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HEARING BEFORE THE SUBCOMMITTEE ON IRRIGATION AND RECLAMATION OF THE COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

EIGHTY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 502

A BILL TO PRESERVE THE JURISDICTION OF THE CONGRESS
OVER CONSTRUCTION OF HYDROELECTRIC PROJECTS ON THE
COLORADO RIVER BELOW GLEN CANYON DAM

MARCH 4, 1964



Printed for the use of the
Committee on Interior and Insular Affairs

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HEARING
BEFORE THE
SUBCOMMITTEE ON
IRRIGATION AND RECLAMATION
OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

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SUBCOMMITTEE ON IRRIGATION AND RECLAMATION

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| QUENTIN N. BURDICK, North Dakota | |
| CARL HAYDEN, Arizona | |

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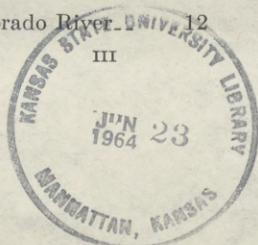
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The study of the history of the United States is a subject of increasing interest. This is due to the fact that the United States has become a world power, and its history is of increasing importance to the world. The study of the history of the United States is a subject of increasing interest. This is due to the fact that the United States has become a world power, and its history is of increasing importance to the world. The study of the history of the United States is a subject of increasing interest. This is due to the fact that the United States has become a world power, and its history is of increasing importance to the world.

APPENDIX

The following are the names of the persons who have assisted in the preparation of this report.

LOWER COLORADO RIVER POWER SITES

WEDNESDAY, MARCH 4, 1964

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
IRRIGATION AND RECLAMATION SUBCOMMITTEE,
Washington, D.C.

The subcommittee met, pursuant to call, at 9 a.m. in room 3110, Senate Office Building, Senator Frank E. Moss (chairman of the subcommittee) presiding.

Present: Senators Frank E. Moss (Utah), Quentin N. Burdick (North Dakota), Gordon Allott (Colorado), and Len B. Jordan (Idaho).

Also present: Jerry Verkler, staff director; Stewart French, chief counsel; Roy M. Whitacre, professional staff member; Richard Andrews, minority counsel; and Robert Bendt, staff member.

Senator Moss. The subcommittee will come to order.

The bill before us today, S. 502, is to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam.

This bill would prevent the issuance of licenses for the construction of power facilities on the Colorado River below Glen Canyon Dam until December 31, 1968.

Favorable reports have been received from Interior, Justice, and the Bureau of the Budget. The Federal Power Commission has not commented but has indicated that if a report were submitted it probably would be adverse. Army deferred to departments more directly concerned with the proposed legislation.

The bill and reports will be placed in the record at this point.

(The bill and reports are as follows:)

[S. 502, 88th Cong., 1st sess.]

A BILL To preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a-823) for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1968.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 1, 1963.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to the request of your committee for the views of this Department on S. 502, a bill to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam.

We recommend that the bill be enacted.

The bill provides that no licenses or permits be issued under the Federal Power Act (16 U.S.C. 791a-823) for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1968.

This Department has under investigation several potential water resource developments in the lower basin of the Colorado River, among which are potential projects at Bridge Canyon and Marble Canyon in the reach of the river between Glen Canyon Dam and Lake Mead. The Bureau of Reclamation's feasibility report on the Marble Canyon project is scheduled for completion at the end of this fiscal year.

At present there is before the Federal Power Commission an application by the Arizona Power Authority (project No. 2248) for a license to construct a hydroelectric project at the Marble Canyon site. Marble Canyon is one of the last sites available for power development in the Lower Colorado Basin. The Bureau of Reclamation estimates that if constructed under reclamation law, with a 6 mill firm power rate, the reimbursable costs of the Marble Canyon project would be returned with interest in 40 years and thereafter an average of over \$10 million in net power revenues would be available annually to assist in returning the costs of other water resource development. This would make over \$111 million available for this purpose by the end of the 50th year from the time the project were to go into operation under reclamation law and, of course, this accumulation of net revenues would continue indefinitely. Revenues of this magnitude could, as an example, meet a substantial portion of the cost of a lower Colorado River salvage program aimed at salvaging up to 1 million acre-feet annually of lower Colorado River water now being lost.

The question posed by the application before the Federal Power Commission is whether the Congress shall have opportunity to pass upon the development of the Marble Canyon site in order that it might, like the great lower basin sites at Hoover Parker, Davis, and potentially at Bridge Canyon, make an effective and continuing contribution to meeting the costs of lower basin water supply development under the Federal reclamation laws. Enactment of S. 502 will preserve that opportunity. In other words, it would retain congressional control over one of the important cash registers as the Congress considers the expensive and extensive water resource projects which are necessary if the Lower Colorado River Basin's water requirements are to be met. In our view, it is essential that the Congress not be deprived of full freedom of action when it considers basic issues of Lower Colorado River Basin water development.

Water supply, its adequacy and availability, is the root factor in the continued growth and development of the Lower Colorado River Basin. The issue has been central to the lower basin since the lower Colorado's waters were first tapped for localized irrigation in the latter half of the 19th century. It is of transcendent importance today. Lower basin projects, therefore, present basically questions of water development, not of power development per se. To consider lower basin projects primarily from the context of single purpose hydroelectric development with only incidental consideration of other factors is to overlook the basic problem which confronts the region.

This principle is, of course, widely recognized in the arid West and accounts for the fact that as early as 1906 Congress wrote into basic reclamation law the principle that power should contribute where feasible to the cost of reclamation development (sec. 5, act of Apr. 16, 1906; 34 Stat. 117).

Nowhere in the West has this longstanding public policy been given greater application by the Congress than in the Upper and Lower Colorado River Basins. Every developed hydroelectric site in the lower basin and, indeed, every developed site of significance in the upper basin as well, has been undertaken pursuant to the Federal reclamation laws with power being developed as a paying partner—as a cash register—to assist in meeting the heavy cost of water development.

In the upper basin this concept has been most recently expressed in the authorization of the Colorado River storage project by the act of April 11, 1956 (70 Stat. 105), and in the authorization by the 87th Congress of the Fryingpan-Arkansas project (act of Aug. 16, 1962, 76 Stat. 389). In the case of lower basin projects, the authorization of the Boulder Canyon project in 1928, the first of the truly comprehensive multiple-purpose projects, was based squarely upon that policy. In addition, section 5 of the Boulder Canyon Project Act (act of Dec. 21, 1928; 45 Stat. 1057) anticipated the later development of the basin account principle with its reference to the availability of Boulder Canyon project power revenues (after repayment of the costs of that project itself) to help meet the cost of additional Colorado River Basin water development.

The Lower Colorado River Basin is at once the driest, the fastest growing, and the farthest from surplus fresh water of any area in the United States. It is faced with the necessity not only of equitably apportioning and efficiently utilizing the available water of the Colorado River system; it must also face the prospect of augmenting its available in-basin waters, for the harsh fact is that the Colorado's waters are inadequate to meet the area's burgeoning requirements. At the same time, the interstate dispute as to allocation of water in the lower basin has, for over a decade, kept further large-scale lower basin authorizations at a standstill.

It was in 1951 that the House Committee on Interior and Insular Affairs adopted a resolution deferring further consideration of all central Arizona project proposals until the lower basin water-rights controversy was terminated (hearings on H.R. 1500 and H.R. 1501, Committee on Interior and Insular Affairs, House of Representatives, 82nd Cong., 1st sess., pp. 739, 740-756). This was followed by the institution of *Arizona v. California*.

The present situation confronting the lower basin is well summarized by Special Master Rifkind in his December 5, 1960, report to the Supreme Court in *Arizona v. California*.

"* * * The Basin has experienced a veritable population explosion in the past 30 years, accompanied by a comparable development in industry and agriculture. Water uses have expanded rapidly; but the point has now been reached where increased use of water from the Colorado River is being frustrated by a bitter dispute as to the legal availability of such water for use in the several States. That dispute is now before the Court. There appears to be sufficient mainstream water available to satisfy the scale of present uses and enough to satisfy some degree of expansion. But, despite a present unsatisfied demand for water in the lower basin, it is impossible to develop further uses of the water because of the cloud on its legal availability.

"Because of the topography and geography of the region, Colorado River water can feasibly and economically be utilized only by the construction of great projects consisting of dams, pumping facilities, desilting basins, canals, and other works the cost of which is enormous. Needless to say, such projects cannot be financed unless there is assurance that water will be not only physically, but legally available for their operation. * * * For over 30 years, however, these States have been unable to agree. Time has not cooled the controversy among them, and it seems very unlikely that they will be able to agree in the foreseeable future.

"Thus, adjudication of the present action is indispensable to a determination of the legal availability of mainstream water in the lower basin. It is an inescapable fact that unless this controversy among the three States and the United States is adjudicated, the full utilization of the Colorado River will be indefinitely delayed. Such a result would frustrate the purposes of Congress in authorizing the construction of Hoover Dam and would seriously hinder development of the entire area" (op. cit., pp. 132-133).

Chairman Aspinall of the House Interior and Insular Affairs Committee in a letter to the Department, of November 27, 1962, observed:

"It is a matter of common knowledge that the pendency of the legal action of *Arizona v. California* has precluded congressional consideration of additional Lower Colorado River Basin projects. At the same time, it is becoming increasingly apparent that the available water supply in the Southwest, principally from the lower Colorado River, is inadequate to sustain the area's economy on a long-term basis. Those facts make it clear that further lower Colorado River water resource development must be related to an effective, comprehensive, and coordinated plan. The necessity of such action was foreseen years ago by the Congress in its approval of sections 15 and 16 of the Boulder Canyon Project Act of December 21, 1928, which sections direct the planning and investigation of projects on a comprehensive and coordinated basis, and, to that end, provide for consultation and cooperation with the basin States. Such understanding was given added emphasis by the Congress in the approval of the Boulder Canyon Project Adjustment Act of 1940. Time has demonstrated that the burgeoning water requirements of the lower basin can be effectively satisfied in no other way."

Chairman Aspinall's letter requested this Department to supply the House committee with an outline of the Department's views for a coordinated, comprehensive pattern under which the Southwest's water and power needs might be provided for. Our response of January 18, 1963, which has heretofore been made available to your committee, dwelt at length with the water resource problems of the Southwest.

Most recently, on February 18, the White House released the "Report to the President on Water-Resources Research in the Federal Government" presented by the Federal Council for Science and Technology. This report makes continuing reference to the gravity of the regional water problem of the Pacific Southwest; points out the importance of power revenues to the financial feasibility of multiple-purpose water resource development; stresses the trend toward large-scale, costly interbasin projects and the increasing national interest therein; and calls attention to a Federal interest in resolving the water resource problems confronting the United States which goes on when even the interests of the States stop. In short, the Council's report underscores the necessity for considering individual water use proposals such as hydroelectric projects in the context of the entire water supply problem of the region involved and that nowhere is there greater need for this approach than in the Pacific Southwest.

With the Supreme Court's opinion of June 3 in *Arizona v. California*, planning essential to consideration by the Congress of Lower Colorado Basin water development can be resumed. The Court's opinion gives emphasis to the regional character of the Southwest's water problem and to the measures that have been, and remain to be, fashioned by the Congress to meet the problem. The Court thus describes the nature of the present role of the United States in lower Colorado River development:

"All this vast, interlocking machinery—a dozen major works delivering water according to congressionally fixed priorities for home, agricultural, and industrial uses to people spread over thousands of square miles—could function efficiently only under unitary management, able to formulate and supervise a coordinated plan that could take account of the diverse, often conflicting interests of the people and communities of the lower basin States" (*Arizona v. California*, 31 L.W. 4571, 4573, June 3, 1963).

On June 12, I advised the Governors and congressional delegations of the Lower Colorado River Basin (copy of letter attached) that I had that day:

"* * * taken the following steps to develop a five-State, lower basin, regional water plan geared to the future needs of the people of the Pacific Southwest.

"1. I have appointed a special departmental task force to prepare a sound comprehensive report for a regional water development geared to a basin account, to be ready for review by the affected States as soon after August 15, 1963, as possible.

"2. After receiving the comments of the affected States pursuant to the Flood Control Act of 1944, the Department will then be prepared to have an appropriate report and implementing proposals ready for presentation to the Congress when it convenes in January 1964."

The decisions that the Congress will have to make will be complex; the solutions, whatever they may be, will be costly. The Congress should not, in our view, be handicapped in the consideration of these matters by the interposition by any Federal agency of new and conflicting rights. The Congress should have full opportunity to consider whether it wishes to continue to apply in the Lower Colorado Basin the public policy it has established for coordinated water resource development under the reclamation laws.

The Congress might ultimately conclude after its consideration of the facts that the Marble Canyon site need not be developed by the United States; that its revenues of almost \$11 million per year need not be devoted, under the Federal reclamation laws, to financially aiding and assisting the cost of lower basin water projects. This Department would hope that the Congress will not reach such a conclusion and we are prepared, at the proper time, to demonstrate why we believe that Marble Canyon should be developed in a pattern consistent with that established by the Congress, under reclamation law, in the case of the Colorado River storage project, the Colorado-Big Thompson project, the Frypan-Arkansas project, and Hoover, Parker, and Davis. However, these are decisions which only the Congress should make because it is the Congress that must make the fundamental decisions upon which the future of the Pacific Southwest will be determined.

By enacting S. 502 the Congress would be acting once again to preserve its jurisdiction to resolve Colorado River matters. The Congress adopted similar legislation over 35 years ago in order to provide necessary time to deal with the then pending Colorado River compact and the proposals to authorize the Boulder Canyon project. At a time when more than 20 applications were before the Federal Power Commission involving every major site from Glen Canyon to the international boundary, the Congress by the act of March 1, 1927 (44 Stat. 1456), suspended the authority of the Federal Power Commission to license Colorado

River Basin projects until March 5, 1929. By the act of March 1, 1929 (45 Stat. 1446), the ban was extended until March 5, 1930, unless the Boulder Canyon Project Act should become effective in the meantime. See Wilbur and Ely, "The Hoover Dam Documents," 1948 (H. Doc. 717, 80th Cong., 2d sess., pp. 11, 12).

The House committee that reported out what became the act of March 1, 1927, said in its report:

"The Colorado River is the one great stream in the arid section of America. Its basin covers a great area where vital interests of the people of seven States are affected. There is a public interest in the interstate and international allocation and use of its waters and power developments. A vast population seeks its waters for domestic uses. Large areas are ultimately dependent upon its waters for their development. Its storm waters present a flood menace such as is known in no other place on earth.

"The primary legislation concerning these problems seeks to adjust the conflicting rights of the many interests concerned from a public standpoint. This legislation is so far incomplete * * *

"In the meantime it is of great importance that private rights to the water supply, as well as its allocation and use, shall not be established that might later make more difficult or defeat the purpose to solve these problems from the standpoint of public necessity and welfare" (H.Rept. 2285, 69th Cong., 2d sess.).

The reasons which motivated the Congress in 1927 have even greater pertinency under the conditions prevailing today. We believe that these conditions amply warrant the adoption of S. 502.

The Bureau of the Budget has advised us that there is no objection to the presentation of this report to your committee, and that enactment of S. 502 would be in accord with the President's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

[Enclosure]

THE SECRETARY OF THE INTERIOR,
Washington, June 12, 1963.

DEAR GOVERNOR: The Supreme Court's decision in *Arizona v. California* on June 3 marked the beginning of a new phase in water development in the States Lower Colorado River Basin.

While the Court's final decree remains to be formulated, the basic issues have now been decided. The people of the Pacific Southwest are now confronted with their greatest conservation challenge. It requires the development of a plan to meet the water needs of that region which is at once the driest and the fastest growing in the United States. In a real sense the court's decision is only a shifting of shortages. It leaves us the pressing problem of providing adequate water supplies for the future.

The joint task of State and Federal executives and legislators, a high task of statesmanship, is to end the old controversies and act for the long-term future.

On January 22, 1963, in an exchange of letters with Congressman Wayne N. Aspinall, chairman of the House Interior and Insular Affairs Committee, I outlined a comprehensive Bureau of Reclamation study designed to produce a sound regional solution for all of the States, and all of the people in the Pacific Southwest. (You will find enclosed copies of the letters which outline the comprehensive approach.) You will note I said in this correspondence that the Governors of the affected States, and the appropriate Members of the Congress must play a part in developing a comprehensive plan.

The hour for water statesmanship in the Pacific Southwest has arrived. Those public leaders who now serve the lower Colorado States in Washington and in the State capitals have an opportunity to open up new avenues to mutual prosperity. By default of leadership, they will choose rather to return to the bitter battlegrounds of yesteryear. Extended controversies and protracted litigation do not develop water for the people's needs. Such a course will not help the Pacific Southwest prosper.

Historically, the Congress and the people of the West have called upon the Department of the Interior and its Bureau of Reclamation to serve as the focal point in cooperative efforts for water planning and action programs. Much of the present prosperity of the region rests on the successful programs evolving from those efforts and also from those of municipalities and water districts.

In an effort to do our part in continuing to meet the Department's responsibility, I have today taken the following steps to develop a five-State, lower basin, regional water plan geared to the future needs of the people of the Pacific Southwest.

1. I have appointed a special departmental task force to prepare a sound comprehensive report for a regional water development geared to a basin account, to be ready for review by the affected States as soon after August 15, 1963, as possible.

2. After receiving the comments of the affected States pursuant to the Flood Control Act of 1944, the Department will then be prepared to have an appropriate report and implementing proposals ready for presentation to the Congress when it convenes in January 1964.

I am confident that these consultations will lead to a regional water plan which will respect the water rights of your State and also meet its future needs.

May I also at this time raise one other important issue for your consideration. Since the June 3 opinion of the Supreme Court, some officials of the three affected lower basin States have raised questions with me and my Solicitor concerning that part of the Court's decision which related to the apportionment of main-stream water during periods of water shortage. California, Arizona, and Nevada each has a vital interest in developing a permanent, equitable solution to the water shortage allocation problem. I have full confidence that this issue can be resolved and I propose that conferences begin soon between my Department and representatives of the three affected lower basin States looking towards a permanent solution to this urgent question.

I am, therefore, requesting you and your designated representatives to meet with me in Washington on Monday, July 15, to initiate discussions on this issue.

Let me express once again my sincere conviction that, working together in the years ahead, and working with Members of the Congress, we can resolve the critical water problems confronting the people who now live and who in the future will live in the Pacific Southwest. I enlist your wise counsel and your full cooperation toward the achievement of that objective.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., September 6, 1963.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on the bill (S. 502) to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam. The bill would provide that no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a-823) for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1968.

The Congress normally exercises its power to control the establishment and operation of structures to generate electricity from the flow of navigable waters of the United States, and of nonnavigable waters upon public lands and reservations of the United States, through the Federal Power Commission. By the Federal Power Act it has authorized the Commission to issue licenses for structures designed to develop the hydroelectric power of waters under the control of the Congress, and to issue permits enabling license applicants to go upon the land to secure the information which must accompany their applications. The Congress has on a previous occasion temporarily withdrawn and suspended the authority of the Commission to issue licenses on the Colorado River, in order to allow time for ratification of the Colorado River compact and authorization of the Boulder Canyon project (Hoover Dam) (act of Mar. 4, 1927, 44 Stat. 1456; act of Mar. 1, 1929, 45 Stat. 1446; and see sec. 6 of Boulder Canyon Project Act, 45 Stat. 1061, 43 U.S.C. 617e).

There is considerable support, at the present time, for the view that the Lower Colorado River Basin must be the subject of comprehensive planning for water development of multistate proportions, and that the President and the Congress must participate in the planning. Enactment of S. 502 would temporarily stay

licensing of State or private projects which might encumber the basin, as on the previous occasion, and would give opportunity for basic decisions on its future development. Accordingly, this Department supports this bill.

One technical amendment to the bill is recommended. While the bill would prevent favorable action upon an application for a license until after December 31, 1968, nothing in it would preclude qualified parties from continuing to submit applications. The effect of such applications is to reserve the lands of the United States embraced thereby from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or the Congress (16 U.S.C. 818). It would be desirable to forestall the creation of such reservations, for purposes for which they cannot soon be used. Accordingly, we suggest inserting the clause "nor shall any applications for such licenses or permits be accepted for filing" in line 4 after the closing parenthesis of the citations to the Federal Power Act.

It should be noted that this suggested language would not affect the reservations which have come into being as a result of applications already on file. Whether there should be incorporated into this bill a provision revoking those reservations is a matter on which we defer to agencies more directly concerned and to the Congress.

The Bureau of the Budget has indicated that it has no objection to the submission of this report, and that enactment of this bill into law would be in accord with the program of the President.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 3, 1963.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 502, 88th Congress, a bill to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam.

This bill would provide that no licenses shall be issued under the Federal Power Act (16 U.S.C. 791a-823) for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1968.

This bill would have no effect on the responsibilities of this Department. Accordingly, the Department of the Army would prefer to withhold comment on the merits of S. 502 and defers to agencies more directly concerned, such as the Federal Power Commission and possibly the Department of the Interior.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

CYRUS R. VANCE,
Secretary of the Army.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 26, 1963.

HON. HENRY M. JACKSON,
*Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of January 31, 1963, requesting the views of the Bureau of the Budget on S. 502, a bill to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam.

This bill provides that no licenses or permits shall be issued under the Federal Power Act for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1968. The Federal Power Commission has before it an application by the Arizona Power Authority for a license to construct a hydroelectric project at the Marble Canyon site located in this region of the Colorado River.

The Department of the Interior, the executive branch agency with primary responsibility for Federal water resources programs in the Colorado River Basin,

has been unable to present the Congress with plans and proposals for development of the water resources of the lower Colorado River during the past decade because of unsettled interstate differences regarding water rights. The decision of the Supreme Court in *Arizona v. California* on June 3, 1963, has removed this obstacle to planning, and the Department of the Interior can now proceed with the preparation of comprehensive plans for the region. The Secretary of the Interior announced on June 12, 1963, that he has appointed a special departmental task force to prepare a sound comprehensive report on a regional water development plan, and the Department proposes to have an appropriate report and implementing proposals ready for presentation to the Congress in January 1964.

In view of the critical nature of water problems in the Lower Colorado Basin and the scheduled preparation of a regional plan for water development by the Department of the Interior, the Bureau of the Budget considers that further development of damsites on the Colorado River should be deferred until the Congress has been given an opportunity to consider the Department's plan and proposals for comprehensive and unified development of the river. We believe, therefore, that the objective of S. 502 is desirable.

We would suggest, however, that the Congress give consideration to the desirability of fixing a shorter period for suspension of Federal Power Commission jurisdiction than one running until December 31, 1968. Such a modification could accomplish the objective of the bill and would at the same time provide for a restoration of Federal Power Commission jurisdiction at the earliest practicable time.

We note that the State of Arizona has incurred significant costs in presenting a license application for the Marble Canyon site to the Federal Power Commission. The Congress may wish to consider the desirability of including appropriate provisions for reimbursement to the State for these costs in the event of Federal construction of the project.

Accordingly, subject to your consideration of the above suggestions, you are advised that enactment of S. 502 would be in accord with the President's program.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

Senator Moss. In addition, I wish to place in the record of S. 502 a letter which I received from Senator Hayden, explaining his request for this early hearing and the need for urgent action. That will be placed in the record at this point.

(The letter referred to follows:)

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
March 2, 1964.

HON. FRANK E. MOSS,
Chairman, Subcommittee on Irrigation and Reclamation, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.

DEAR FRANK: I feel compelled at this time to request that the Subcommittee on Irrigation and Reclamation of the Senate Committee on Interior and Insular Affairs schedule hearings at the earliest possible moment on S. 502, the bill to preserve congressional jurisdiction over construction of hydroelectric projects on the Colorado River, below Glen Canyon Dam.

The urgency of this request is emphasized by the fact that the Federal Power Commission will be in a position to make a decision on the Marble Canyon hydroelectric dam license application after the 15th of March. The Secretary of the Interior did file with the Federal Power Commission his Department's southwest water plan which includes a Federal development of the Marble Canyon damsite on the Colorado River in Arizona. Although this plan was filed with the Federal Power Commission, no report on this plan has been submitted to the Congress by the Bureau of the Budget, nor has the Bureau of the Budget made its report on S. 1658, the central Arizona project, which bill may well be amended to include Federal development of the Marble Canyon site.

For the above reasons, I believe it is necessary to proceed with the congressional consideration of S. 502 to insure that the Congress retains jurisdiction over legislative consideration of this important hydroelectric damsite so vital to reclamation development of the Lower Colorado River Basin.

Yours very sincerely,

CARL HAYDEN.

Senator Moss. We are glad to have this morning as our first witness the Honorable Kenneth Holum, Assistant Secretary for Water and Power Development, accompanied by Frank J. Barry, Solicitor, Edward Weinberg, Deputy Solicitor, and William I. Palmer, Acting Assistant Commissioner, Bureau of Reclamation.

All of these gentlemen are at the table, and we will hear now from Mr. Holum.

STATEMENT OF HON. KENNETH HOLUM, ASSISTANT SECRETARY FOR WATER AND POWER DEVELOPMENT; ACCOMPANIED BY FRANK J. BARRY, SOLICITOR, EDWARD WEINBERG, DEPUTY SOLICITOR, AND WILLIAM I. PALMER, ACTING ASSISTANT COMMISSIONER, BUREAU OF RECLAMATION

Mr. HOLUM. Thank you, Mr. Chairman, and members of the committee.

Certainly, those of us from the Department appreciate and we intend to abide by your request for brevity, both with respect to this project and the other reported legislation of the committee considered yesterday and today in which the parties are very much interested.

S. 502 is a very simple, straightforward piece of legislation providing that the Colorado River between Glen Canyon Dam and the upper reaches of Lake Mead will be withdrawn from the operation of the Federal Power Act until December 31, 1968. I think that the pertinent report and the letters signed by Secretary Udall in 1963 sets forth very clearly and succinctly the reason why the Department of Interior considers this an important piece of legislation and hopes that both this committee and the Congress will act favorably upon it.

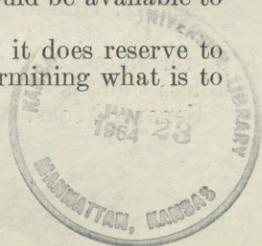
The Secretary's letter sets out the Department's position very clearly. I noted the chairman's statement that the letter will be made a part of the record; therefore, we won't go into any detail on why we consider this legislation essential.

I will just say very briefly that the area of the country affected by the Colorado River, particularly the five States in the lower basin, is the fastest growing area in this country of ours, both populationwise and in economic activity. At the same time, it is the area of the country where natural water, readily available water, is most scarce and for that reason most precious.

Traditionally, Congress and the executive branch of the Government of the United States have depended upon hydroelectric power revenues to assist the development of water resources. For this reason, there is a very close relationship between the remaining opportunities to develop a multipurpose structure on the Colorado River and the opportunities and the obligations that we have to provide water for this important area of the country.

As one example, if the Marble Canyon Dam were to be built on the Colorado River below Glen Canyon and above the boundaries of Grand Canyon National Park, as a Federal reclamation undertaking and under the power rates established now in the upper Colorado River project after payout \$10 million annually would be available to assist water resource development.

Senate bill 502 does not authorize any projects; it does reserve to the Congress until 1968 the responsibility for determining what is to be done in this reach of the river.



We think it is good legislation, and that it has an important relationship with the national obligation to provide an adequate supply of water to meet the growing needs of this rapidly expanding area. We support S. 502.

Solicitor Frank Barry and his deputy are here, and they can give you an exact report of the current status of projects that might be developed on that reach of the river.

The Bureau of Reclamation is here to give the committee, if you require, specific information concerning the projects that might be considered by the Congress for authorization.

Thank you, Mr. Chairman.

Senator Moss. Thank you, Mr. Holum.

The reason behind this is that actually the Congress is at present considering at least one project that affects this part of the river, inasmuch as we have held some hearings on the central Arizona project bill.

It is true, is it not, that the Secretary has in being a proposed southwest water plan that might come forward to the Congress in the near future?

Mr. HOLUM. Yes, Mr. Chairman. The Department has been studying, very carefully and very thoroughly, the opportunities for water resource development in this reach of the river. We are preparing our recommendations and expect to submit them to the Congress in the near future.

Senator Moss. I wonder if Mr. Barry would like to tell us what the outcome might be if this bill were not passed as against the projects that are pending or contemplated in Arizona or California.

Mr. BARRY. Perhaps I can review the history of a case which is pending in the Federal Power Commission and point out briefly some of the physical conditions concerning which you can get more details from Mr. Palmer.

The act would cover that portion of the Colorado River from Glen Canyon to the upstream end of Lake Mead. In that area, there are three power possibilities. One would be at Marble, another exempt from all consideration is in the Grand Canyon itself, and the third would be Bridge Canyon Dam at the upper end of Lake Mead. At Bridge Canyon, Congress has a choice of a high-, a low-, or an intermediate-sized dam.

Now for various reasons the Congress would undoubtedly want to consider the low, the intermediate, and the high Bridge Canyon dams because the high structure would actually cause water to back into Grand Canyon National Park and the Congress might want to consider that in the light of the policy that the park would remain as nearly as possible inviolate.

With this range of choices and with the sudden unstopping of the bar by the decision of the Supreme Court in the recent case of *Arizona v. California* which now opens the door for legislation for development in this area that needs so much water development in the immediate future, Congress should have an opportunity to select from all of these various choices the one which would be best.

As Mr. Holum pointed out, under reclamation law going back to 1906, the revenues from power dams—now we are talking about power dams because the river is relatively 100 percent controlled unless there is a storm out there—

Senator Moss. We can always hope.

Mr. BARRY. Yes; but the probability is that the structures on the river now are the ones that will supply the major storage. The value of any other structures would be for the purpose of generating power to pay the cost of providing water in this area which, as Mr. Holum has pointed out, is not only the fastest growing but also the driest area in the country.

Now there is pending in the Congress S. 1658. This is Senator Hayden's bill for the central Arizona project. There is pending in the executive branch, not yet transmitted to Congress, a proposal for a regional development in the Southwest and there are a number of other bills which have been pending. The Dixie project has already passed the Senate. It would be included in this same regional development. Various other projects are being considered in connection with the development of the Southwest.

In this picture, we have the possibility now for Congress to go ahead because *Arizona v. California* has been decided, but pending before the Federal Power Commission project No. 2248, which is an application by the Arizona Power Authority for the construction of a non-Federal dam at Marble Canyon.

If Marble Canyon is taken out of the complex as it presently exists, the choices that Congress has in this situation are very greatly narrowed.

It becomes quite important, therefore, that Congress retain this particular checker; that choices be left open for Congress to determine what kind of development is going to take place on the lower Colorado and in the Lower Colorado River Basin.

All that this bill proposes to do is suspend, for a period of time sufficient to give Congress an opportunity to study the situation, the power of the Federal Power Commission to take away from consideration either the Marble site or the Bridge site.

Now let me tell you what the situation is: On June 3, 1963, the Supreme Court came out with its opinion on *Arizona v. California* which pretty well determined the allocation of water for the purposes of future development. This freed the Department to go ahead with the more elaborate plans for development in the area.

On June 21, 1963, the Federal Power Commission authorized supplemental briefs to be filed by all of the parties, including the United States, for the purpose of obtaining their views on what effect the Court's opinion would have upon the granting of a license for Marble Canyon. Those briefs were filed in due course. After they had been filed, an order was entered by the Federal Power Commission pointing out that in the brief of the Secretary of the Interior, he had indicated that he was preparing a regional plan and that no license should be granted until examination had been made of the regional plan by the Congress. Accordingly, the Federal Power Commission ordered that copies of the regional plan be filed with it by January 15, 1964, and that the parties would be given 30 days within which to comment on that plan to determine what effect it would have.

The plan was not ready on January 15 and an extension of time was granted to February 17. On February 14 the plan was filed at the Federal Power Commission and copies were delivered to the various parties in the proceeding and they have 30 days to comment.

As the record stands, the Federal Power Commission would have

the power at any time after mid-March to make a decision granting or denying the license. If it grants the license, I think it would put the United States in a serious quandary because there would be many of these sites which would be eliminated unless Congress wanted to appropriate enough money to buy back the power generation rights.

This is not an unprecedented thing that is proposed in S. 502. As a matter of fact, it has solid precedent, and rather than take the time of the committee to read, I am just going to ask that it be inserted in this record at this point.

I point out that at the time when the Colorado River compact was in negotiation in the early twenty's and after it was finally arrived at, there were pending in the Federal Power Commission a large number of applications for projects on the river. Accordingly, Congress at that time on several different occasions passed acts which suspended the authority of the Federal Power Commission to issue licenses on this stretch of the river until Congress had had an opportunity to consider bills pending before it which eventually resulted in the construction of Hoover Dam.

Senator Moss. The document may be placed in the record at this point.

(The document referred to follows:)

PREVIOUS SUSPENSIONS OF THE FEDERAL POWER ACT ON LOWER COLORADO RIVER

In 1921 when Congress authorized the negotiation of the Colorado River compact (act of Aug. 19, 1921, 42 Stat. 172), 11 applications for lower Colorado River hydro projects were pending before the Federal Power Commission.

The Federal Power Commission on its own motion suspended action pending resolution by Congress of the question of whether to authorize the construction of Hoover Dam.

In 1925 it appeared that the Federal Power Commission might resume consideration of the applications before it. Legislation was introduced late in 1925, which became the act of March 4, 1927 (44 Stat. 1456), suspending the Federal Power Act as to Colorado River Basin projects until March 5, 1929. By 1927 more than 20 applications were before the Federal Power Commission involving every major site from Glen Canyon to the international boundary.

The Boulder Canyon Project Act itself (act of December 21, 1928) continued the suspension until the act, by its terms, could become effective.

Because of congressional concern that the suspension of Federal Power Commission jurisdiction contained in the Boulder Canyon Project Act might not be effective before that act became effective as a whole, Congress passed the act of March 1, 1929, extending the moratorium on FPC action until March 5, 1930, unless the Boulder Canyon Project Act should become effective in the meantime.

Mr. BARRY. Consequently, we feel that it is merely an act of prudence by the Congress to hold onto its jurisdiction until a decision ultimately can be made by the Congress as to whether or not a Federal dam will be built at Marble Canyon and Bridge Canyon or whether anything will be done in the Southwest by the Federal Government.

Certainly the Federal Power Commission, an agency that operates independently of the Congress and the Executive, should not be in a position—and Congress has the power to remove them from that position—where it would be forced or it would feel obliged to grant a license and to take away from the Congress the opportunity to choose between the various alternatives that are available to it at the present time.

Therefore, I think this bill should be passed, and the Department endorses it.

Senator Moss. Mr. Holum, do you have any estimate as to when the southwest water plan might come to the Congress? Where is it now?

Mr. HOLUM. I would not want to speculate, Mr. Chairman, as to when the southwest water plan will come to the Congress, but we are working on it very diligently and are determined to get it up here as rapidly as we possibly can.

Senator MOSS. Mr. Palmer, do you have any comments to give us at this point?

Mr. PALMER. I think it might be helpful to the committee if you understood the physical setting here.

If you want to take a view of the reach of the river we are talking about, here is a photo of the model which outlines the lower river.

This is Marble. The Bridge Canyon site is down here. Here is the backwater behind Lake Mead. So, it is the reach of the river of about 252 river-miles. It contains, as the Secretary has announced, the last remaining undeveloped power head on the river.

Of particular concern as far as the southwest water plan is concerned, which is the Secretary's latest expression, is a dam at Bridge Canyon which, if it is the high dam, would have 3,710,000 acre-feet of storage, at a normal water surface elevation of 1,866 feet above sea level. Marble Canyon, the next one up, has only 363,000 feet of storage and is only 54 miles below Glen Canyon, which makes it at best a regulatory reservoir below the existing Federal Glen Canyon.

Now the Secretary faces three major problems in this general area. One, what is he going to do to help solve the water shortage problem in Arizona? Two, what is he going to do to help solve the water shortage problem in southern California? Both of these involve existing established economies.

The third one is, what is he going to do in his operation of the river to mitigate or to reduce the water problems?

The Supreme Court in its opinion pointed out, and this is quoted in the Secretary's report on the bill, that the Secretary needs to consider the entire complex in the proper solution of the problems of this area.

In terms of total power assistance that would be needed under the present plan of development, our last estimate is that somewhere around \$2 billion is needed; and if this cash register is lost to the development of the lower basin, it simply means that the Congress is going to have to put up the money from some other source to help pay the costs.

As the Secretary's plan proposes, the southwest water plan proposes, the harmonious working together of power and water revenues will give the people of the United States a project almost all reimbursable with a very, very small writeoff. We think it is highly essential that this plan be reviewed by the Congress and that nothing happen to detract from the feasibility of the plan with the Congress, in its wisdom, has had a chance to speak its piece.

Thank you.

Senator MOSS. Thank you.

Do you have anything to add, Mr. Weinberg?

Mr. WEINBERG. No; I have nothing to add, Mr. Chairman.

Senator MOSS. Do you have any questions of these gentlemen?

Senator BURDICK. No questions.

Senator MOSS. Senator Jordan?

Senator JORDAN. Just one question, Mr. Chairman. Is the Arizona Power Authority a public body of the State of Arizona?

Mr. HOLUM. Yes.

Senator JORDAN. Does it have any other licenses in the Colorado Basin?

Mr. WEINBERG. I am not sure, Senator Jordan.

Senator JORDAN. Are there any developments on the main river except Federal?

Mr. HOLUM. No, sir.

Mr. WEINBERG. No, sir. Every structure on that river is a Federal structure.

Senator JORDAN. No non-Federal structure?

Mr. WEINBERG. No. That extends substantially into the Upper Colorado Basin as well, Senator Jordan.

Senator JORDAN. Thank you. That is all.

Senator MOSS. Thank you very much, gentlemen.

I think it is completely clear what the purpose of this is and I think we have made a good enough record now for the committee to be able to take it up and make a decision. The committee will now turn to other business. However the record on S. 502 will be held open for 2 weeks for further insertions.

(Whereupon the committee turned to the consideration of other business.)

(Under authority previously granted the following communications were ordered printed in the hearing record:)

ARIZONA POWER AUTHORITY,
Phoenix, Ariz., March 4, 1964.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: S. 502 was introduced over 1 year ago. On March 6, 1963, we requested that we be notified of hearings in this matter so that we might be heard in opposition to this proposed legislation. On March 8, 1963, we received your assurance that we would be notified of any hearings pertaining to S. 502.

This morning, on March 4, 1964, we were notified at 11 a.m. that hearings on S. 502 were scheduled to be heard at 9 a.m. on March 4, 1964. We feel that this was not adequate notice for us to prepare our testimony in opposition to S. 502 for presentation to the Subcommittee on Irrigation and Reclamation. We understand that only proponents of the bill were heard at this hearing. We therefore request that hearings be rescheduled so that we may present witnesses to demonstrate that the enactment of S. 502 would—

1. Constitute an unwarranted interference with and a reversal of the purpose and philosophy of the Federal Power Act.
2. Prevent the State of Arizona from constructing and operating its own economically feasible State water and power projects.
3. Reverse the policy of the Arizona State Legislature as presently pertains to the development of damsites located wholly within the State of Arizona.
4. Prevent the State of Arizona from saving the Federal Treasury many millions of Federal tax dollars.

In the event that you find it impossible to reschedule the hearing in order to question our witnesses concerning the validity of the above assertions, we would appreciate having until March 20, 1964, for the preparation and presentation of our testimony for inclusion into the official record as suggested by your telegram of March 4. If this date is not satisfactory, please notify us of the latest date by which statement will be received and considered by your full committee.

Very truly yours,

ARIZONA POWER AUTHORITY,
JOHN E. SMITH, *Chairman.*

DEPARTMENT OF GENERAL SCIENCE,
OREGON STATE UNIVERSITY,
Corvallis, Oreg., March 16, 1963.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: As conservation spokesman for the Oregon State University Mountain Club, I wish to go on record in favor of S. 502, which would preserve jurisdiction of Congress over construction of hydroelectric projects on the Colorado River below the Glen Canyon Dam. However, I would strongly urge consideration of an amendment which would provide for deletion of the words "during the period ending December 31, 1968," so that the bill would read " * * * no licenses or permits shall be issued under the Federal Power Act * * *" for the reach of the Colorado River between Glen Canyon and Lake Mead." Such an amendment would result in the kind of protection the Congress is obligated to provide for the Grand Canyon National Park and Monument.

Further, I wish to go on record as strongly opposing S. 333 (Senator Frank E. Moss, Utah), which would remove from the Upper Colorado River Storage Act the requirement placed on the Secretary of the Interior to protect the Rainbow Bridge National Monument in Utah from waters impounded by the Glen Canyon Dam. Passage of the bill would establish a precedent with extremely dangerous potential, insofar as maintenance of the original integrity (as indicated by stated objectives and principles) of units within the National Park Service is concerned.

I would appreciate receiving single copies of (1) hearing on the national wilderness preservation system (S. 4), held on February 28, 1963, and (2) hearing on the establishment of the Bureau of Outdoor Recreation (S. 20), held on February 5, 1963.

Sincerely,

ROBERT DENNIS REINHARDT,
Conservation Chairman, Mountain Club.

SACRAMENTO, CALIF., March 4, 1964.

HON. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.:

It has been called to my attention that the Senate Committee on Interior and Insular Affairs will consider S. 502 on March 4. This bill would establish a temporary moratorium on the granting of licenses or permits by the Federal Power Commission for construction of hydroelectric projects on the Colorado River below Glen Canyon Dam. S. 502 is of vital interest to California in that it would foreclose action injurious to a regional program of water resource development for the Pacific Southwest. While such a plan is under consideration, development of the power potential of the Colorado River between Glen Canyon Dam and Lake Mead has been made economically feasible by the expenditure of Federal funds in the construction of Glen Canyon Dam. The remaining power project sites constitute a regional resource of the Lower Colorado River Basin and should be developed in such a manner as to provide widespread benefit. This can best be accomplished by assuring that these projects are developed as integral features of a regional program of water resource development. I urge favorable action of the Senate Committee on Interior and Insular Affairs on S. 502.

Sincerely,

EDMUND G. BROWN,
Governor of California.

ELECTRICAL DISTRICT No. 5,
Red Rock, Ariz., January 29, 1964.

HON. CARL HAYDEN,
U.S. Senator,
Senate Building, Washington, D.C.

DEAR SENATOR: The people of central Arizona are very concerned about the possible passage of S. 502. We feel that any closure of the Colorado River could very well be permanent, and thus stop any possible alternative to the Pacific Southwest water plan. We fail to see any advantage S. 502 might give the Hayden-Goldwater central Arizona project bill, which we vigorously support. We see, rather, the high pressure policies of Secretary Udall and the Department of the Interior.

I have been, therefore, instructed by the board of directors of Electrical District No. 5 to request time to appear before the Senate committee in opposition to S. 502.

I would appreciate your assistance in this matter. Thank you.

Yours very truly,

JAMES L. SAVAGE, *Chairman.*

ELECTRICAL DISTRICT No. 3,
Maricopa, Ariz., January 22, 1964.

Senator CARL T. HAYDEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We have been informed that there is a distinct possibility that Senate bill S. 502 will be pushed for enactment within the near future. The board of directors of Electrical District No. 3 is gravely concerned with the consequence of enactment of this legislation.

It is our opinion that the passage of S. 502 will forever preclude the State of Arizona from bringing water from the Colorado River into central Arizona, except through a Federal reclamation project and if a Federal reclamation project could be stopped by California, that the State of California could thereby continue to use Arizona's share of the Colorado River that was established by the case of *Arizona v. California*.

We have urged the Arizona Power Authority to oppose the enactment of S. 502 and have assured them that when hearings are called on this bill that we would be willing to assist them in every way possible in opposition to this legislation. We stand ready to appear with the power authority at committee hearings at any time in opposition to S. 502 since we are convinced that the State of Arizona should retain its right to State construction of a central Arizona project, in the event it becomes obvious that the enactment of your central Arizona project bill is not possible.

Very truly yours,

EDWARD J. FARRELL, *Chairman.*

ELECTRICAL DISTRICT No. 4,
Eloy, Ariz., January 22, 1964.

Senator CARL T. HAYDEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We have been informed that there is a distinct possibility that Senate bill S. 502 will be pushed for enactment within the near future. The board of directors of Electrical District No. 4 is gravely concerned with the consequence of enactment of this legislation.

It is our opinion that the passage of S. 502 will forever preclude the State of Arizona from bringing water from the Colorado River into central Arizona, except through a Federal reclamation project and if a Federal reclamation project could be stopped by California, that the State of California could thereby

continue to use Arizona's share of the Colorado River that was established by the case of *Arizona v. California*.

We have urged the Arizona Power Authority to oppose the enactment of S. 502 and have assured them that when hearings are called on this bill that we would be willing to assist them in every way possible in opposition to this legislation. We stand ready to appear with the power authority at committee hearings at any time in opposition to S. 502 since we are convinced that the State of Arizona should retain its right to State construction of a central Arizona project, in the event it becomes obvious that the enactment of your central Arizona project bill is not possible.

Very truly yours,

WILLIAM T. ELLIOTT, *Chairman*.

MARICOPA-STANFIELD IRRIGATION AND DRAINAGE DISTRICT,
Stanfield, Ariz., January 22, 1964.

Senator CARL T. HAYDEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR: We have been informed that there is a distinct possibility that Senate bill S. 502 will be pushed for enactment within the near future. The board of directors of Maricopa-Stanfield Irrigation and Drainage District is gravely concerned with the consequence of enactment of this legislation.

It is our opinion that the passage of S. 502 will forever preclude the State of Arizona from bringing water from the Colorado River into central Arizona, except through a Federal reclamation project and if a Federal reclamation project could be stopped by California, that the State of California could thereby continue to use Arizona's share of the Colorado River that was established by the case of *Arizona v. California*.

We have urged the Arizona Power Authority to oppose the enactment of S. 502 and have assured them that when hearings are called on this bill that we would be willing to assist them in every way possible in opposition to this legislation. We stand ready to appear with the power authority at committee hearings at any time in opposition to S. 502 since we are convinced that the State of Arizona should retain its right to State construction of a central Arizona project, in the event it becomes obvious that the enactment of your central Arizona project bill is not possible.

Very truly yours,

N. S. COOPER, *Chairman*.

CORTARO-MARANA IRRIGATION DISTRICT,
Marana, Ariz., January 24, 1964.

Senator CARL T. HAYDEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR: We have been informed that Senate bill S. 502 is being considered for enactment in the near future. The board of directors of the Marana-Cortaro Irrigation District has been told that if this bill is enacted, then Arizona as a State will have no alternate direction in which to move, in the event that the Federal Government doesn't pass a central Arizona project bill in some form. We have also been informed by reliable source that it is possible and evidence has been presented which proves that it is feasible that Arizona as a State can construct the central Arizona project. We don't want this possibility revoked.

We feel that it is absolutely imperative that Arizona obtain her share of the Colorado River water in the near future. We feel this should be a Federal project but in the event, that Congress doesn't pass favorable legislation we feel that the State should proceed on her own without delay. We will assist in any way possible to accomplish this need.

We will join the Arizona Power Authority and the other districts in any effort to oppose any legislation which could tend to infringe on Arizona's rights on the Colorado River. For this reason, we will appear at any committee hearing in opposition to any bill which is adverse to our common interest.

Very truly yours,

LUDD PAYNE, *President*.

ARIZONA INTERSTATE STREAM COMMISSION,
Phoenix, Ariz., November 29, 1963.

Hon. CARL HAYDEN,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HAYDEN: This will acknowledge receipt of your telegram of the 20th instant in which you quote a telegram of that date you sent to the Honorable Paul Fannin, Governor of this State.

In your telegram you request to be advised as to the position of this commission on the following questions: (a) Should you and the remainder of the Arizona congressional delegation continue in your efforts to secure passage of the central Arizona project bills now pending in the Congress; and (b) in the opinion of the commission, is it desirable that immediate and favorable action be sought on S. 502.

(a) The Arizona Interstate Stream Commission is of the unanimous opinion that the central Arizona project should and must be constructed by the Federal Government as a Federal reclamation project and it urges the Arizona congressional delegation to continue their fine efforts and leadership toward this end and toward the passage of S. 1658 at the earliest possible time.

(b) The Arizona Interstate Stream Commission is of the unanimous opinion that every possible advantage to secure the authorization and construction of the central Arizona project must be embraced and that Marble Canyon damsite is one element and one consideration that may assist in the early realization of the central Arizona project and the delivery of additional waters to this State at reasonable prices. You will recall having been advised that at a meeting of the commission held on the 1st day of March 1963, a resolution was formally adopted by it endorsing S. 502 and committing the commission to the support thereof. This position is reaffirmed. Any action which you deem proper on S. 502 should be taken as and when you think proper and you will have our unanimous support on the course which you elect to pursue.

The commission would be remiss in view of your many years of tireless, devoted and able efforts on behalf of the central Arizona project unless it expressed to you its sincerest appreciation for your efforts and its every assurance of its continued cooperation in every respect with you in bringing about the realization of this endeavor.

Sincerely yours,

WAYNE M. AKIN, *Chairman.*

THE CENTRAL ARIZONA PROJECT ASSOCIATION,
Phoenix, Ariz., November 29, 1963.

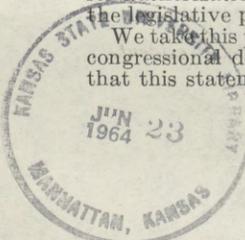
Hon. CARL HAYDEN,
Senate Office Building, Washington, D.C.

DEAR CARL: Your wire of November 20, addressed to me as president of the Central Arizona Project Association, poses two questions: (1) Does the association desire that you continue your effort to secure passage of legislation by the Congress authorizing construction of the central Arizona project as a Federal reclamation project; and (2) does the association deem it desirable now to push for the passage of S. 502?

In reply to the first question, the association, with one united voice, urges that you continue your effort to secure congressional authorization of central Arizona project as a Federal reclamation project. We urge that this be done with all possible speed. This has been our position for 17 years, and it is our position now.

In replying to your second question concerning the desirability of pushing for passage of S. 502 at this time, we have studied your statement of February 6, 1963, setting forth your reasons for introducing S. 502 with which we are in agreement. The problem which persuaded you to introduce S. 502 has not been resolved by the introduction of the bill, nor is there any evidence that the nature of the problem has changed. Solution of the problem becomes more urgent each day. Therefore, we conclude that enactment of S. 502 as quickly as possible is a necessity, in order to maintain a wide avenue of maneuverability in the Congress for authorization of the central Arizona project in whatever form it may take in the legislative process.

We take this position on S. 502 with the hope that all other members of Arizona's congressional delegation will join you in the effort to secure its enactment, and that this statement of our position in the matter will assist in drawing together



the State's congressional delegation. We deplore, as you do, the recent newspaper publicity which tends to show disunity in Arizona and we are, therefore, not making our reply to your wire a subject for news release at this time. It is for your use, however, in any way in which you may deem it of value in advancing authorization of the central Arizona project.

Be assured of our continued and wholehearted support of your every effort to rescue Arizona from the water bankruptcy which threatens the State's future.

Sincerely,

RICH JOHNSON, *President.*

LOS ANGELES, CALIF., *March 3, 1964.*

Senator THOMAS H. KUCHEL,
Senate Office Building, Washington, D.C.:

Re S. 502, a bill to preserve the jurisdiction of the Congress of construction of hydroelectric projects on the Colorado River below Glen Canyon Dam. As you know the Department of Water and Power of the City of Los Angeles now has pending before the Federal Power Commission an application for a permit to construct a dam and powerplant at the Bridge Canyon site on the Colorado River. This application is in conflict with a similar application filed by Arizona Power Authority, which also has pending an application for construction at the Marble Canyon site. Notwithstanding our application now pending before the Commission, we favor passage of S. 502 since we have always felt that the public interest would best be served by Federal construction of a high dam at the Bridge Canyon site and Federal construction of a very large Marble-Kanab project which would preempt the Marble Canyon site.

SAMUEL B. NELSON,
General Manager and Chief Engineer,
Department of Water and Power of the City of Los Angeles.

LOS ANGELES, CALIF., *March 3, 1964.*

Senator THOMAS H. KUCHEL,
Senate Office Building, Washington, D.C.:

Understand subcommittee hearings scheduled tomorrow, March 4, on S. 502, to preserve jurisdiction of Congress over construction of hydroelectric projects on lower Colorado River. Colorado River Board of California favors enactment of bill. Board has urged in Federal Power Commission proceedings re Marble Canyon project and does recommend, that all additional power developments on lower Colorado should be constructed by Federal Government as were the Glen Canyon, Hoover, and Parker-Davis projects. S. 502 is compatible with and would help to implement such policy.

M. J. DOWD,
Colorado River Commissioner.

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The State of Colorado, Department of Natural Resources, Division of Parks and Recreation, is pleased to announce the availability of the Colorado River Tower Sheets. These sheets are available for purchase at a special price of \$1.00 per sheet. The sheets are available in two sizes, 11x17 inches and 17x22 inches. The sheets are available in two colors, white and yellow. The sheets are available in two quantities, 10 sheets and 25 sheets. The sheets are available in two quantities, 10 sheets and 25 sheets. The sheets are available in two quantities, 10 sheets and 25 sheets.

For further information, please contact the Colorado River Tower Sheets, Department of Natural Resources, Division of Parks and Recreation, P.O. Box 100, Denver, Colorado 80201.

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