

MINUTES OF THE

27th MEETING

COLORADO RIVER COMMISSION

Bishop's Lodge  
Santa Fe, New Mexico

November 24, 1922  
2:30 P. M.

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The twenty-seventh meeting of the Colorado River Commission was held at Bishop's Lodge, Santa Fe, New Mexico, on Friday afternoon, November 24th, 1922, at 2:30 P.M.

There were present:

Herbert Hoover,	representing the	United States,	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  
 A. P. Davis  
 Mr. Nickerson  
 W. F. R. Mills  
 R. I. Mecker  
 Mr. Bannister  
 Charles A. May  
 Charles P. Squires  
 Edward W. Clark  
 Mr. McKisick  
 Thomas P. Yager

The meeting was called to order by the Chairman.

The first item taken up was the question of printing the records of the hearings of the Commission, which were held in the Spring of 1922. It was stated by Mr. Stetson, the Secretary of the Commission, that the cost of printing the records had been estimated as follows:

for 1,000 copies	\$ 2,493.47
for 1,500 copies	2,721.56
for 2,000 copies	2,947.49
for 2,500 copies	3,173.31

Chairman Hoover then asked for an estimate of the cost of mimeographing the said records, and such estimate was given by Mr. Stetson at \$700.00.

The final decision of the Commission was that in case of hearings being held on the questions which had come before the Commission, the records should be mimeographed.

The next item taken up for disposal was an appeal to the Commission from Mr. Jay Turley. This was filed for future reference.

Mr. Stetson then presented to the Commission for its consideration a letter written by the acting Director of the United States Geological Survey, with reference to Gauging Stations and containing information on the various gauging stations already established and proposed to be established. It was stated by Chairman Hoover that since the Geological Survey would automatically come into possession of this letter and the information contained therein some years hence, it was best to let the matter rest.

The minutes of the 9th and 10th meetings of the Commission held in Phoenix, Arizona, and in Denver, Colorado, never having been approved, Chairman Hoover made a brief statement of the matter contained therein, and entertained a motion for their confirmation. Upon motion made by Mr. Carpenter and seconded by Judge Davis, the minutes of the 9th and 10th meetings were unanimously approved.

Upon suggestion by Chairman Hoover, it was resolved by unanimous vote that the Commission submit to the management of the Bishop's Lodge a resolution of thanks for the kind attention received during the meetings held at that place, such resolution to be written by the Secretary.

Chairman Hoover stated that Mr. Norviel had a question which he wished to present to the Commission dealing with the Girard project. Mr. Hoover stated: "I had this suggestion about that: that I doubt whether the Commission wishes to express any particular view on any particular project and it might desire to express the view that it doesn't feel that it has come within its purview to make recommendations with regard to particular

projects on the river. It might go further than that and state that it trusts that in all power permits granted by the Federal Power Commission, they should be made subject to this compact whether the compact dates from this moment or not. Do you think so, Mr. Norviel?

MR. NORVIEL: Yes, I do. I have a little preliminary statement here I would like to state, Mr. Chairman. I do not know whether this should go into the minutes or not because this, I deem it, would be rather extraneous.

(It was decided that Mr. Norviel's statement should not go into the minutes.)

At the close of his statement, Mr. Norviel said:

"I suggest that either a short resolution or statement be made that this Commission and its individual members have no objection to the granting of the license to Mr. Girand at any time when it appears to be necessary or proper under all the circumstances.

MR. SCRUGHAM: Would you put that after the ratification of the compact.

MR. NORVIEL: Outside and aside from the ratification of the compact.

MR. SCRUGHAM: We would withdraw all objections after the ratification of the compact.

MR. NORVIEL: If the Commission does not want to express itself in a resolution, I suggest that the statement be made to the Federal Power Commission, simply that this Commission and its individual members have no opposition to the granting of a license to Mr. Girand of this kind, that we can use in our state and it will be a very great help in obtaining the ratification.

MR. MC CLURE: Mr. Chairman, I have very great sympathy for the position in which Mr. Norviel finds himself and should be pleased, if I knew how, to give him some assistance. Mr. Girand is in an unfortunate position also. Following our Spring meetings in the early part of the year I wrote the

Secretary of the Interior, Commerce and Agriculture, stating that I was not writing as a member of the Colorado River Commission at all but as an officer of California stating that in my judgment it would be unwise at this time to grant a license to Mr. Girand or any other person for the erection of works for generating power. I have not made that statement to any one of these commissioners heretofore. I thought it need not be made; but I do not care without further enlightenment as to what may occur in the future, to change my attitude as an officer of the State of California.

JUDGE DAVIS: My judgment on it is -

MR. NORVIEL: (Interrupting) Just a moment. I would like to ask Mr. McClure to state his reasons for assuming that attitude.

MR. MC CLURE: Due program at a time, as Colonel Scrugham suggested. After this matter is out of the way, then we can approach the next program. I do not consider that it is our province at all to pass on the matter of the application for a project for power.

CHAIRMAN HOOVER: Judge Davis?

JUDGE DAVIS: The very last remark that Mr. McClure made, I think states my attitude. I feel that we are met here under very definite powers and at the same time under very definite limitations of power. We have one duty and that I think we have already accomplished. It is not within the province of this commission to determine the value of any particular project on the river whether it is for irrigation or power or anything else. If it were not for the fact that the Federal Power Commissioner has written to us a letter I should say that we should take no action whatever regarding the matter. But since we have received the letter, I think it should be answered. Do answer it by saying the matter is beyond our jurisdiction and personally I would be willing to go one step more and say the matter is beyond our jurisdiction and therefore we have no objection to the issuing

of the permit but I can see where that second clause might be debatable, but beyond that I do not think we have power to go and do not think we should go.

MR. NORVIEL: I would like to hear from each one.

CHAIRMAN HOOVER: It rather appears to me that the easiest way to handle the situation without doing injury is this: Address the note in these terms from the secretary: "In respect to your letter of \_\_\_\_\_ I am requested to inform you that the Commission does not feel that the matter you raise is within its jurisdiction, and is therefore unable to express its views in the matter." (Or you can leave that off.) The commission earnestly requests of the Power Commission that all power permits granted within the Colorado River drainage shall be made subject to this compact, copy of which is enclosed herewith."

JUDGE DAVIS: That would get my ideas, Mr. Chairman.

CHAIRMAN HOOVER: Do you think that would take of any difficulty so far as this Commission is concerned, Mr. Norviel.

MR. NORVIEL: Yes, I think it would. It would help materially.

CHAIRMAN HOOVER: I think, Mr. Girand has been lead into a position of a good deal of expense by the action of the Power Commission. The Power Commission has some responsibility to Mr. Girand, that power is not our particular province.

MR. NORVIEL: I realize that and I also think that he has a perfect right to demand a license. But I believe the general objections if the full facts were known to all should be raised to the Girand Project because as I look at it now the main objection was that it would take away the market for power that might be necessary for any larger project constructed by the river. I do not believe that that argument is sound now under the whole broad situation and perhaps will gradually give way. Of course, I would very much like to have home and use but if I can't have it -

CHAIRMAN HOOVER: (Interrupting) I think it would relieve the minds of the commissioners a great deal if the governor when he has an opportunity to see the pact, and see that it doesn't contain the fatal pitfalls, it would have a great influence on the minds of the other commissioners with regard to the Girard project.

JUDGE DAVIS: I move the adoption of the form which the chairman suggested.

Chairman Hoover then dictated the following letter, which was typewritten and read:

"In respect to your communication of March 3, I am requested by the Commission to inform you that it doesn't feel that this matter lies within its jurisdiction.

"The Commission earnestly requests that all power permits that may be granted on the Colorado River Drainage, should be made subject to the terms of the compact, copy of which is enclosed herewith."

CHAIRMAN HOOVER: Mr. Stetson suggests that we cut out the last word "herewith."

MR. NORVIEL: I think that might be omitted.

CHAIRMAN HOOVER: All in favor of that letter being dispatched, say "aye."

(The motion was unanimously carried upon a vote being taken.)

Chairman Hoover then read the following resolution:

"The Colorado River Commission has had constantly before it the great menace by annual floods to the lives and property of the people of the Imperial and Palo Verde Valleys in California, and the Yuma Valley in Arizona:

"Therefore, the Colorado River Commission in session at the Bishop's Lodge, Santa Fe, New Mexico, earnestly recommends and urges the immediate

construction by the Government of the United States of a dam or dams on the Colorado River, of sufficient size to impound at least the average annual flow of the river, to control the floods and permanently avoid the menace."

There followed a general discussion, after which the resolution was adopted in the following form:

"The members of the Colorado River Commission have had constantly before them the great menace by annual floods to the lives and property of the people of the Imperial and Palo Verde Valleys in California, and the Yuma Valley in Arizona, and the anxiety of their thousands of citizens:

"Therefore, they earnestly recommend and urge the early construction of works in the Colorado River to control the floods and permanently avoid the menace, such construction to be made subject to the Colorado River Compact."

On behalf of the members of the Colorado River Commission, Mr. Delph E. Carpenter made the following remarks:

"We have about completed the task assigned to this Commission, which is the first exemplification of interstate diplomacy in the history of the United States on so large a scale. Each member may take home with him and reserve unto himself all the credit that is due, and a large measure of the credit is due to each of the members of this Commission. In fact, it has been frequently remarked in my presence that it would be a rare occurrence indeed to again find a Commission composed of members who possessed the peculiar qualities and qualifications that each of the members of the Commission does: so that each of us may take what credit we wish and not feel we have overdone the measure.

"But I feel as a member of this commission that our whole proceedings would look something if we did not say that to our Chairman is due the great measure of the credit for making possible this successful conclusion. Through all the days of our toil our Chairman has been kind and generous and patient.

We have come to respect you, Mr. Chairman, not only for your ability but for your personality; and as we are about to enter upon the concluding chapter I am designated by the other members of the commission to express to you not only our admiration, but our love and esteem. And we assure you that wherever you may go, whatever you may do, you will carry through life the fond esteem and admiration and love of all of us; and if any of us survive you, ours will be a fond recollection."

To which Mr. Hoover replied:

"I am much overcome by that kind expression.

"I realize perhaps more than you the difficulties of these sorts of Conferences. I have had, perhaps, more experience with them than you have had. This conference has stood out in my mind as different from all the rest because of the fact that we are dealing here with honest men. It has not been necessary in this conference to discount the truth and character of its members, and it is the only conference of important character where I haven't before the conference come to have a complete conviction of dishonesty on the part of somebody. And it is a monument to the men who have been here that they have been straight and honest straight through the conference.

"What is more, it has been one of the problems of more extreme complexity than will ever be appreciated by the outside world; and in the sense of service, and in the sense of restraint and in the willingness to compromise, it also has a striking character. Had it not been for that character in the men who have been here, there would have been no compact.

"I look at it as an incident that we can all treasure because the days of romance in the West are gone, and the job of western men is one of construction, and that we have possibly made here, I don't know, one of the most constructive steps that has been taken in the West. It will take time

to prove it, but it is possible that this will stand out as one of the landmarks of Western development.

"Now the Commission has had a unique blending, as you mention, of talent. The engineers have had more hard things to say about the lawyers than the lawyers have been able to say back. But I think the engineers will agree that we would have got nowhere if it hadn't been for the lawyers. I am not going to make the reverse compliment because I belong to the other side. But in any event it has been a very happy combination - a very happy association, and the most valued thing from a personal point of view that can come out of these associations is the feeling that you have left behind - a sense of friendship as well as accomplishment."

Mr. Scrugham then made the following remarks:

"On behalf of the Commission, I desire to insert in the record an expression of our appreciation of the splendid services of our executive secretary, Mr. Stetson. He has faced the difficult task of recording and harmonizing the complex statements presented before this Commission, and his task has been accomplished in a most efficient and highly satisfactory manner.

Upon motion duly made and seconded, the Commission unanimously adopted the Compact as engrossed.

It was then moved, seconded and unanimously carried, that the Commission adjourn and proceed to the City of Santa Fe, where the compact should be signed.

Colonel Scrugham then made the following statement:

"On behalf of the Commission, I desire to insert in the record an expression of our appreciation of the splendid services of our Executive Secretary, Mr. Stetson. He has faced the difficult task of recording and

harmonizing the complex statements presented before this Commission, and his task has been accomplished in a most efficient and highly satisfactory manner."

In reply Mr. Stetson said:

"It is difficult for me to express how really appreciative I am of the remarks which Colonel Scrugham has made on behalf of the Commission. It has been a rare privilege for me, an Easterner, to have had this unusual opportunity of intimate association with the members of this Commission, Westerners, and to have worked with them on the difficult problems with which they have had to deal, - problems the present solution of which, I feel certain, will lead to the early opening of the portions of the Southwest yet undeveloped.

"I shall always treasure the remembrances of those last few months as the happiest in my life and will store away as the greatest compliment which I ever received, the remark made to me by one of the Commissioners, when I reached civilization after my trip down the Colorado River, "You are now a real Westerner."

"During this period I have learned much which will be of value to me in the years to come and will take back with me to the East at least this constructive principle, - that friendly, straightforward discussions prompted by an earnest desire for co-operation rather than dispute bring with them progress and development."