



# **1922 Colorado River Compact**

**One Hundred Years  
and Counting !**



# Why did the basin want a compact?

Rapid development on the Lower River - especially California.

Significant interest in hydropower.

Threat of prior appropriation on an interstate basis.

Avoid legal and political disputes over development.



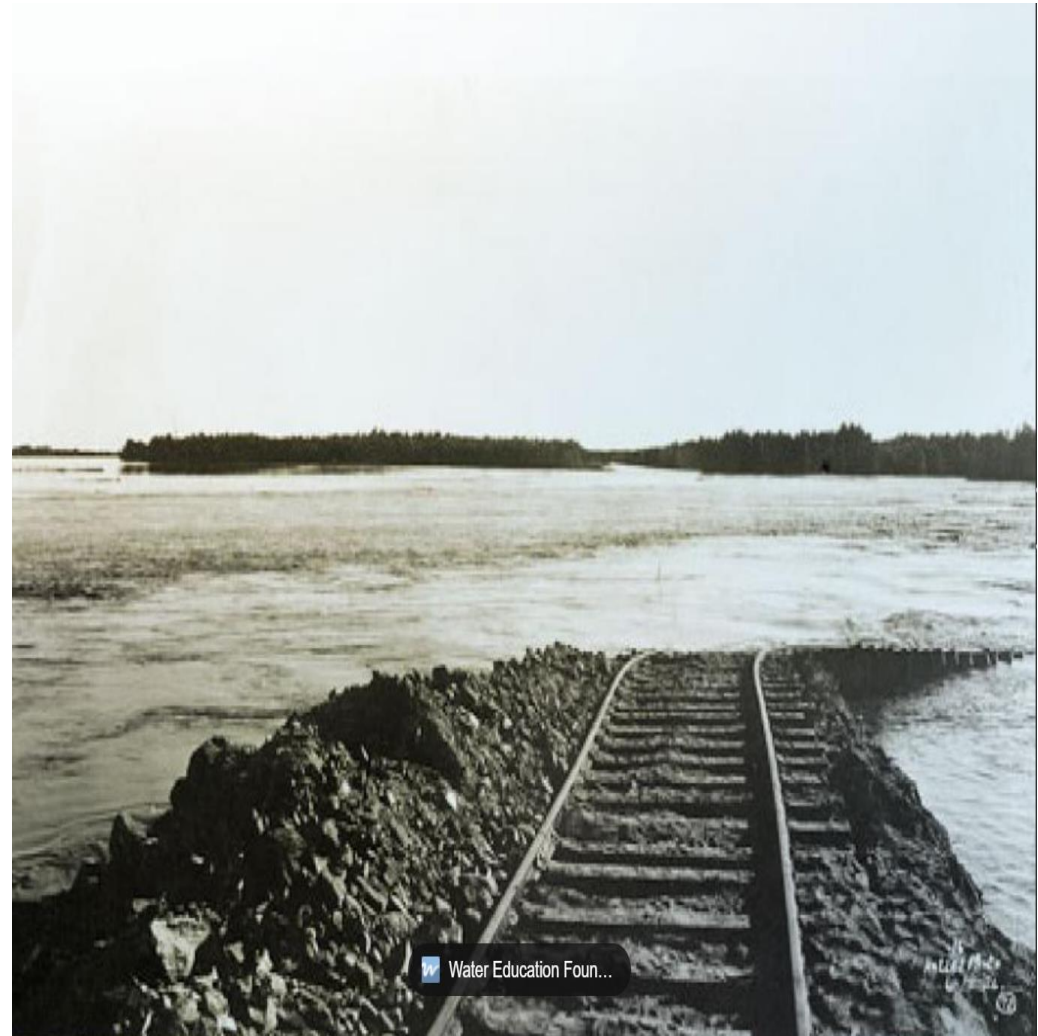
# Before the negotiations began

**1905-07 Flooding in the Imperial Valley creates the Salton Sea**

**1919 All-American Canal Board Report, Federal legislation introduced.**

**1920 Denver Conference**

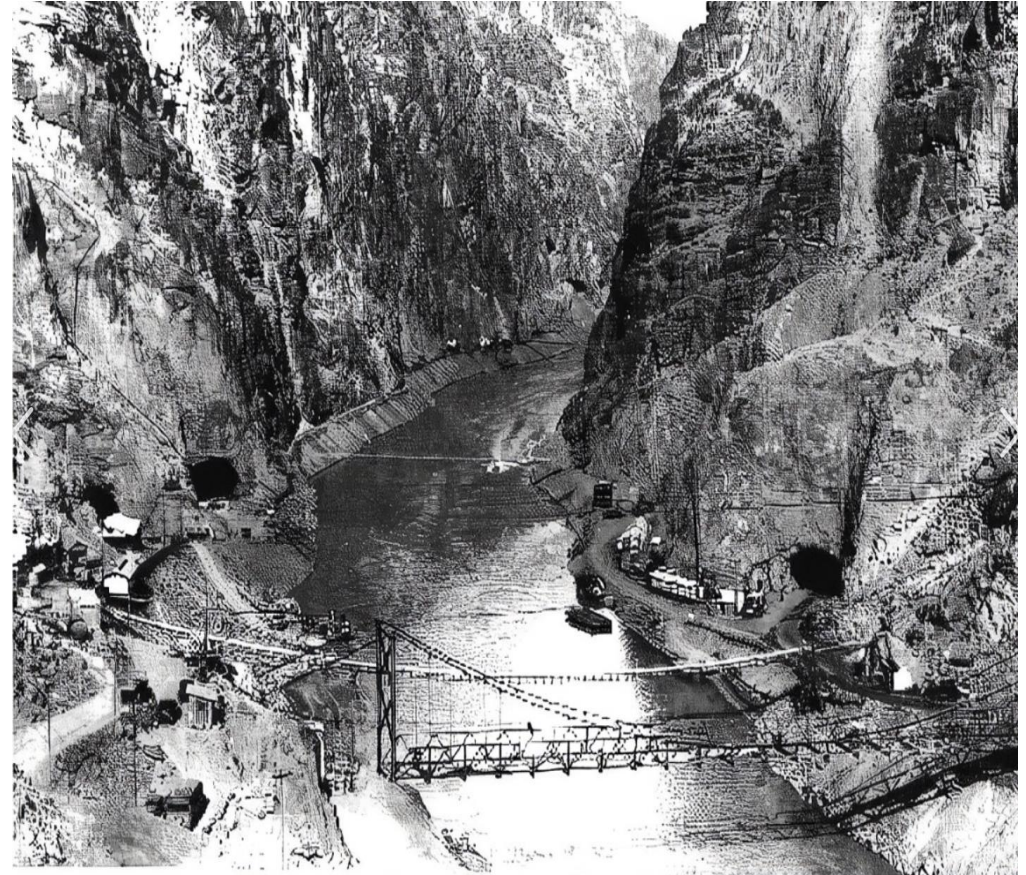
**1921 Congress authorizes compact negotiations.**





# Milestones

- **January 26-31 Washington DC negotiations - stalemate!**
- **March/April Field hearings**
- **June 5th U.S. Supreme Court decides WY v. CO**
- **November 10-24 Santa Fe negotiations - success!?**
- **June 25, 1929, BCPA declared effective - 6-state ratification!**



# **Delph Carpenter's Role**

- + January - June, Pushes for his preferred compact - no interference from LB water rights + TMD limitation.**
- + Nov 11 - Proposes a two-basin 50/50 split at Yuma with UB → 62.46 maf/10-yrs @ Lee Ferry, UB & LB to equally divide a future obligation to Mexico.**
- + Opposed a minimum annual flow, a permanent commission & tying compact to storage.**
- + In 1924, proposes 6-state ratification process.**

# Herbert Hoover's Contributions

- + Suggested dividing the use of the water @ Lee Ferry with UB → 82 maf/10-years - brokered the 75 maf.
- + Suggested a three-way split 7.5 maf to each basin + a future surplus - ended up 8.5 LB -7.5 UB - 4.5 surplus.
- + Brokered Article VIII as an incentive for the UB to support the Boulder Canyon Project.
- + Insisted on Article VII - no impact on tribes.
- + As president declared the BCPA effective.

# Compact Realities & Disputes

- + **Compact negotiators believed 20+ maf was available for cons use**
- + **Today (2000-2022) it's maybe 13 maf @ Yuma**
- + **Still an equitable division of the water?  
My view is no.**
- + **No definition of beneficial consumptive use - UB/AZ & CA each have one.**
- + **No accounting of uses on LB tributaries.**
- + **Uncertainty about the UB's treaty obligation to Mexico.**

# Compact Myths

- **50/50 Split between basins - close but  $8.5/7.5 = 53.1/46.9$ .**
- **Article III(b), the additional one maf was for the LB tributaries - most scholars (and the AZ v CA Special Master) agree that the LB's III (a) & (b) water are the same.**
- **The BCPA & AZ v CA amended the compact - perhaps in practice but not by intent.**



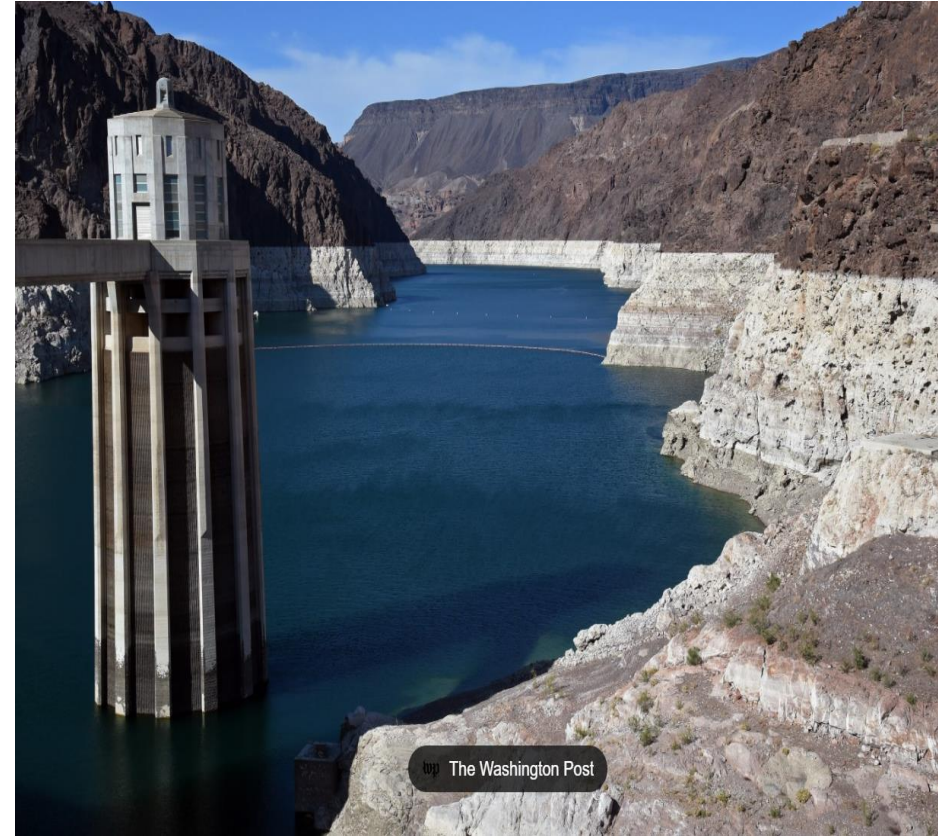


## The Second Century?

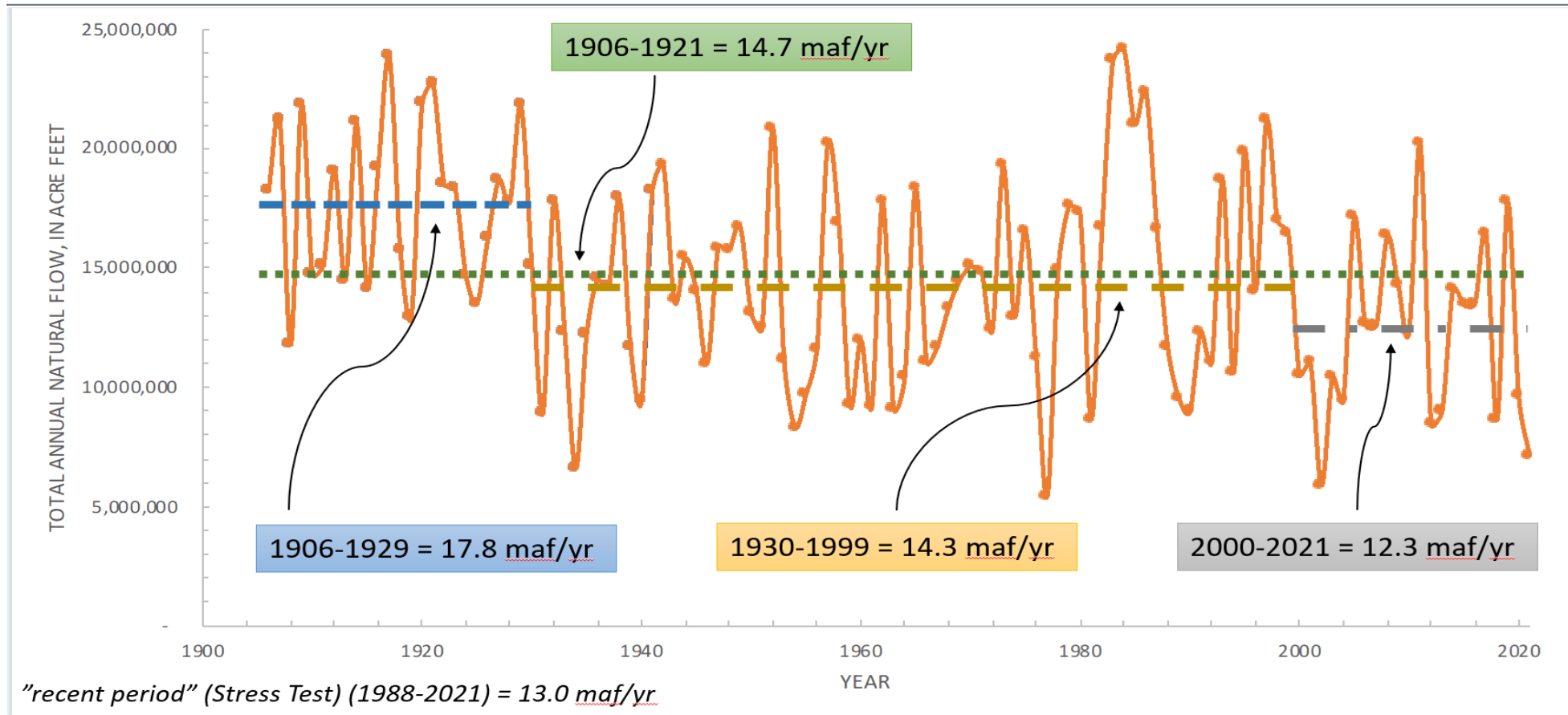
- Impacts of climate change are a serious problem. Article fixed obligations III puts too much of the impact on the UB.
- Amending the compact is difficult if not impossible.
- Litigation is risky.
- Expanding the interpretation of the compact is possible and has happened many times (starting in 1924).



# A Century Ago, and Today



# Extra Slide 1906-2021 Natural Flows @ Lee Ferry





**Extra Slide** The compact has given the UD States a fixed numerator and a shrinking denominator

- + **1922 Compact Negotiations**  $7.5/17.5 = 42.86\%$  ( $8.25/17.5 = 47.14\%$ )
- + **1944 Treaty with Mexico**  $8.25/16.3 = 50.61\%$
- + **1948 Upper Basin Compact**  $8.25/15.6 = 52.88\%$
- + **1968 CRBPA**  $8.25/15.0 = 55.00\%$
- + **1988-2021 Stress Test**  $8.25/13.0 = 63.46\%$
- + **2000-2021 Drought**  $8.25/12.3 = 67.07\%$  (2012-2022 - 69.92%)