 2013. This will undoubtedly increase those states' ability to leverage additional federal water resource appropriations, even in a time of large federal budgetary deficits. The Colorado River Compact is an acute example of the critical economic, environmental, and political importance water plays in formulating and implementing western and U.S. energy and natural resources policymaking.

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#### Further Readings

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