

Colorado River
Compact
Negotiations

Part ~~III~~ V
169-306

MINUTES OF THE

23d MEETING

COLORADO RIVER COMMISSION

Bishop's Lodge
Santa Fe, New Mexico

November 22, 1922
3:45 P. M.

23rd MEETING

OF THE

COLORADO RIVER COMMISSION

The 23rd meeting of the Colorado River Commission was held at Bishop's Lodge, Santa Fe, New Mexico, on Wednesday afternoon, November 22, 1922, at 3:45 P.M.

There were present:

Herbert Hoover, representing the U. S.,	Chairman
R. E. Caldwell	Utah
Delph E. Carpenter	Colorado
Stephen B. Davis	New Mexico
Frank C. Emerson	Wyoming
W. F. McClure	California
W. S. Norviel	Arizona
Col. J. G. Scrugham	Nevada

In addition, there were present:

Richard E. Sloan
 Gov. M. C. Mechem
 Mr. McKisick
 C. C. Lewis
 Edward W. Clark
 Charles P. Squires
 Mr. Nickerson
 Ottomar Hamelc
 A. P. Davis

The meeting was called to order by Chairman Hoover.

MR. HOOVER: We have before us the Drafting Committee's form of Art.

MR. MC KISICK: It isn't quite correct, Mr. Chairman. The word "thereafter" should be changed to the words "shall have" in the 7th line.

MR. HOOVER: (reading) "Present valid and perfected rights to the beneficial use of the waters of the Colorado River System shall constitute the first charge upon the waters hereby apportioned to the basin in which they are situated. All uses which may be perfected subsequent to the effective date of this compact shall be satisfied exclusively from the remaining water hereby apportioned to the basin wherein they may be situated, and shall ha

no claim upon any part of the water apportioned to the other basin.

Whenever works of capacity sufficient to store 5,000,000 acre feet of water have been constructed on the Colorado River within or for the benefit of the lower basin, any rights which the owners of works located in the lower basin may now have in or to the use of the waters hereby apportioned to the upper basin shall be satisfied thereafter from the waters so stored.

Nothing in this compact shall be construed to prevent or limit any state from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions."

For the word "basin", we should say that "division of the basin", because the basin is taken here to apply to the whole basin under our definitions.

MR. EMERSON: The 4th line from the end of that paragraph, why shouldn't you repeat the "valid and perfected rights". That's leaving the field open again.

MR. DAVIS: It is better that way.

MR. HOOVER: The only point about the last 2 or 3 lines of paragraph 1 is that they are hard for the laymen to understand. "Any rights which the owners of works might have in or to the use of waters hereby apportioned to the upper basin". Why don't you simply say "against the upper basin shall be satisfied thereafter from the waters so stored."

MR. DAVIS: It is the broadest term.

MR. HOOVER: Somebody will say there is an unexplained reservation in those words.

JUDGE SLOAN: Then you eliminate the natural flow.

MR. HOOVER: How would you express it?

JUDGE SLOAN: I would say "thereafter be satisfied from the waters

so apportioned to the lower basin."

MR. HOOVER: That isn't the point I am getting at. The third line from the bottom of the first paragraph: "any rights which the owners of works located in the lower basin may now have in or to the use of the waters, etc." Somebody will think there is some limitation in it. There is none in reality but this is a paragraph written for laymen.

MR. NORVIEL: Is there anything that gives them any right to any of the water apportioned to the upper basin?

MR. HOOVER: I don't know whether they have claims against that water now. Their claim is against the upper basin. Why not say "users of water," or "appropriators of the streams."

MR. EMERSON: Is it any more against the upper basin or anyone divertin above?

MR. HOOVER: That don't exclude the lower tributaries.

MR. NORVIEL: I can't understand it.

MR. EMERSON: We have a certain definition for the term of "upper basin and that confines itself to the geographical.

MR. HOOVER: It should be against the waters of the upper basin.

JUDGE SLOAN: Not against the waters.

MR. HOOVER: It is against the users of water. Strike the words in the 3rd line from the bottom and substitute "against the users of water in the upper basin, etc."

MR. NORVIEL: That restricts the lands now having a vested right to the waters of the basin within which it is situated.

MR. HOOVER: Gives them a first claim on the apportioned water.

MR. NORVIEL: It has it anyway. I don't know why we should hand it out this way.

MR. CARPENTER: It is the lower basin that you are concerned about and

your protection is contained in the last sentence.

JUDGE SLOAN: "owners of works". Why limit it to owners of works? That don't include appropriators.

MR. DAVIS: We should adopt the word "appropriators".

MR. HOOVER: We have everywhere we could.

MR. NORVIEL: Our folks I don't think would like it that way.

JUDGE SLOAN: Any existing rights you mean - you want it to apply to individuals and companies, don't you?

MR. HOOVER: What they want to limit it to, and I think properly, is to actual beneficial use now going on so as to get rid of all the paper stuff.

MR. CARPENTER: This clause has to include everything.

MR. MC KISICK: You will accomplish it better by saying in line 4 from the bottom of that paragraph, make it read "which the users of water in the lower basin may now have against the users of water in the upper basin".

MR. NORVIEL: Isn't that in conflict with the first period? "present valid and perfected rights to the beneficial use of the waters of the Colorado River System shall constitute the first charge upon the waters hereby apportion to the division of the basin in which they are situated."

MR. HOOVER: No conflict there, except this is an extension of right.

MR. NORVIEL: In either basin.

MR. HOOVER: They have that in law anyway. We are not adding anything to anybody's rights here, I assume.

MR. NORVIEL: And we shouldn't take any away.

JUDGE SLOAN: I think it is possible to do that to the extent of requiring users of water to look to an available source other than what they might otherwise be provided to enjoy, if that source be sufficient

for their needs.

MR. CARPENTER: That's why the amount is fixed at 5 million acre feet. I would rather have one million.

MR. NORVIEL: You would have the lower reservoir only one million?

MR. CARPENTER: Because it is that much less for us to climb over up above.

MR. NORVIEL: If you were living in the lower, would you rather have one million?

MR. CARPENTER: I say that's why we agreed on the 5 million. From our standpoint, I would rather have a million.

MR. HOOVER: You can cure Mr. Norviel's point in the word "moreover" or "in addition". He is afraid they are being limited.

MR. NORVIEL: All I had in mind was this: I don't think it makes much difference: all present rights have a vested right as against all the basin are limited in this to the lower basin.

MR. HOOVER: This is solely put in there to comfort the Imperial Valley.

MR. MC CLURE: Is it agreed that that suggestion of Mr. McKisick will be adopted?

MR. NORVIEL: Yes.

MR. HOOVER: Where do we get to now?

MR. CARPENTER: The third line from the bottom, the word "now" should come out.

MR. EMERSON: In the first line "present valid and perfected rights" what is the virtue of the word "and". I think we should strike out "and".

MR. HOOVER: You couldn't have an invalid perfected right, could you?

MR. DAVIS: You can have an invalid right. The word "valid" is entirely unnecessary.

MR. MC CLURE: Why not leave out both.

MR. HOOVER: Any other comment. The paragraph now stands: "Present perfected rights to the beneficial use of the waters of the Colorado River System shall constitute the first charge upon the waters hereby apportioned to that division of the basin in which they are situated. All uses which may be perfected subsequent to the effective date of this compact shall be satisfied exclusively from the remaining water hereby apportioned to that division of the basin wherein they may be situate, and shall have no claim upon any part of the water apportioned to the other division of the basin. Whenever works of capacity sufficient to store 5,000,000 acre feet of water have been constructed on the Colorado River within or for the benefit of the lower basin, any rights which the users of water in the lower basin may have against the users of water in the upper basin shall be satisfied thereafter from the waters so stored.

Nothing in this compact shall be construed to prevent or limit any state from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions."

MR. MC CLURE: I move we adopted it.

MR. EMERSON: Seconded.

MR. HOOVER: All those in favor say Aye. Accepted.

MR. DAVIS: I still object most strenuously to the last clause of 2nd sentence. - No, I think the first two sentences are alright, and ~~the third sentence I object to in principle and I think it is extremely~~ unwise in policy. If this was a matter of majority vote, I would vote no, but I don't care to tie up the entire compact, and I therefore vote Yes, but at the same time expressing my decided opposition to it.

MR. HOOVER: You would strike out the whole of the second sentence?

MR. DAVIS: Inasmuch as I am alone in that opinion, I am willing to

yield to the opinion of the remainder.

MR. EMERSON: I think it is true the upper states as a whole are not pleased with this declaration. We are simply yielding to the point of this, in my estimation.

MR. DAVIS: I am unable to see any advantage to it for the upper division and I am equally unable to see the slightest advantage to it for the lower division or any part of it.

MR. EMERSON: From a practical standpoint the advantage goes to the lower division.

MR. HOOVER: It is up to Mr. McClure to define his paragraph.

MR. MC CLURE: I think the Commissioners understand the situation and we need not argue with the Imperial Valley people.

MR. DAVIS: I will vote "Yes" on the paragraph with the statement I made, for it will result in a source of extreme embarrassment to Mr. McClure, instead of extreme assistance, speaking frankly.

MR. HOOVER: I would say not. In the negotiation about this paragraph it was originally suggested from the upper states they would be content with such paragraph if the 4 million were limited - or it was suggested by some member of the upper states - and I spoke to the lower states on that subject. I don't know whether you care to pursue it now.

MR. MC CLURE: Does that have any bearing on that idea.

MR. DAVIS: I think you (addressing Mr. McClure) are unwise in wanting that provision, but I recognize it is your business and not mine, and I therefore vote for it.

MR. MC CLURE: Still keeping in mind why we are asking for it.

MR. DAVIS: Yes. If I were in your position, I wouldn't want it.

MR. HOOVER: If there is nothing more on that, we have completed all of the articles and are now at the point where we want to review the entire compact.

MR. ELMERSON: You suggested we might think about the condition of that provision in Art. 3, concerning the minimum flow. Do you wish to follow that out?

MR. HOOVER: I don't know whether the two divisions have come to any conclusion about it.

MR. MC CLURE: Without committing myself, I think that that provision should be omitted.

MR. HOOVER: That is provision (d) of Article 3. Your motion is to exclude the minimum flow of 4 million acre feet?

MR. MC CLURE: Yes.

MR. HOOVER: Do I hear any second to that?

MR. CALDWELL: I second it.

MR. HOOVER: That would mean striking out all the words in that sentence beginning "nor below a flow of 4,000,000 acre feet for any one of such years."

Judge Sloan requests permission to consult with other members of the commission in regard to it before it is voted upon, which permission is given.

MR. HOOVER: While we are waiting for these people, Mr. Nickerson, do you think that section we have just passed here, the one just adopted, Art. 3, will be satisfactory to you?

MR. NICKERSON: The last one just passed on?

MR. HOOVER: Yes.

MR. NICKERSON: Yes, it is satisfactory to me, but the majority of the people down there, won't understand it. They will think we are taking something away from them. This does make them think they are getting something.

MR. HOOVER: So you think it is of value and it covers points raised

by Mr. Rose and those gentlemen?

MR. NICKERSON: I think so.

MR. HOOVER: Mr. Nickerson, I suggest you get Mr. Yeager in line on that paragraph. You better announce a victory on it. (Mr. Nickerson leaves to consult with Mr. Yeager.)

MR. MC CLURE: I withdraw my motion about the 4 million acre feet. Just leave it in.

MR. EMERSON: It is seconded.

MR. HOOVER: There is no further discussion on that point. There is another small point on Art. 3. I made the suggestion it might be more agreeable to both sides if the term mentioned in Art. 3 be reduced to 5 years.

MR. SCRUGHAM: That's alright.

MR. HOOVER: Emerson, do you object?

MR. EMERSON: No.

MR. CALDWELL: Not if it will please anyone.

MR. HOOVER: We will reduce this term to 40 years. Is that agreeable to everybody?

MR. DAVIS: It is to me.

MR. HOOVER: Alright, we will pass that. I think we might review the whole document. Some paragraphs have been added and some have not. The editorial committee has worked on the preamble and it now reads: "The states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, having resolved to enter into a compact for the purposes herein expressed, under the Act of the Congress of the United States approved August 19, 1921, (42 stat.)" Mr. Davis, did you get that number?

MR. DAVIS: No, I didn't.

MR. HOOVER: (continuing) "and the acts of the Legislatures of the said states have, through their Governors, appointed as their Commissioners:"

naming them, "who, after negotiations participated in by Herbert Hoover appointed by the President of the United States, we should add "of America", as the representative of the United States have agreed upon the following articles:"

I think before we start, we should omit titles to all paragraphs.

MR. SCRUGHAM: I move that we do.

MR. EMERSON: Second it.

MR. HOOVER: All those in favor please say Aye. (Accepted)

Do you want a title for this compact.

MR. CARPENTER: It isn't necessary unless we want it.

MR. HOOVER: Why not just arrive at "Colorado River Basin Compact." That doesn't involve anything or anybody.

MR. EMERSON: "Colorado River Compact."

MR. HOOVER: Is there any dissent from that? (none). Then it is accepted. (re-reads the paragraph.)

MR. EMERSON: Shouldn't there be "respective" put in, before the word "commissioners"?

MR. DAVIS: That was cut out.

MR. EMERSON: I move we put in "respective".

MR. HOOVER: The list of gentlemen mentioned is sufficient if each one agrees his name is properly expressed.

MR. DAVIS: Did we agree the "United States of America" should be used?

MR. HOOVER: It is perfectly good to say "The President" with a capital "the", and leave out "of America." Then we come to Art. 1, which reads: "The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses

of water; to assure interstate comity by removing causes of present and future controversies, thereby promoting the expeditious agricultural and industrial development of the Colorado River Basin through the storage of its waters, and the early protection of lives and property from floods of the lower river. To these ends the Basin is segregated into two divisions, and a partial apportionment of the use of water made to each of them with the provision that further equitable apportionments may be made hereafter to correct inequities that cannot now be foreseen."

MR. NORVIEL: I understand this is a definite apportionment of a part of the water rather than a partial apportionment of the use of the water.

MR. CARPENTER: You are right.

MR. NORVIEL: I suggest it read "Apportionment of the use of part of the water of said Colorado River System is made."

MR. EMERSON: I don't like the end of the first sentence starting with "to establish". It is accomplishing a lot more than that, and the inference is that the agricultural and industrial development is expedited only through the two things, because of the storage of its water and the protection of lives and property. It goes much further than that.

JUDGE SLOAN: That is a very good criticism.

MR. HOOVER: The drafting committee put "thereby" in and that is what caused the difficulty.

MR. CARPENTER: In line 3, "to establish the relative importance of different, etc." why not say "to establish the dominant and servient beneficial use of waters."

MR. NORVIEL: Those words are too big.

MR. DAVIS: The word "rank" would be the right word.

MR. NORVIEL: What do you mean by rank?

MR. HOOVER: Priority.

MR. DAVIS: Take out "relative importance" and put in "reference" and you would have it.

JUDGE SLOAN: That's consistent.

MR. EMERSON: I don't think it's well said. I do object to the next clause.

MR. HOOVER: We are still on the question of "importance" do you wish to change that to "preference."

MR. DAVIS: I am willing to let it go.

MR. CARPENTER: Put in "servient."

MR. HOOVER: If there is no objection we will keep "importance".

MR. MC CLURE: Can't you consider "preference" between beneficial use?

MR. HOOVER: It isn't quite as forceful. We are now down to "assure interstate comity." Do you still worry about that comma?

MR. EMERSON: No, I don't.

MR. HOOVER: We could say "and the storage of its waters" and strike out "of the lower river." We can stop after "floods". It now reads: "The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to assure interstate comity, to remove causes of present and future controversies; to promote the expeditious agricultural and industrial development of the Colorado River Basin and the storage of its waters, and to protect the lives and property from floods."

MR. CARPENTER: Doesn't it include much more than that? I don't want you to limit yourself.

MR. HOOVER: (reading) "To these ends the Basin is segregated into two divisions, and a partial apportionment of the use of the water made to each of them with the provision that further equitable apportionments

may be made hereafter to correct inequities that cannot now be foreseen".

MR. DAVIS: There ought to be a period after "hereafter."

MR. HOOVER: I don't like to drop "inequities."

MR. CALDWELL: "inequities that may then exist."

MR. EMERSON: "That may arise."

MR. HOOVER: It doesn't quite - the apportionment is solely for the purpose of correcting inequities.

MR. DAVIS: It covers other matters in the compact.

MR. MC CLURE: May "hereafter be made necessary."

JUDGE SLOAN: Wouldn't that imply a revision of this compact.

MR. CALDWELL: Isn't it enough to meet at that time for the equitable apportionment of the remainder of the river.

MR. CARPENTER: Wouldn't it make a further equitable apportionment - it is assumed they will take into the consideration all the factors.

MR. HOOVER: We are writing here for laymen - this isn't final, and if there is anything wrong it can be fixed up later. I think Mr. Carpenter's point lays too much emphasis on it.

JUDGE SLOAN: That wouldn't be quite fair; for it would mean the revision of this whole compact.

MR. CARPENTER: Inequitable apportionments will come in the next compact. To make a further equitable distribution, whatever it is, of the remainder of the waters of the river and thereby correct the inequities.

MR. DAVIS: No, that won't do. You get too many words in.

MR. CARPENTER: I might suggest "to meet inequities we might not now foresee."

MR. SQUIRES: For the sake of harmony "apportionments may be made hereafter and inequities that cannot now be foreseen corrected."

MR. DAVIS: I think Mr. Squires' idea covered that.

MR. HOOVER: We might change it to "inequities that cannot now be foreseen be established."

MR. DAVIS: That would be alright.

MR. HOOVER: I don't like these two be's.

MR. SCRUGHAM: "Considered" is a better word than "established."

MR. CARPENTER: "unforeseen" is an adjective. I think that the clause implies the correction of inequities.

MR. DAVIS: Make a period after "hereafter."

MR. EMERSON: I think you ought to strike out all after "equitable apportionments."

MR. CALDWELL: All out after "hereafter."

MR. SCRUGHAM: I think that covers my point of view. I move that we strike out all after "hereafter."

MR. HOOVER: Strike out everything after "made." Any further comment on the paragraph as a whole?

MR. EMERSON: I would like to hear it again.

MR. HOOVER: (reading) "The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to assure interstate comity; to remove causes of present and future controversies; to promote the expeditious agricultural and industrial development of the Colorado River Basin through the storage of its waters, and to protect the life and property from floods."

MR. EMERSON: I think "conservation" is better than "storage."

MR. HOOVER: (continued reading the article through) Any further comment on that? It will stand. I want to warn you this is probably the last time you will have it read.

MR. EMERSON: I want to go back to the word "conservation". I think it is much better than "storage."

MR. MC CLURE: May I ask that you read the sentence beginning "to promot

MR. HOOVER: (reads same.)

MR. HAMELE: Regarding the use of the word "expeditious". Isn't "efficient" a better word?

MR. CARPENTER: What do you want the adjective at all for?

MR. HOOVER: We want to give the impression this will hurry things up.

MR. SCRUGHAM: "expeditious" is the proper word.

MR. HOOVER: Any further comment on that. If not, we will go on to "definitions." (reading) "When used in this compact: (a) The term "Colorado River System" means that portion of the Colorado River and its tributaries within the United States." We should add "of America."

MR. CARPENTER: I wonder if we couldn't avoid all that and say "the following terms mean as follows:"

MR. SCRUGHAM: I like the other best.

MR. HOOVER: We will go on to (b) if there is no more comment on (a). "(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River System and all other territory within the United States of America to which the waters of the Colorado River System shall be beneficial applied."

MR. CARPENTER: Territory within the United States outside of the basin

MR. HOOVER: That covers the whole show. Any change wanted on that?

MR. CARPENTER: I think the word "shall" should be changed to "may."

MR. SCRUGHAM: "May" is the better word.

JUDGE SLOAN: "Shall" is better. It doesn't become a part of the basin

MR. HOOVER: It isn't a part of this definition until it is applied.

If there is no comment we will go to (c).

MR. CARPENTER: How about "supplied" should that be "served."

MR. HOOVER: "Applied is sort of final and it is only done when applied. Are we going to leave that as it is? (accepted)

MR. HOOVER: "(c) The term "Lee Ferry" means that point on the main stream of the Colorado River one mile below the mouth of the Paria river."

MR. DAVIS: "a point" is better than "that point."

MR. SCRUGHAM: I think that's well taken.

MR. HOOVER: Alright. "(d) The term "States of the Upper Division" means the States of Colorado, New Mexico, Utah and Wyoming." I trust everyone will agree with that.

MR. CALDWELL: Did we decide this morning that that was Lee's Ferry or Lee Ferry?

MR. HOOVER: You can have whatever you like.

MR. EMERSON: Lee Ferry is proper.

MR. HOOVER: No objection to (d), I will read (c) "The term "States of the Lower Division" means the States of Arizona, California and Nevada."

MR. HAMELE: Wouldn't it be better to call them the upper states of the lower and upper basin.

MR. CARPENTER: No, they don't correspond.

MR. SCRUGHAM: "Division" is a much better word.

MR. HAMELE: That is, to leave the definitions just the same - the states of the upper basin means those states. You introduce a new synonym, and that is a bit confusing?

MR. HAMELE: If those terms are retained, shouldn't they be given a name rather than a proper name?

MR. HOOVER: We endow them with a position by giving them a proper name.

MR. CARPENTER: Expressing a political group.

MR. HOOVER: Any changes on that, if not, we will go the next: "(f) The term "Upper Basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah and Wyoming within and from which waters naturally drain into the Colorado River System above Lee Ferry, and also all parts of said states located without the drainage area of the Colorado River System which are now or may hereafter be beneficially served by waters diverted from the river above Lee Ferry."

MR. DAVIS: As a matter of grammar and following the chairman's suggestion, why not change "said" states to "those" states. I don't think we have used the word "said" anywhere else.

MR. CALDWELL: "May" should be changed to "shall".

MR. HOOVER: I think that's good. We go on to (g). "The term "lower Basin" means those parts of the States of Arizona, California, Nevada, New Mexico and Utah within and from which waters naturally drain into the Colorado River System below Lee Ferry, and also all parts of said states located without the drainage area of the Colorado River System which are now or may (shall) hereafter be beneficially served by waters diverted from the river below Lee Ferry."

MR. CARPENTER: "Said" is better in both instances.

MR. HOOVER: (reading) (h) The terms "apportionment" or "apportioned" mean the division of waters of the Colorado River System for consumptive beneficial use."

MR. EMERSON: Was the matter safeguarded where a diversion might be above Lee Ferry to serve the lower division? I thought that point had been considered and possibly it had been covered.

MR. HOOVER: It is Mr. Carpenter's wording and I leave it to him to define it.

MR. CARPENTER: "Those parts of the territory within and from which the

waters naturally flow."

MR. HOOVER: We now come to (h) (Re read)

MR. HOOVER: (reading) (i) "The term "appropriation of water" means its actual application to beneficial use without relation to the date of any prior notice or of the construction of works."

MR. DAVIS: I have redrafted that and redrafted it to conform to part of Article III, but I am not entirely satisfied with it. I would like to have it passed for the moment.

MR. HOOVER: I think we should strike out (i) because we have provided for appropriation. We have not used the word "appropriation." Now we come to Article III. "The beneficial consumptive uses of the waters of the Colorado River System are hereby divided and apportioned between the Upper Basin and the Lower Basin as follows:

(a) There is hereby apportioned in perpetuity to each Basin, for its exclusive beneficial consumptive use, 7,500,000 acre feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist."

Any objection?

MR. DAVIS: I have rewritten that in accordance with the instructions of this morning, but I don't want to submit it.

MR. HOOVER: All right, we will pass it.

"(b) In addition to the apportionment of paragraph (a), the Lower Basin is hereby given the right to increase its beneficial consumptive use by one million acre feet of water per annum."

Any comment? (Accepted)

"(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of the waters of the Colorado River System, such waters

shall first be supplied from the surplus water after the above amounts have been satisfied; and if such surplus shall prove insufficient for this purpose, then the deficiency shall be equally apportioned between and equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry one-half of the deficiency so recognized in addition to that provided in paragraph (d)."

MR. HAMELE: Is that supposed to have the same status as the lower Basin share under (a)?

MR. HOOVER: I presume it has - do you think anything needs to be done?

MR. HAMELE: If it is intended to have the same status we should use the same language regarding the right.

MR. HOOVER: We better wait until we see (a) and we will suspend (b).

MR. EMERSON: I suggest in paragraph (c), fifth line, we make "water" plural.

MR. HOOVER: I don't think there is any such thing. Any further comment on (c)? (Accepted)

"(d) The States of the Upper Division agree that they will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre feet for any period of ten consecutive years reckoned in continuing progressive series, beginning with the first day of the July next succeeding the ratification of this compact, nor below a flow of 4,000,000 acre feet for any one of such years."

~~MR. NORVIEL: Who is the author of this paragraph.~~

MR. HOOVER: I don't know, this is the old one.

MR. NORVIEL: I would like to know "for any period of ten consecutive years" reckoned in ten progressive series." I take it there is no place set down but the points keep moving.

MR. HOOVER: Yes.

MR. EMERSON: I would like to inquire if it has been definitely decided that the minimum flow should be changed.

MR. CARPENTER: I move we strike out the Imperial Valley clause.

MR. HOOVER: There was an understanding that if the Imperial Valley was put in that that would be cut out.

MR. EMERSON: Wyoming is the only one that seems to insist on keeping it in. I wonder if there is any chance of Arizona changing its mind.

MR. HOOVER: I think it is about psychology. I don't believe physically you get a drop more water by leaving it in.

MR. EMERSON: I think Arizona ought to consider this again this evening and see if they cannot consent to the provision of the annual minimum flow.

MR. CARPENTER: Arizona's apprehension is expressed in paragraph (c). That was, we might willfully withhold water above and thereby unreasonably damage the country below. That's all from low flow. I think paragraph (e) was put in with idea of correcting the possibility of that and thereby avoids the necessity of minimum flow as stated.

MR. NORVIEL: What do you mean by would not unreasonably damage the lower Basin?

MR. CARPENTER: There would always be some damage by reason of drought, - not only injury imposed by nature, but injury imposed by man.

MR. MC CLURE: I don't see why you object to that.

MR. CARPENTER: That was the objection raised at the time the minimum flow was considered. In paragraph (e) you have cured the objection.

MR. HOOVER: Paragraph (e) gives all the protection for the irrs in paragraph (d). You are physically not going to get more water than they have got. You are curtailing development within 75,000,000 acre feet.

MR. CARPENTER: It will reach 4,000,000 a year as far as we are

concerned.

MR. NORVIEL: May I ask a question? Mr. Carpenter do you anticipate approaching a beneficial use of 7,500,000 acre feet?

MR. CARPENTER: Yes, some day.

MR. NORVIEL: When that day arrives and you have a consumptive use of 7,500,000 acre feet in the Upper Basin and there should be a flow in the river say of 10,000,000 acre feet for two or three years, and you take out your 7,500,000 acre feet.

MR. CARPENTER: Theoretically that might be true. The stabilized stream from that much irrigation, - the stabilization by that flow of water on the land during fat years prolongs itself on the stable flow in the lean years, not only for one, but for a series.

MR. NORVIEL: You will take it up and use it and after it goes to the river below there will be no return flow from your irrigation.

MR. CARPENTER: We are not irrigating along the lower river. We are irrigating back of the arms that reach out from the lower river where the return is gone and cannot be recovered.

MR. NORVIEL: It is recovered at Grand Junction.

MR. CARPENTER: The development on the Grand has already taken place. The other development will be towards San Juan where you might say it is used and then the return is gone as far as we are concerned, because it drops into the lower river.

MR. NORVIEL: Some parts, I will admit. If there was that much water available you would use it practically always.

MR. CARPENTER: In theory, yes, but we would not because there would be the come back from previous years.

MR. NORVIEL: You have picked that up.

MR. CARPENTER: I wouldn't want to delay this progress by raising an

objection, but I would be glad to talk this over on the outside.

MR. DAVIS: I dislike that minimum clause too, not because of the effect on any rights we have, but because of the implication that the rivers can get down to that point.

MR. HOOVER: I think we will agree it disburses all over the Basin.

MR. NORVIEL: I dislike 4,000,000 acre feet. I think I started in with six and was borne down to 4,000,000.

MR. DAVIS: If I thought it would do you any good I wouldn't dissent at all.

MR. NORVIEL: Then I might be squashed clear out.

MR. EMERSON: May I repeat that Arizona consider this again with those states who favor cutting out the minimum flow from this section? One state objects and I think that state ought to consider again.

MR. HOOVER: I think they should consider after supper and let us know. (Reading)

"(e) All of the States further agree, however, that the States of the Upper Division shall not withhold, and the states of the lower division shall not require, the delivery of water which cannot be reasonably applied to beneficial agricultural or domestic uses."

MR. SCRUGHAM: I wanted to put in something else and am wondering if it really counts, - it is important, but I won't hold up this paragraph.

MR. NORVIEL: "The beneficial agricultural and domestic uses," is fully set out in paragraph (b) article IV.

MR. HOOVER: Any cross references that are not necessary is that much added difficulty in construing the document. So far as Colorado is concerned, this is not going to affect them as far as I can see. This will affect the lower basin.

MR. HAMELE: The first line of that paragraph isn't in harmony with

the other part of the compact.

MR. HOOVER: Mr. Emerson requested to have it left in this morning.

MR. EMERSON: And I still request it.

MR. DAVIS: And I still think it belongs out.

MR. HOOVER: This doesn't affect the upper basin at all.

MR. CARPENTER: The language in "agricultural and domestic uses" ought to be more amplified in some way without loading it down. I don't know why it isn't all right to say, - if you make a definition of agricultural and domestic use and say its so and so.

MR. HOOVER: Then let's do it right now. Would you rather have a definition or explain it every time?

MR. CARPENTER: A definition is agreeable to me if you use it several times.

MR. EMERSON: This is the only place the question now arises.

MR. CARPENTER: The dominant uses are expressed in paragraph (d) of Article IV.

MR. SCRUGHAM: I approve of it that way.

MR. EMERSON: I will not insist on my suggestion.

MR. HOOVER: Very well, we will pass that.

(reading) "(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River unapportioned in paragraphs (a), (b) and (c) may be made in the manner provided in paragraph (g) at any time after July first, 1963, if and when either Basin shall have reached the total beneficial use set out in paragraphs (a) and (b) above." Any comment on that, - all right.

"(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory states, acting through their governors, or any state acting through its governor and the United States of America

acting through the President, may give joint notice of such desire to the governors of the other signatory states and to the President of the United States, if he does not join in such notice, and it shall be the duty of the governors of the signatory states and of the President of the United States to immediately appoint representatives with like powers to those of the present commission whose duty it shall be to further divide and apportion equitably between the Upper Basin and the Lower Basin the beneficial use of the unapportioned water of the basin as described in paragraph (f), subject to the legislative ratification of the several states and the Congress of the United States to the same extent as is this compact."

MR. DAVIS: I suggest we say in the tenth line, "To divide further" instead of "further divide." I think the word "further" ought to go out. Now, Mr. Chairman, I don't want to raise a question that has been discussed on the general scope of this compact, but I don't like the idea of calling on the President of the United States to join with the governors for notice. The United States is not a party and yet we say that the United States acting through the President should give that notice. It seems to me it is out of harmony.

MR. HOOVER: I think it is.

MR. SCRUGHAM: I think it is.

JUDGE SLOAN: Then you would prevent any one state from calling it.

MR. NORVIEL: Suppose only one state is hurt.

MR. DAVIS: I didn't contemplate that.

MR. HOOVER: Then that should go out. That paragraph is now completed except for the redrafting of paragraphs (a) and (b).

MR. CALDWELL: In the first line where you say "further apportionment" shouldn't "equitable apportionment" be in there?

MR. CARPENTER: That is already stated.

MR. HOOVER: "Article IV. (a) The use of the water of the Colorado River System for purposes of navigation shall be subservient to the uses and necessary consumption of such waters for domestic, municipal, agricultural, industrial and power purposes." Continuing the conversation which I delivered this morning, I would like to suggest for your consideration the addition of these words: "Provided that specific consent to this paragraph shall be made by Congress."

MR. CARPENTER: Why not put it in the negative, that they may specifically withhold consent?

MR. SCRUGHAM: I think that's an invitation to withhold.

MR. EMERSON: Then the act of Congress would have to refer specifically to this.

JUDGE SLOAN: Provided that Congress may specifically withhold its consent.

MR. HOOVER: That's an invitation also for them to withhold.

MR. NORVIEL: Any sort of reference would be an invitation to withhold their consent.

MR. HOOVER: Suppose we start the paragraph "upon the specific approval of congress the use of the waters of the Colorado River System, etc."

MR. DAVIS: Why not say "If Congress shall assent thereto?"

MR. CARPENTER: That is longer.

MR. NORVIEL: Why not say "subject to the approval of Congress."

MR. HAMELE: What would that amount to? What kind of approval?

MR. NORVIEL: Approval of these paragraphs.

MR. HAMELE: That would require specific reference to it.

JUDGE SLOAN: Isn't it wise to leave it in such form - the approval of the compact as a whole is an approval of that paragraph.

MR. HOOVER: Supposing Congress put a reservation on that, then you might have to recommend your legislation in every state?

MR. NORVIEL: I think we should cut it out altogether.

MR. HAMELE: Would this accomplish it? "Upon the specific approval of Congress?"

MR. HOOVER: Suppose they disapprove? What I am trying to do is simply narrow this thing down so this paragraph doesn't make it necessary to get to the entire machinery.

MR. SCRUGHAM: I would be tempted to fight it out with the Senators and Congressmen if they disapprove it on that ground.

MR. HOOVER: One phase of this is, the States enter into a compact to take something away from the Federal Government and the Federal Government consents I suppose.

MR. HAMELE: The question of that being an invitation to Congress isn't important because Congress won't overlook the question.

MR. HOOVER: If it is put in in an invitational form it looks as if the people at this table had some serious doubts about it and we don't want to give it that complexion.

MR. MC CLURE: If you say "upon the approval of Congress" that's an assumption that they are going to approve it.

MR. DAVIS: I like "consent" rather than "approval".

MR. HAMELE: "Upon the specific consent of this paragraph by Congress".

MR. DAVIS: That was my thought.

MR. HAMELE: It is apt to be left uncertain unless you are specific in this paragraph.

MR. DAVIS: "This paragraph shall not effective until approved by Congress" - plenty of ways of expressing the idea.

MR. HOOVER: Providing Congress assents.

MR. SCRUGHAM: That's better still.

MR. HOOVER: It is clear that if Congress dissents it will not invalidate the whole compact.

MR. CALDWELL: If we decide that we want to reword the whole paragraph.

MR. HOOVER: No, I merely give the suggestion to you. It is up to you to decide whether you want it or not.

MR. CALDWELL: If we decide we want it in we can get the wording.

MR. HOOVER: Suppose we leave that question open until after dinner. Otherwise the paragraph stands without amendment.

MR. EMERSON: Couldn't we get an expression right now?

MR. DAVIS: I am in favor of saying "on Congress's approval."

MR. SCRUGHAM: "Congress assents" or something of that sort.

MR. DAVIS: I was wondering if it would help to make a statement of an existing fact that the river is actually unnavigable.

MR. CARPENTER: That the prohibition of it for navigation would prevent its development for other purposes.

MR. DAVIS: I think we should pass it for the present. My preference is for some kind of reservation.

MR. HOOVER: "(b) The use of the water of the Colorado River System for purposes of generating electrical power shall be subservient to the uses and necessary consumption of such waters for domestic, municipal, agricultural, mining and milling and other industrial purposes, and shall not interfere with or prevent the use of said waters for said dominant purposes." The terms municipal, mining, milling and industrial, shall not be taken to include generation of electrical power."

MR. EMERSON: Why is the word "electrical" introduced before "power?"

MR. HOOVER: I haven't the remotest idea, somebody wanted it.

MR. SCRUGHAM: I think electrical is well taken.

MR. HOOVER: Any further comment on that? We will go on to (c).

(reading) "The provisions of this article shall not apply to, or interfere with the regulation and control by any State of the appropriation, use and distribution of water within its limits." We don't have to define that appropriation.

MR. CARPENTER: That paragraph is a little weak, but let it go. I had a good paragraph until some drafter got hold of it.

MR. HOOVER: We saved 42 words on Carpenter by taking out courts, equities, rights, by-laws, and so forth. If there is no further comment on this, we will consider it as completed. (reading) Art. 5 "The official of each State charged with the administration of water rights, together with an official from the United States Reclamation Service and one from the United States Geological Survey shall co-operate, ex-officio. (a) To promote the systematic determination and co-ordination of the facts as to flow, appropriation, consumption and use of water in the Colorado River Basin, and the interchange of available information in such matters." Any objection?

MR. EMERSON: The first line - "the official of each state, etc." There are several officials in each state that are charged with the administration of water rights. It should be the 'state engineer' or some official.

MR. NORVILL: Say any office.

MR. HOOVER: Chief official. I was wondering whether or not we should not say "together with the Director of the U. S. Reclamation Service and the Director of the U. S. Geological Survey". Don't you think we should specify that.

MR. DAVIS: I think it will be more explicit.

JUDGE SLOAN: May I raise the question whether it is proper to say "charged with the administration of water rights?" We have none in Arizona. We have an official charged with the determination of water rights but not with the administration.

MR. DAVIS: We have no determining official in New Mexico.

JUDGE SLOAN: Does he have administration rights?

MR. EMERSON: He does in Wyoming. There must be some official charged with the administration of water rights.

JUDGE SLOAN: The statute may be repealed, leaving no officer charged with the administration of water rights.

MR. HOOVER: Then there would not be any official within the state.

MR. CARPENTER: Any man appointed by the Governor.

MR. MC CLURE: Anyone administering our laws.

MR. CALDWELL: I think we ought to have something like Mr. Carpenter suggests. The chief official of each state, or some person appointed by the Governor.

MR. DAVIS: Wouldn't it solve the problem by saying "water laws" instead of "water rights", and if there was no other official, it would be the Governor. There is somebody charged with the administration of laws in every state.

MR. DAVIS: Charged with the enforcement, rather than administration.

MR. HOOVER: I think it is clear what is intended - it is mostly intent.

MR. EMERSON: With the exception of one state, it is the state engineer.

MR. HOOVER: We might simply say the state engineer, or similar official

JUDGE SLOAN: But such a law might be repealed --

MR. DAVIS: If we take care of the present, the future can look after itself.

MR. CARPENTER: If you say such person who may be appointed by the

Governor, then you have a conflict of jurisdiction.

MR. DAVIS: I would rather say the officer to be named by the Governor. My judgment is to leave it as it is.

MR. EMERSON: It ought to work automatically, without any appointment whatever. Wouldn't it be sufficient to say "state engineer" or "chief official."

MR. CARPENTER: Suppose they are both.

MR. DAVIS: I think the clause is alright as it stands under the existing laws of every state. If we contemplate the appeal of these laws, we will get ourselves into needless difficulty.

MR. HOOVER: If it is agreeable, we will let it stand. Then we come to (b) (reading) "To secure the ascertainment and publication of the annual flow of the Colorado River at Lee Ferry."

MR. HAMELE: Why not ascertain and publish.

MR. HOOVER: We rather like "to secure", because we don't want to put the duty on this man to ascertain and publish.

MR. DAVIS: (b) is absolutely provided in (a).

MR. HOOVER: We have to make a special provision for Lee Ferry in view of Art. 3.

MR. HOOVER: (reading) (c) "To perform such other duties as may be assigned by mutual consent of the signatories from time to time." We leave the word 'signatories' because we want to include the federal officials - that it was indefinite they could be embraced.

MR. NORVIEL: I don't know what it means, but I am for it.

MR. HOOVER: (reading) "Art. 6. Should any claim or controversy arise between any two or more states: (a) with respect to the waters of the Colorado River System not covered by the terms of this compact; Anything to say on (a)?"

(cont. reading) "(b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; or (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States or to be constructed in one state for the benefit of another state, the Governors of the States affected, upon request of the Governor of one such state, shall forthwith appoint Commissioners with power to consider and adjust such claim or controversy subject to ratification by the legislatures of the states so affected. Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested states."

MR. NORVIEL: I should be much relieved if we could add after "of another state", on the 10th line, "or the diversion of water in one state for the benefit of another state."

MR. DAVIS: Norviel is shooting at me, but I will stand for it. I suggest "upon request of one Governor" instead of the request of the Governor of one such state.

MR. HAMELE: Some of the agreements under this article might require the consent of the U. S.

MR. DAVIS: This compact gives the consent.

MR. HAMELE: It is at the jeopardy of the states. I merely suggest this is a possibility. ~~It might require the consent of the U. S. to any agreement between the states.~~

JUDGE SLOAN: The Purposes consider that and make provision for it.

MR. NORVIEL: Then you have that the Governor who isn't in the least affected will call for the conference.

MR. CARPENTER: "Upon request of one of said Governors."

MR. HOOVER: About 20 I expect. The last paragraph of this is alright then? (accepted) (reading) Art. 7 "Nothing in this compact shall be construed as affecting the obligations of the United States of America to the Indian tribes". (accepted) Art. 8 re-read.

MR. CALDWELL: I would like the privilege of consulting my attorneys during the dinner hour about one point. It may not be at all important.

MR. NORVIEL: In the 7th line it says "All uses which may be perfected subsequent to the effective date of this compact shall be satisfied exclusively from the remaining water hereby apportioned". Wouldn't that be from the water remaining from the water hereby apportioned, that which is hereby apportioned? The way it reads the remaining water is hereby apportioned. We don't apportion the remainder.

MR. DAVIS: I don't like that word "apportion."

MR. HOOVER: I don't see why we can't take out "hereby".

MR. NORVIEL: Put "not" in before "apportioned" and you might reach it.

MR. HAMELE: The reference is uncertain, for the reason that we have 3 basins defined. The Colorado River, upper and lower.

MR. DAVIS: But there are only two divisions.

MR. CARPENTER: We are not speaking of a division, what we are intending to say is upper and lower basin.

JUDGE SLOAN: Why not say "all uses" or "all subsequent use in any basin shall have no claim on waters apportioned to the other basin."

MR. DAVIS: Let each basin take care of itself.

MR. SCRUGHAM: "Apportioned to that division in which they are situated." Why put "basin" in?

MR. HOOVER: The division means the political division. The only way you can do it is to put in upper and lower basin.

MR. SCRUGHAM: I would object to that, because we are taking in a good part of these other states.

MR. HOOVER: The apportionment of the water is in the basin as distinguished between the divisions.

MR. SCRUGHAM: Why have divisions?

MR. CARPENTER: Explains above and below Lee Ferry.

MR. SCRUGHAM: Is the water divided between the upper and lower basin or upper and lower division?

MR. HOOVER: At Lee Ferry.

MR. DAVIS: In Art. 3, the waters are apportioned between the upper and lower basin.

MR. HOOVER: That Basin might refer to the whole Colorado River Basin and that would take you to the political division.

MR. DAVIS: We have apportioned by divisions.

MR. HOOVER: We have apportioned by Basins, that's my impression and that's why I left the wording before. Simply say "to that Basin."

MR. SCRUGHAM: Does that imply that isn't apportioned but that may be available to use is unlawful or prohibited?

MR. DAVIS: This is dealing with only present rights.

MR. NORVIEL: All ought to be permitted to take and use it and get what is understood as a perfected right.

JUDGE SLOAN: Why say "remaining water" at all? You first said "the old rights shall be the first rights and then you are attempting to define the uses subsequently apportioned to it. Why limit it.

MR. DAVIS: Your idea would be to take out "remaining water."

JUDGE SLOAN: Why say "apportioned."

MR. HOOVER: If they are not going to confine them to their own bases,

JUDGE SLOAN: There is no claim under the other.

MR. HOOVER: You might let them have all the water they want.

MR. CARPENTER: I wouldn't want it implied that each could get a title.

MR. HOWELL: They can get it and use it until the next Commission comes in and settles it.

MR. CARPENTER: We may want to switch over the same as the other fellow.

MR. DAVIS: That should read "no use which may be perfected subsequent to the date of this compact shall have any part of the water apportioned" etc.

MR. HOOVER (reading) "Whenever works of capacity sufficient to store 5,000,000 acre feet of water have been constructed on the Colorado River within or for the benefit of the Lower Basin, any rights which the users of water in the Lower Basin may have against the users of water in the Upper Basin shall be satisfied thereafter from the waters so stored." I would suggest that you put in the word "present." Mr. Carpenter, do you want that word "present" in or leave it wide open?

MR. CARPENTER: Leave it as it is.

MR. HOOVER: All right, I have no objection. (reading) "Nothing in this compact shall be construed to prevent or limit any state from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions." The question is, whether that last paragraph should be moved to the next article.

JUDGE SLOAN: Then you better use the word "present" in the Upper Basin.

MR. HOOVER: You can't say they have any right against any other - they have a right against a junior applicant. Any further comment on that?

DIRECTOR DAVIS: It may have been noticed, but it has not been mentioned that the diversion of 5,000,000 acre feet would be entirely exhausted by following that system in 55 years, and the present needs are 2,500,000 so a reservoir of that size would be reduced below the required storage in about 30 years.

MR. HOOVER: I don't think it would disturb the people for 30 years. They would be satisfied.

MR. HOOVER: I would like to have some discussion as to whether the last paragraph in the previous article comes over.

MR. DAVIS: I would put the last paragraph in a separate article.

MR. HOOVER: Then we will call it Article IX. (reading) "Article X This Compact may be terminated at any time by the unanimous agreement of the signatory states and the United States, but at such termination all rights then established under this compact shall continue unimpaired."

MR. HAMELE: I think "the United States" might be omitted from that.

MR. NORVIEL: Why should they be permitted to abrogate when they can't enter into it.

MR. DAVIS: If you enter into a new one you have to get the consent of the United States.

MR. HAMELE: It would not be of the nature that would require the consent of the United States.

MR. HOOVER: Well, let's accept article X. Now we come to article XI. "This compact shall become binding and obligatory when it shall have been approved by the legislatures of each of the signatory states and by the Congress of the United States. Notice of the approval by the legislatures shall be given by the Governor of each state to the Governors of the other signatory states and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the

signatory states of the approval by the Congress of the United States."

MR. HAMELE: I suggest the first sentence be changed to read as follows: "This compact shall become effective as to the signatory states, and each of them, when it shall have been approved by all of their respective legislatures; it shall become effective as to the United States when the Congress shall have given its consent thereto."

MR. DAVIS: I think I would be willing to accept that if the act did not say that the Congress had to approve it.

MR. HAMELE: It can't relate to anything else because that's all the United States is interested in.

MR. HOOVER: There is a certain value in making a certain contract binding.

MR. CARPENTER: Don't all legislative acts provide for that.

MR. DAVIS: Only become effective on approval by Congress.

MR. HOOVER: (Addressing Mr. Davis) What is your feeling about it?

MR. DAVIS: I think the present language should stand.

MR. HOOVER: How do the rest of you feel?

(accepted)

MR. CARPENTER: Was this to be obligatory on the date of its signature?

MR. HOOVER: Then comes the question of whether you can make this ratification. In that case you have a lot of people who will be wondering what is going to happen to them during the period of famine.

MR. HAMELE: How about the various statutory provisions suggesting effectiveness when approved?

JUDGE SLOAN: It doesn't state.

MR. CARPENTER: What is the congressional wording?

MR. DAVIS: I think his obligatory is copied from the Act as I

remember. I am inclined to think it should be left as it is and takes effect when it is finally approved, and takes effect as of that date.

MR. HOOVER: Art. 11 stands then. The last paragraph is "In witness whereof, the respective commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the Governor of each of the signatory states."

We now have to deal with redrafting paragraphs a and b of Art. 3 the definition of apportionment, and we have to consider the question of paragraph a, Art. 4. The drafting committee will meet tonight to get these things drafted and let Mr. Stetson distribute them tonight.

ADJOURNMENT TAKEN UNTIL 9:30 A. M. TOMORROW.
