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## SAN JUAN-CHAMA RECLAMATION PROJECT AND NAVAJO INDIAN IRRIGATION PROJECT

WEDNESDAY, APRIL 26, 1961

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON IRRIGATION AND RECLAMATION  
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to adjournment, at 10:32 a.m., in the committee room, New House Office Building, Hon. Walter Rogers (chairman of the subcommittee) presiding.

Mr. ROGERS. The subcommittee will come to order for the further consideration of pending bills.

Our witness this morning is Mr. John Patrick Murphy, executive secretary, Middle Rio Grande Flood Control Association. Mr. Murphy, if you will come forward you will be recognized.

### STATEMENT OF JOHN PATRICK MURPHY, EXECUTIVE SECRETARY, MIDDLE RIO GRANDE FLOOD CONTROL ASSOCIATION

Mr. MURPHY. Mr. Chairman and members of the committee, first of all I want to express to the committee our appreciation, and the appreciation of all the people whom I represent, for the fine treatment we were accorded by this committee when we appeared before you last year in the exploratory hearings held May 20, 1960.

My name is John Patrick Murphy and I am executive secretary of the Middle Rio Grande Flood Control Association. I have been authorized by the people whom I represent to appear on their behalf and present their views in support of H.R. 2506, H.R. 2552, and S. 107. These bills would authorize the Secretary of the Interior to construct, operate, and maintain the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project, and for other purposes.

The organization I represent is made up of a voluntary, grassroots group of farmers, business and professional men, housewives, school teachers, office employees, and other persons who have united in this manner to support the urgently needed San Juan-Chama project. We have over 2,000 members which include every chamber of commerce in the Middle Rio Grande Valley from Elephant Butte Reservoir on the south to the Colorado State line on the north. This area includes the counties of Sierra, Socorro, Valencia, Bernalillo, Sandoval, Santa Fe, Los Alamos, Rio Arriba, and Taos. All of these counties are participating in the rural development program with the exception of Los Alamos.

The two northern counties, Taos and Rio Arriba, where we are pleading for supplemental water in the amount of 29,900 acre-feet on an exchange basis for the four small irrigation units referred to as Cerro, Taos, Llano, and Pojoaque, are classified as terribly depressed rural areas whose economic condition could be materially improved by an adequate irrigation water supply. For instance, Taos County, with a per capita income of \$635 per year, and Rio Arriba, with one of only \$537 per year, illustrates this condition. This is less than half of the State average.

I would like to point out that in a report rendered December 11, 1960 by the President's Water Resources policy commission they stated that "the Rio Grande Basin was a sick area" and "importation of water from other basins was essential." In the recommendation of importation of water they were referring to the San Juan River waters recently allocated to New Mexico.

Possibly the strongest justification for the San Juan-Chama project is contained in the Report of the Select Committee on National Water Resources, United States Senate, Hon Robert S. Kerr, Chairman, pursuant to S.R. 48, 86th Congress. This report points out, page 2, line 14, that areas that will thrive, or even survive, will be determined by the availability of water resources and their wise use to serve man. The report finds that of 22 water resource regions into which the county was divided, the Upper Rio Grande-Pecos (New Mexico) is the only one where present appropriations exceed the total estimated supply (footnote 6, table V, p. 30).

As further evidence of the present critical water situation the material supporting the report shows, tabulation, page 41, Committee Print No. 22) that the ratio of withdrawals to current low flows in the Upper Rio Grande-Pecos region, is the highest in the nation.

As for the future outlook for this region, the findings of the committee's studies are more than discouraging. The conclusion from a model study, based on a medium population projection to the year 2000, less than 40 years from now, is that the water supply will be less than three-fourths of the amount required for mining, manufacturing, thermal power, and municipal use, and that agriculture as well as fish and wildlife uses will be on a "when available" basis (page 74, Committee Print No. 22).

The foregoing quotes, from the two National Water Resources Committee reports, confirms the statements we make when we say that all the waters in the Rio Grande in New Mexico are completely appropriated. In fact, they are overappropriated. Therefore, it follows that we also have grave water problems developing in our municipalities. Citing one instance: The 1950 Bureau of the Census report declared Albuquerque a metropolitan area with a population of 145,674. The final 1960 census figures credit the Albuquerque metropolitan area with a population of 262,199, nearly double the 1950 count.

The city of Albuquerque population accounts for 201,189, against only 96,815 in 1950. The Census Bureau reported Albuquerque in the 60th spot in size in the nation compared to its rank of 113th in 1950. The statistical department of the Southern Union Gas Co. has released estimates of expected population for Metropolitan Alubquer-

que by 1955 of 390,000 population by 1960.

There is consequent interpretation results in New Mexico.

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According to future planning year 2001, Metro requirement of 200 million estimate been university of New Mexico a population of 1,000,000.

Besides Albuquerque municipal and indianola, Santa Fe about San Juan Alamogordo.

We believe, in water available flow of the river Grande water, or are the major use available to use

There are 6,000 Grande Valley. Juan, Sandia, Co. There are also a Pojoaque irrigat

Agriculture is being seriously threatened neighbors. The continuance of the program of a S

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We stress the extremely important middle valley. Atomic Laboratory Forces special Air Force Base, amogordo, and of industries related

que by 1935 of 390,000 and the University of New Mexico predicts a population by 1965 of 434,600.

There is consequently a tremendous amount of pumping of water for municipal supply in the Middle Rio Grande Valley; and the present interpretation of, and operations under, the Rio Grande compact, results in New Mexico being in continuous debt to Texas.

All of the cities and towns in the valley continue to show tremendous growth in population, and it was estimated that in 1960 Metropolitan Albuquerque used over 60,000 acre-feet of water.

According to estimates used by local utility companies for their future planning on expansion of facilities, they estimate that by the year 2001, Metropolitan Albuquerque will be 730,000 with a water requirement of 204,000 acre-feet per year. This is an ultraconservative estimate because the Bureau of Business Research of the University of New Mexico, estimates Metropolitan Albuquerque to have a population of 1,500,000 by the year 2001.

Besides Albuquerque, requests have already been filed for future municipal and industrial supplies for Los Alamos, White Rock, Espanola, Santa Fe, Belen, and Socorro. Also, Los Lunas has inquired about San Juan River water, as has White Sands Missile Range near Alamogordo.

We believe, since this water very definitely is subtracted from the water available to the agricultural interests—and is slowing up the flow of the river—that every effort should be made to replace Rio Grande water, or to directly supply the various municipalities, which are the major users of water for domestic purposes. The only source available to use for this purpose is the waters of the San Juan River.

#### INDIANS

There are 6,000 Indians living in 9 pueblos in the Middle Rio Grande Valley. They are: Santo Domingo, Isleta, San Felipe, San Juan, Sandia, Cochiti, Santa Clara, Santa Anna, and San Ilderfonso. There are also a great many Indians living with the Taos, Llano, and Pojoaque irrigation units.

Agriculture is the principal economy of these Indians, who are now being seriously threatened—by a shortage of water—along with their neighbors. These Indians would directly benefit and be assured of a continuance of their long-established livelihood, with the proposed program of a San Juan-Chama diversion of additional water.

#### NATIONAL DEFENSE

New Mexico is one of the most vital areas in the national-defense program.

We stress the national-defense angle of our project, because extremely important defense establishments have been located in the middle valley. Some of these installations include Los Alamos Atomic Laboratories, Sandia Atomic Laboratories, Sandia Armed Forces special weapons project, Kirtland Air Force Base, Holloman Air Force Base, White Sands Missile Range installations near Alamogordo, and others, such as American Car & Foundry and similar industries related to national defense.

These important military installations and related industries all consume great quantities of precious water and it is essential to do everything in our power to assure these military endeavors of an adequate supply of this water for future expansion in behalf of national defense. Therefore, they too are in urgent need of this San Juan-Chama project.

The solution of these water problems is one of the most pressing needs of the State of New Mexico. The only hope for maintaining the existing economy and providing for a normal, continued growth in these areas is to import additional waters. The San Juan River is the only source available. It is truly our last waterhole.

From here on, New Mexico's future growth will be limited only by its water supply. Therefore, it is imperative for us to develop this new water to its optimum beneficial use and to conserve every drop of this precious resource.

Multiple purpose projects such as the San Juan-Chama project for municipal, industrial, and minor supplemental irrigation water should be constructed as rapidly as possible so as to contribute toward continued prosperity and a high standard of living. New Mexico, in fact, needs this project now to preserve its land and water resources.

New Mexico's economic health and growth are wholly dependent on water. Our usable water supplies, always a grave concern, are today critically short and failing further every day. Droughts always have hit New Mexico hard. They have made our economy "sick" too often, too long. Our people are paying an enormous price for the delay in the apportionment of the use of the waters of the upper Colorado River and its tributaries.

For years and years that much-needed water has been flowing right out of our State. New Mexico is deriving no benefit from it. It is imperative that this waste be stopped as soon as is humanly possible.

Utilization of these now-unused waters of the San Juan—of transcendent importance to the Middle Rio Grande Valley—has been envisioned for over 20 years.

I sincerely hope that we will be successful in convincing this committee that water is the veritable lifeblood of New Mexico and that our potential uses far exceed the present supply, and it is imperative, therefore, that the Federal Government authorize the construction of essential facilities, that will enable New Mexico to get and use its rightful share of the waters of the San Juan River and its tributaries.

We join wholeheartedly with the witnesses supporting the Navajo Indian irrigation project, which includes municipal and industrial water for the Navajo lumber industry, and will supply water for the powerplants of the Arizona Power Co. and the Public Service Co. of New Mexico in the Four Corners area, where they have acquired large coal reserves.

The Navajo project would also furnish municipal and industrial water for the entire Farmington and Gallup areas; thus, we join in the urgent plea for full approval of the bill—

to authorize and maintain the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project, and for other purposes.

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The President and the Congress are to be commended for having enacted into law the Colorado River storage project in which they granted—along with others—conditional authorization to the Navajo Indian irrigation project and the San Juan-Chama project. They also spelled out priority for the completion of our reports.

This wording appears in section 2 of Public Law 485, and reads as follows:

In carrying out further investigations of projects under the Federal reclamation laws in the Upper Colorado River Basin, the Secretary shall give priority to completion of planning reports on the Gooseberry, San Juan-Chama, Navajo, Parshall, Troublesome, Rabbit Ear, Eagle Divide, San Miguel, West Divide, Bluestone, Battlement Mesa, Tomichi Creek, East River, Ohio Creek, Fruitland Mesa, Bostwick Park, Grand Mesa, Dallas Creek, Savery-Pot Hook, Dolores, Fruit Growers Extension, Animas-La Plata, Yellow Jacket, and Sublette participating projects. Said reports shall be completed as expeditiously as funds are made available therefor and shall be submitted promptly to the affected States, which in the case of the San Juan-Chama project shall include the State of Texas, and thereafter to the President and the Congress: *Provided*, That with reference to the plans and specifications for the San Juan-Chama project, the storage for control and regulation of water imported from the San Juan River shall (1) be limited to a single offstream dam and reservoir on a tributary of the Chama River, (2) be used solely for control and regulation and no power facilities shall be established, installed, or operated thereat, and (3) be operated at all times by the Bureau of Reclamation of the Department of the Interior in strict compliance with the Rio Grande Compact as administered by the Rio Grande Compact Commission. The preparation of detailed designs and specifications for the works proposed to be constructed in connection with projects shall be carried as far forward as the investigations thereof indicate is reasonable in the circumstances.

All of those specific specifications have been complied with.

We have been given to understand that the opponents to these participating projects will bring forth the same type of arguments used in opposing approval of the Colorado River storage project; thus, we feel sure that Congress, in its wisdom, will again decide to approve these participating projects.

And at this point I would like to interpolate just a moment to say that the indulgence of your committee in hearing us at a time when your duties are most arduous is deeply appreciated. And I like to feel that this indulgence is due to great part to the boundless respect and high esteem in which you held the late Gov. Jack Dempsey and Antonio Fernandez, two of your former colleagues, who worked so hard with you in gaining authorization of the Upper Colorado River storage project. They were both a tower of strength in that battle and we all miss them at this crucial period in trying to solve the water problem in our State. They both had hoped to live to see the day our Navajo Indian irrigation project and the San Juan-Chama project would be authorized by Congress.

I appreciate the opportunity to appear here today and, on behalf of the 500,000 anxious people in the Middle Rio Grande Valley whom I represent, I wish to thank you.

Mr. ASPINALL (presiding). Thank you very much and the Chair wishes to pay particular attention to the last part of your statement in which you recall to our memory the fine services of two former colleagues, one who was a member of this committee at one time, that is the late Antonio Fernandez and the other, the late Jack Dempsey, two men with whom the chairman was privileged to work and men whose constructive efforts in Congress as well as in their home State

will be remembered with pleasure forever by those who were fortunate enough to be associated with them.

Mr. MURPHY. That makes the people of New Mexico feel very kindly. Thank you.

Mr. ASPINALL. The gentlewoman from Idaho.

Mrs. FROST. No questions.

Mr. ASPINALL. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Murphy, the questions I would like to ask you have to do not so much with this project, but they grow out of your statement. It is my understanding in connection with the treaty between the United States and Mexico there is quite a shortage of water that has been due Mexico out of the Rio Grande River that has not been delivered. Is that right?

Mr. MURPHY. That is right.

Mr. SAYLOR. If that is the case, and the growth figures which you have indicated here in your statement are correct, how is the State of New Mexico going to comply with that treaty and deliver its share of the water into the Rio Grande?

Mr. MURPHY. Our problem is that when the compact was agreed to no one visualized that New Mexico would grow to the extent it has right there in the middle valley. We are under compact to send a certain percent of the water that flows through the measuring station at Otowi on to the southern part of the State of Texas, and under the treaty with Mexico a certain amount is to be delivered to them. We fell short on deliveries under the Rio Grande compact some 12 years ago to the extent that the irrigation project that we have in the middle valley is no longer allowed to use storage in El Vado Dam. That was the only storage we had, in El Vado Dam. We are no longer allowed to store water there. We have to send all of that water on through and even under those conditions the increase in population is so dynamic that we have not been able to catch up.

We are showing an increase in sending water through by a wonderful program of water salvage, but it is going to be a long haul. So what we are pleading for is use of this San Juan water so that we can assure these national defense installations that have been placed there in New Mexico that they will have ample water and at the same time let us send the percentage of the Rio Grande water that we are supposed to send on through to the southern part of the State and to Texas.

Mr. SAYLOR. I am just wondering what would happen if the Government of Mexico goes to the International Court in The Hague and takes the United States in as party defendant and says, "Here is a treaty that was entered into and for the last 12 years you have not delivered your water and we want this amount of water."

What is going to happen to New Mexico, what is going to happen to some of Texas?

Mr. MURPHY. That I would not know. I do not have the answer.

Mr. SAYLOR. Now in light of that you people are coming up here and asking us to spend \$135 million on the Indians and quite a sum of money here on the San Juan-Chama project, when you yourself are falling short of your obligations. I am gravely concerned about the international complications that will flow out of this because, as was testified yesterday by some of the people who are in favor of this

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project, what they want to do is to trap some of the water that is now being sent downriver and use it for irrigation of land and then exchange that water for water in the San Juan-Chama project you are getting out of Colorado.

Mr. MURPHY. That is right.

Mr. SAYLOR. That does not solve your problem; that compounds it.

Mr. MURPHY. But it will solve our problem if we can get this San Juan water over into the middle valley and the only way we can get it is if the Federal Government will build the facilities. The water belongs to New Mexico. The only way we can use it is if we have the facilities constructed by the Federal Government which we will pay back in due time.

Mr. SAYLOR. As a person from the State of New Mexico, what about these two witnesses we had here the other day that said that the section of New Mexico that is on the Colorado side of the watershed can, not presently but in the foreseeable future, put all of this water to which New Mexico is entitled to beneficial consumptive use? It is in the area where you have all of your mineral deposits, where you have tremendous mineral resources and natural wealth. Are you, in New Mexico, putting yourselves in the position that you will be unable to develop your own resources up there?

Mr. MURPHY. No; we are not. There will be ample water left for that future development if it develops that way. We have the feeling that the oil will be piped out and the gas will be piped out and I do not think that they will need that amount of water. If they do, we will only take the 110,000 acre-feet we are asking for now. The balance that was sort of allocated, in the planning engineers, with the Bureau of Reclamation to plan out the best use for this water for the State of New Mexico, it was thought that there would be sufficient to transport 235,000 acre-feet of water into the middle valley. This first step of 110,000 still leaves 125,000 acre-feet of water and that will take care of a lot of industry and development.

If it does develop to that point, then the water is still there, we do not have it.

Mr. SAYLOR. You heard the witnesses yesterday testify they are very much in favor of this Animas-La Plata project.

Mr. MURPHY. There will be plenty of water there for that.

Mr. SAYLOR. I think your State engineer testified that he wanted to make sure in this bill that was drafted, in case there was a shortage, that both the Animas-La Plata and the San Juan-Chama project would share equally in the shortage. What are your views with regard to that?

Mr. MURPHY. Our view in regard to that is that all of the projects that are developed out of New Mexico water in case of a shortage should share on a percentage basis, no priority, share and share alike.

Mr. SAYLOR. If that is the case, are you willing to carry this to its logical conclusion then that those projects that are on the Rio Grande drainage basin should share equally in shortages?

Mr. MURPHY. Yes, because they will be using San Juan water.

Mr. SAYLOR. Yes.

Mr. MURPHY. That is right.

Mr. SAYLOR. But suppose there is not enough?

Mr. MURPHY. This does not affect Rio Grande water whatsoever.

Mr. SAYLOR. Yes, but it does. This is the thing that bothers me.

Mr. MURPHY. No. On the exchange basis whatever water is used on the Rio Grande above Otiwi will be replaced with San Juan water. We have that understanding with Texas.

Mr. SAYLOR. That is all, Mr. Chairman.

Mr. ASPINALL. The gentleman from California, Mr. Saund.

Mr. SAUND. I will reserve my time, Mr. Chairman.

Mr. ASPINALL. The gentleman from North Dakota.

Mr. NYGAARD. No questions, thank you.

Mr. ASPINALL. The gentleman from New Mexico, Mr. Morris.

Mr. MORRIS. I have no questions at this time, Mr. Chairman.

Mr. ASPINALL. Thank you very much.

The next witness is Mr. Felix L. Sparks, director of the Colorado Water Conservation Board.

Off the record.

(Discussion off the record.)

Mr. ASPINALL. We are glad to have you back here again. You enlighten us and maybe some of us will try to enlighten you.

#### STATEMENT OF FELIX L. SPARKS, DIRECTOR OF THE COLORADO WATER CONSERVATION BOARD, STATE OF COLORADO

Mr. SPARKS. Thank you very much.

My name is Felix L. Sparks and I appear here as director of the Colorado Water Conservation Board, the official agency of the State of Colorado in matters pertaining to water resource development affecting the State of Colorado. I was privileged to appear before this committee in support of the San Juan-Chama and Navajo irrigation projects during the 2d session of the 86th Congress. At that time it was the official position of the State of Colorado that the New Mexico projects which were then under consideration were urgently needed for the expanding economy of the State of New Mexico. Our views have not changed since that date.

The testimony which we presented to this committee last year still represents, in its entirety, the official position of the State of Colorado. Certain events have occurred, however, since last year which indicate a need for some followup explanation.

As a preliminary I would like to observe that outside of New Mexico, the State of Colorado has a more direct interest in the waters of the San Juan River than any other State of the Union. The waters of the San Juan River originate almost entirely within Colorado and furnish the only water supply for a sizable section of our State.

There was a justifiable concern, therefore, that the proposed New Mexico development might have an adverse effect upon future development in Colorado. In particular, there was a concern that the projects here under consideration might jeopardize the eventual construction of the Animas-La Plata project in southwestern Colorado.

In a letter to, and at the request of Congressman Aspinall, the Secretary of the Interior under date of November 16, 1960, stated that detailed investigations of the Bureau of Reclamation failed to reveal any conflict between the New Mexico projects and the Animas-La

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 clusion had already been reached by the technical staff of our board.

I make the foregoing observations because in our previous testimony  
 we stated that our approval of the New Mexico projects was predi-  
 cate upon a finding by the Secretary of the Interior that these projects  
 would not adversely affect the economic feasibility of the Animas-La  
 Plata project.

At this point, I would like to reemphasize a portion of our testimony  
 given last year. We stated then, and continue to state now, that our  
 operational studies were in the first and final instance premised upon  
 the assumption that the Secretary of the Interior would operate  
 Navajo Reservoir for one of the primary purposes for which it was  
 authorized, that is, for the regulation of the San Juan River for the  
 benefit of all the Upper Basin States.

This means to us that in any year in which New Mexico has water  
 available, or it can be reasonably anticipated that water will be avail-  
 able, for its full allocation under the terms of the Upper Colorado  
 River Basin compact, from any and all sources, then Navajo Reser-  
 voir must be operated to release either stored water or stream inflow  
 to satisfy New Mexico uses from or below the reservoir. In referring  
 to New Mexico uses, we are speaking of those uses which, without the  
 existence of Navajo Reservoir, might constitute a legal demand against  
 the State of Colorado for the release of natural streamflow. This  
 means in essence that there will be times when the Secretary must re-  
 lease water from or through Navajo Reservoir, irrespective of actual  
 contractual obligations entered into pursuant to the legislation here  
 under consideration.

In further explanation of the foregoing, it is our interpretation of  
 the upper basin compact, when considered in the light of the Col-  
 orado River compact, that New Mexico's depletion allocation must  
 be based upon an average annual depletion computed from any period  
 of 10 consecutive years reckoned in continuing progressive series.

This compact interpretation, along with the assumed operation of  
 Navajo Reservoir before described, is an integral part of the agree-  
 ment arrived at between the States of Colorado and New Mexico as  
 it pertains to the pending legislation. If there is any disagreement  
 on what we have just said, we trust that the same shall be made known  
 to this committee.

A further development since our testimony last year is the com-  
 ments of the Secretary of the Interior on the pending legislation ad-  
 dressed to Congressman Aspinall under date of April 5, 1961. We  
 fully concur in the Secretary's comments as supplemented by the letter  
 of April 24, 1961. The supplemental letter deals with 8(c) of the  
 bill. This section relates to an amendment requested by Colorado and  
 reads as follows:

None of the project works, or structures authorized by this act shall be  
 operated by the Secretary of the Interior so as to create, implement, or satisfy  
 any preferential right in the United States or any Indian tribe to the waters im-  
 pounded, diverted, or used by means of such project works or structures, other  
 than contained in those rights to the uses of water granted to the States of  
 New Mexico or Arizona pursuant to the provisions of the Upper Colorado River  
 Basin compact.

As a matter of explanation, involving some history, I will observe  
 that the Colorado River compact was executed in 1922. It took a pe-

riod of approximately 26 years, to wit, until 1948, before the upper basin States of the Colorado River were able to agree upon a division of the waters allocated to those States.

To this date the States of the lower division—Arizona, California, and Nevada—have not been able to agree upon a division of waters granted to those States. As a matter of fact, as everyone knows, these States have, for some 40 years past, been engaged in litigation or near litigation over these waters. The results are still in doubt.

Without the upper basin agreement in 1948, the authorization or construction of projects such as those here under consideration would not have been possible without unending litigation in the Federal courts. We therefore intend to use every means within our power to insure that the provisions of the Upper Colorado River Basin compact are fully observed. This compact is the foundation for almost all water development within the upper basin States of Colorado, New Mexico, Utah, and Wyoming.

Our concern is that if various Federal theories pertaining to Federal ownership of water rights, which have been advanced by the Federal courts, are carried out to their loosely defined conclusions, that interstate compacts may have no meaning at all. It was in recognition of this danger that section 8 was placed in the authorizing legislation. What we attempted to say in section 8 was that in the operation of the New Mexico projects under consideration, the United States would be precluded from claiming waters other than those waters granted to the State of New Mexico or Arizona under the allocations contained in the Upper Colorado River Basin compact.

It is possible, and as a matter of fact a simple matter, in the operation of these projects to utilize waters allocated to the State of Colorado. We are not attempting to tell the United States that it cannot claim all of the water allocated to New Mexico or Arizona for Indian or other Federal uses, but we are attempting to say in plain language in two different ways in section 8 that the Federal Government cannot claim waters allocated to the State of Colorado for use in either New Mexico or Arizona.

Actually, to the best of our knowledge, no one in authority in either the State of New Mexico, the State of Arizona, or the Federal Government, has advocated the destruction of the rights established under the upper basin compact. Nevertheless, we feel in Colorado that in the light of various Federal court decisions, a congressional policy should be established pertaining to the projects here under consideration. We are hopeful that this committee will understand our concern over the retention of section 8 in its entirety in the bill as now printed.

We believe that the States of Colorado and New Mexico are in complete accord as far as their official agencies are concerned on these two projects, both in what has been said here today and in what was said during the hearings of the 2d session of the 86th Congress. We in Colorado therefore join with the State of New Mexico in urging this committee to pass favorably upon the pending legislation.

Mr. ASPINALL. Thank you very much, Mr. Sparks.

Yesterday at the request of the gentleman from California, Mr. Hosmer, there was placed in the record the Colorado study known as the Navajo Reservoir and San Juan-Chama Operation Study (1-A). Have you brought that study down to date any further than appears in the copy of the study that was placed in the record?

Mr. SPARKS. only to reflect and we deliberate high flow. The 10-year series of this period the

Mr. ASPINALL. helpful to this of these studies

Mr. SPARKS. are not what created conditions with the purpose. In other words a shortage on conditions were observed. An project could project in Colorado this study are

Mr. ASPINALL. Mr. Hill and you have made of the study

Mr. SPARKS. did not state the basin. He stated of 21 million the extent of a if we constructed capacity had been feet annually in

Mr. ASPINALL. downstream?

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Mr. ASPINALL. this hearing be think that the the State of Colorado legislation and study, the report both projects were

Mr. SPARKS. Chairman.

Mr. ASPINALL. Mr. SAYLOR following:

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in the record?

Mr. SPARKS. We have not, Mr. Chairman. This study was designed only to reflect the worse sequence of years that we could find of record and we deliberately stopped in 1956, because 1957 was a year of very high flow. This period was designed to get at least a progressive 10-year series during the most critical history of the river and during this period the river flowed only at 65 percent of the normal flow.

Mr. ASPINALL. Do you have any papers in your office that would be helpful to this committee as it tries to reconcile the differences in some of these studies that we have now in the record?

Mr. SPARKS. I think, Mr. Chairman, that perhaps the differences are not what they seem to be. In our study (1-A) we deliberately created conditions which we do not believe can exist. We did this with the purpose of attempting to create a shortage against Colorado. In other words, we constantly revised our assumptions until we forced a shortage on the river. But when we arrived at that shortage the conditions we had assumed in the study (1-A) were then completely observed. And the study was designed to show that the New Mexico project could not have any adverse effect upon the Animas-La Plata project in Colorado. So many of the assumptions we have made in this study are absurd.

Mr. ASPINALL. There is reference in the hearing to a study made by Mr. Hill and associates. Would you contend that the study which you have made in this particular area is in conformity with the results of the study made by Mr. Hill?

Mr. SPARKS. Yes. I would like to make one observation. Mr. Hill did not state that there was only 6,100,000 feet available to the upper basin. He stated that if we constructed reservoir capacity to the extent of 21 million acre-feet, that we could then utilize or get water to the extent of a little over 6 million feet annually. He also stated that if we constructed reservoir capacity to 38 million feet, and if that capacity had been in existence in 1917, that we could get 7½ million feet annually in the upper basin.

Mr. ASPINALL. And still supply the priority call upon the river downstream?

Mr. SPARKS. That is right. In all of these assumptions we have made the assumption of delivering to the lower basin at full compact allocation.

Mr. ASPINALL. You have heard the statements and questioning at this hearing because you have been in the room all the time. Do you think that the understanding between the State of New Mexico and the State of Colorado is such in the programs contemplated in this legislation and in the Animas-La Plata project which is now under study, the report for which will be ready soon, that the operation of both projects will be feasible and in accordance with what is projected?

Mr. SPARKS. We believe that there is no question about this, Mr. Chairman.

Mr. ASPINALL. The Chair recognizes his colleague, Mr. Saylor.

Mr. SAYLOR. Mr. Sparks, on page 3 of your statement appears the following:

In referring to New Mexico uses, we are speaking of those uses which, without the existence of Navajo Reservoir, might constitute a legal demand against the State of Colorado for the release of natural streamflow. This means in essence that there will be times when the Secretary must release water from or through Navajo Reservoir, irrespective of actual contractual obligations entered into pursuant to the legislation here under consideration.

Will you explain what you mean?

Mr. SPARKS. Mr. Saylor, there are priorities under the New Mexico State law in New Mexico which are senior to Navajo Reservoir, and those particularly are Indian uses below the town of Farmington. There are several Indian projects. And there are times when the State of New Mexico must release water through Navajo Reservoir to satisfy those old senior rights in New Mexico below Farmington.

Mr. SAYLOR. If that is the case, refer to the study which you made called Navajo Reservoir and San Juan-Chama Operation Study (1-A)—what would have happened in the years 1951, 1954, 1955, and 1956 when you indicate that there would be no water in the Navajo Reservoir at the year's end?

Mr. SPARKS. The significant portion of that study, Mr. Saylor, is the year 1956 in which we show that New Mexico did not receive its full compact allocation. The significance of that is that that would entitle the State of New Mexico to demand water from the Animas River, which enters into the San Juan below the Navajo Reservoir.

So under that assumption, those senior Indian rights on the San Juan River could have demanded the release of water from the Animas River in Colorado to satisfy their rights. The only thing, however, which indicates that we would not be harmed is at that time there will not be any water in the Animas River anyway.

Mr. SAYLOR. This does not surprise me because I have often said the most overworked and underfed river in America is the Colorado. I have sat here with my good colleague, the chairman of this committee, now for 12 years and listened to engineers say how much water we had there; and all you have to do is to get the engineers here and you get two engineers and one says there is enough water; the other one says there is not, and they all use the same figures. I am glad to find on one occasion we have had one engineer that comes in and admits that the river on occasions is in the condition I have seen it out there—dry.

Now suppose this happens. Are there any of these Indian reservations, or these prior rights on the river you have referred too between the Navajo Reservoir and the junction of the San Juan River and the Animas?

Mr. SPARKS. No; they are below the confluence.

Mr. SAYLOR. Further on in your statement, on page 6, you say:

What we are attempting to say in section 8 is that in the operation of the New Mexico project under consideration, the United States would be precluded from claiming waters other than those waters granted to the States of New Mexico or Arizona under the allocations contained in the Upper Colorado River Basin compact.

What water is allocated to Arizona in the Upper Colorado River Basin compact.

Mr. SPARKS. Fifty thousand acre-feet annually.

Mr. ASPINALL. If my colleague will yield, what is the source of that 50,000 acre-feet?

Mr. SPARKS. The source presumably would be the Little Colorado River.

Mr. SAYLOR. Further down on that page you say:

Actually, to the best of our knowledge, no one in authority in either the State of New Mexico, the State of Arizona, or the Federal Government, has advocated the destruction of the rights established under the upper basin compact.

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I choose to disagree with you after listening to representatives of the Justice Department sitting in the same spot you are sitting in make the statement to this committee that no State in the upper basin or no State in the United States is entitled to the right of any water whatsoever, that the Federal Government has complete title to all of the water.

The fact of the matter is that this is the position that the Department of Justice has taken on a number of occasions in suits involving water rights, two in fact which are presently in the courts, one, the case between Arizona and California, and the other between the United States, the State of California, and Fallbrook, Calif.

Now I might say for your information that in accordance with the first decision that has been handed down in the *Fallbrook* case, the judge there has ruled against the Federal Government's position.

Mr. SPARKS. I am happy to hear that.

Mr. SAYLOR. You are not the only one. I mean the position that certain people in the Federal Government and in the Justice Department under all administrations have taken in this water business is one that would actually disrupt not only the upper basin compact, but the entire Colorado River compact. So while there may be no one in New Mexico or Colorado that wants to dispute the right of our States to distribute this water which originates there, there are some people in the Federal Government and in the Justice Department that take the opposite view.

Mr. SPARKS. The statement is broad. What I should have stated was that there was no one in the Department of the Interior. The Justice Department, of course, has given us a great deal of concern in the past and is continuing to do so in the very theories which they advance concerning water rights.

Mr. SAYLOR. Might I ask, Mr. Sparks, whether or not it would be possible for you to add or give to this committee comparable figures from 1956 to date?

Mr. SPARKS. It would be a simple matter.

Mr. SAYLOR. Through 1960.

Mr. SPARKS. Yes.

Mr. ASPINALL. Unless there is an objection, the figures will be received and included as part of chart No. 1-A.

Mr. SAYLOR. Now considering the fact that you have told us that you have tried to reduce these figures to a complete absurdity in some instances and trying to look at the worst 10-year period, there is attached to this study this note:

The average historic flow of the San Juan at Blanco from 1914 to 1958 is 1,950,000 acre-feet.

Is that right?

Mr. SPARKS. Acre-feet; yes, sir.

Mr. SAYLOR. Would it be possible for you, without too much difficulty, to furnish us with the figures 1941 back to 1914 which I assume are the only figures available on the San Juan River?

Mr. SPARKS. Yes, sir; we have those figures and can furnish them.

Mr. ASPINALL. Unless there is an objection, the figures will be received and made a part of the record at this point.

(The figures requested follow:)

## SAN JUAN-CHAMA RECLAMATION PROJECT

COLORADO WATER CONSERVATION BOARD, DENVER, COLO.

Historic flow, San Juan River,<sup>1</sup> study 1b, 1914-60

[In thousands of acre-feet]

Water year <sup>2</sup>	At Navajo Dam site (as measured near Blanco, N. Mex.)	Animas River at Durango, Colo.	La Plata River at Hesperus, Colo.	Total San Juan flow (as measured near Bluff, Utah)
1914				
1915	1,440	833	47	2,721
1916	1,705	686	38	2,919
1917	1,890	874	49	3,238
1918	1,990	988	55	3,435
1919	785	531	19	1,512
1920	1,240	899	40	2,302
1921	2,275	1,022	56	3,909
1922	1,525	916	45	2,971
1923	1,380	793	37	2,612
1924	1,205	669	43	2,237
1925	1,200	544	44	1,971
1926	855	548	26	1,756
1927	1,045	643	40	2,168
1928	1,710	813	53	3,337
1929	860	560	28	1,726
1930	1,514	771	38	3,102
1931	886	542	24	1,724
1932	550	291	15	888
1933	1,860	742	42	2,948
1934	695	431	22	1,242
1935	365	250	14	662
1936	1,504	567	40	2,193
1937	934	522	32	1,631
1938	1,408	541	38	2,336
1939	1,435	710	40	2,466
1940	729	426	17	1,239
1941	509	361	20	998
1942	2,351	949	66	4,242
1943	1,652	832	46	3,078
1944	737	538	32	1,445
1945	1,235	768	41	2,289
1946	868	547	29	1,620
1947	392	422	16	865
1948	667	626	26	1,488
1949	1,267	769	37	2,319
1950	1,389	775	47	2,523
1951	535	410	20	902
1952	331	324	18	668
1953	1,490	813	53	2,542
1954	510	392	22	935
1955	514	364	19	985
1956	470	410	20	988
1957	490	379	20	862
1958	1,390	799	54	2,597
1959	1,350	748	44	2,551
1960	330	330	13	618
	940	552	35	1,690
Mean	1,115	617	34	2,031

<sup>1</sup> This table reflects the flow of the river as actually measured unless otherwise indicated. No additions or subtractions have been made because of past, present, or future depletions. It is estimated that total present depletions in Colorado and New Mexico average 214,000 acre-feet annually.

<sup>2</sup> On the basis a water-year as defined in the upper Colorado River compact Oct. 1 through the following Sept. 30; i.e., the year 1960 is that period from Oct. 1, 1959, through Sept. 30, 1960.

<sup>3</sup> Estimated by Upper Colorado River Compact Commission, Engineering Advisory Committee.

<sup>4</sup> Estimated by correlation with the Animas River at Durango.  
<sup>5</sup> Estimated by correlation with sum of flows of San Juan River at Rosa and Los Pinos River at Ignacio.

Mr. SAYLOR. I think, Mr. Chairman, it will enable us to analyze a little better, both our staff and anyone we might request, and that will give us a complete picture of the flow of the San Juan.

Mr. ASPINALL. The gentleman from California, Mr. Saund.

Mr. SAUND. Thank you, Mr. Chairman.

Mr. Sparks, you were present here yesterday in the committee room when Mr. Reynolds was testifying?

Mr. SPARKS. Yes, sir.

Mr. SAUND. acre-feet he finding. You

Mr. SPARKS. Mr. SAUND. man you mention his report?

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Mr. SAUND. question.

Mr. ASPINALL. Mr. SAUND. do you base your development?

Mr. SAUND. I will ask my Mr. SPARKS. is available.

Mr. SPARKS. not generally Mr. SAUND. you say is the

Mr. SPARKS. Mr. SAUND. language, "you a committee?

Mr. SPARKS. The assumption Mr. SAUND. know them, a given of these which we do?

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Mr. SPARKS. You can characterize surplus at will

Animas River at Durango,	La Plata River at Hesperus, Colo.	Total San Juan flow (as measured near Bluff, Utah)
833	4 47	2,721
686	4 38	2,919
874	4 49	3,238
988	4 55	3,435
531	19	1,512
699	40	2,302
1,022	56	3,909
916	45	2,971
793	37	2,612
669	43	2,237
544	44	1,971
548	26	1,756
643	40	2,168
813	53	3,337
560	28	1,726
771	33	3,102
542	24	1,724
291	15	888
742	42	2,948
431	22	1,242
250	14	662
567	40	2,183
522	32	1,631
541	38	2,336
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775	47	2,523
410	20	902
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Mr. SAUND. You remember he brought out the figure 7.2 million acre-feet he said was available for the upper basin according to his finding. You heard that figure?

Mr. SPARKS. I recall something about it.

Mr. SAUND. When you were answering the questions of the chairman you mentioned Mr. Hill's figure of 6.1. You are familiar with his report?

Mr. SPARKS. That report was prepared at the request of our board.

Mr. SAUND. Which one of those is more right or is neither a correct figure in your opinion as an expert?

Mr. SPARKS. Judge Saund, in any figure such as that you are guessing. It is a pure guess since you are trying to predict what will happen in the future. Mr. Hill advised us and we requested him to give us a safe planning figure. We said, "We want a figure that we can rely on for a first stage development." And he gave us the figure of 6.1 which we consider a conservative figure. Of course, in some years the full 7½ million is there and in other years it is not. So we use the figure—

Mr. SAUND. Which figure do you accept, 6.1 or 7.2? That is my question.

Mr. ASPINALL. Will the gentleman yield to me?

Mr. SAUND. Yes.

Mr. ASPINALL. May I ask the question this way: On which figure do you base your planning at the present time for the Upper Colorado development?

Mr. SAUND. Will you answer the chairman's question? And then I will ask my question.

Mr. SPARKS. We have always considered that the full 7½ million is available. But for planning purposes we are using 6.1. This is not generally agreed upon by people even in Colorado.

Mr. SAUND. Now can you answer my question. Which one could you say is the correct figure, 7.2 or 6.1, or in between or less than 6.1?

Mr. SPARKS. 6.1 is a minimum figure.

Mr. SAUND. When you were answering some questions you used this language, "your assumptions are absurd." When you appear before a committee sometimes you do not use absurd assumptions, do you? The assumptions are absurd that you used here today?

Mr. SPARKS. The basic figures that we have here are correct as we know them, all the basic figures. But in the explanation that we have given of these columns, how we arrived at them, we used predictions which we do not believe will ever come about.

Mr. SAUND. In other words, to make your point you do not mind using absurd assumptions?

Mr. SPARKS. That is correct.

Mr. SAUND. And also you used the language—I wrote it down—you said you "forced a shortage in order to make your point." Would you feel if necessary you could also force a surplus? It does not bother you any at all in order to make a point, you said you forced a shortage in order to make a point? You may also force a surplus to make a point, is that correct?

Mr. SPARKS. It depends on what the study was intended to show. You can change your assumptions and come up with a shortage or surplus at will.

Mr. SAUND. Mr. Sparks, in your statement at page 6, you say:

It is possible, and as a matter of fact a simple matter, in the operation of these projects to utilize waters allocated to the State of Colorado.

In order to protect the rights of the State of Colorado, you insist that section 8 be incorporated in the bill?

Mr. SPARKS. Yes, sir.

Mr. SAUND. Do you have any doubt in your mind that if these projects are authorized and constructed that there may be a shortage for the Animas-La Plata project?

Mr. SPARKS. There will be shortages for the Animas-La Plata project naturally, but these projects will not cause them.

Mr. SAUND. Then why do you want this section in here?

Mr. SPARKS. Section 8 is to prevent the people in the Department of Justice from claiming Colorado water. That is basically what it is.

Mr. SAUND. But you say that if these projects are constructed, there may be a possibility of shortage for Animas-La Plata?

Mr. SPARKS. No, sir. These projects cannot cause a shortage to the Animas-La Plata in my opinion and in the opinion of our staff.

Mr. SAUND. That is all, Mr. Chairman.

Mr. ASPINALL. The gentleman from Colorado, Mr. Chenoweth.

Mr. CHENOWETH. I want to commend you, Mr. Sparks, for your usually very thorough and comprehensive statement. As I understand the situation as far as the official position of the State of Colorado is concerned, we are in accord with the State of New Mexico on this project.

Mr. SPARKS. We are, generally, in full accord.

Mr. CHENOWETH. And you are speaking now officially for the State as a representative of the Colorado Water Conservation Board. You state that the State of Colorado officially approves the project under consideration and urges the passage of this legislation.

Mr. SPARKS. The statements I have made here have been as a result of a vote of our body; unanimous vote of our body.

Mr. CHENOWETH. I understand there are some who do not fully concur in that position; is that correct, in the southwestern part of the State?

Mr. ASPINALL. If my colleague will yield. Not of the board.

Mr. CHENOWETH. I did not mean the board. I meant individuals.

Mr. SPARKS. In my experience generally we have never been able to get unanimous agreement on any water project in Colorado and I think the same is true of any other State.

Mr. CHENOWETH. That is all, Mr. Chairman. Thank you.

Mr. ASPINALL. The gentleman from New Mexico.

Mr. MORRIS. Mr. Chairman, I want to commend Mr. Sparks on his fine statement again. Mr. Sparks, do you know of any irrigation project in the State of Colorado or anywhere else where it has a hundred percent water supply every year?

Mr. SPARKS. There are none to my knowledge, Mr. Morris.

Mr. MORRIS. The question of this Hill report has been brought up several times in this hearing. Some people try to make out or try to make it appear that this project is trying to hide something. Are you familiar with the letter of the Secretary of the Interior written to the chairman of this committee in November 1960?

Mr. SPARKS. I am.

Mr. MORRIS. In the upper basin States depletion in the upper basin a little over 6 million:

Mr. SPARKS. Yes.

Mr. MORRIS. And you storage in the upper basin:

Mr. SPARKS. Yes.

Mr. MORRIS. And, of course, we get that involves, in feet, is the difference in acre-feet of storage?

Mr. SPARKS. Yes.

Mr. MORRIS. That is:

Mr. SPARKS. It is.

Mr. MORRIS. The water:

Mr. SPARKS. That is:

Mr. MORRIS. I mean, of course, is it not?

Mr. SPARKS. That has been misinterpreted, but storage capacity.

Mr. MORRIS. That is now you explained conditions that were a:

Mr. SPARKS. Yes.

Mr. MORRIS. And I and everything. I would:

Mr. ASPINALL. Would:

Mr. MORRIS. I yield:

Mr. ASPINALL. We have ment. I would like to if the gentleman will the chairman. Also, Mr. MORRIS. I thank:

Mr. MORRIS. I thank River compact, it allows basin States in terms of is that right?

Mr. SPARKS. That is:

Mr. MORRIS. And you appears in column 8 of depletion as measured at:

Mr. SPARKS. For that:

Mr. MORRIS. Also, I the flow in the channel channel. Therefore, if by 787,000 acre-feet, completion at sites of use in:

Mr. SPARKS. Yes; to occurred in the channel:

Mr. MORRIS. That is this salvage by use will that is in Mr. Bliss' statement:



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Mr. MORRIS. In that, as I understand his letter, he said that the upper basin States depletion estimates, their total estimates for depletion in the upper basin States, within the next 100 years, would be a little over 6 million acre-feet?

Mr. SPARKS. Yes.

Mr. MORRIS. And under Mr. Hill's study, with 21 million acre-feet storage in the upper basin, that condition comes about?

Mr. SPARKS. Yes.

Mr. MORRIS. And, of course, the difference between the criteria that we get that involves, say, the 7.2 million acre-feet or 7.5 million acre-feet, is the difference in 21 million acre-feet of storage and 38 million acre-feet of storage?

Mr. SPARKS. Yes.

Mr. MORRIS. That is a basic engineering criteria, is it not?

Mr. SPARKS. It is.

Mr. MORRIS. The water supply depends upon the reservoir storage?

Mr. SPARKS. That is right.

Mr. MORRIS. I mean, that is an elementary, freshman engineering course, is it not?

Mr. SPARKS. That is the reason that the Hill report has constantly been misinterpreted, because it is not read in the light of the reservoir storage capacity.

Mr. MORRIS. That is exactly right.

Now you explained about your study 1-A when you set forth the conditions that were assumed and why you assumed them.

Mr. SPARKS. Yes.

Mr. MORRIS. And I understand why you did it and the purpose and everything. I would like to ask you a few questions about it.

Mr. ASPINALL. Would my colleague yield for just a moment?

Mr. MORRIS. I yield to my chairman.

Mr. ASPINALL. We have Mr. Eakes here and Mr. Eakes has a statement. I would like to have the last 15 minutes for his statement. So if the gentleman will keep within the next 5 minutes, it will please the chairman. Also, Mr. Nygaard may have a question.

Mr. MORRIS. I thank you. As I understand the Upper Colorado River compact, it allocates beneficial consumption use to the upper basin States in terms of the depletion of water supply at Lee Ferry; is that right?

Mr. SPARKS. That is right.

Mr. MORRIS. And your figure of 787,000 acre-feet per year which appears in column 8 of your study is New Mexico's share of the depletion as measured at Lee Ferry; is that right?

Mr. SPARKS. For that period of time, yes.

Mr. MORRIS. Also, I understand that upstream depletion reduces the flow in the channel of the river and thus reduces the loss from the channel. Therefore, if New Mexico may deplete the flow at Lee Ferry by 787,000 acre-feet, could not she make a considerably greater depletion at sites of use in New Mexico?

Mr. SPARKS. Yes; to the extent that the loss would have otherwise occurred in the channel.

Mr. MORRIS. That is right. Now New Mexico's engineers state that this salvage by use will amount to about 46,000 acre-feet. I think that is in Mr. Bliss' statement before the hearing of the committee

last year. That amount could be added to the depletion at Lee Ferry allocated to New Mexico to arrive at the allowable depletion at the site of use in New Mexico. Does that sound like a reasonable assumption?

Mr. SPARKS. That is a reasonable figure. It is an assumption and it is a reasonable figure.

Mr. MORRIS. Yes. I realize it is like a lot of other things, an assumption, but in your opinion, it is a sound engineering and reasonable assumption.

Mr. SPARKS. Yes.

Mr. MORRIS. In arriving at column 6 of your study, which is headed "Total unadjusted New Mexico depletion" you add a diversion demand of 885,000 acre-feet per year to a number of itemized depletions to arrive at a total of 1,169,000 acre-feet per year. This diversion demand appears to include: Navajo project, 508,000 acre-feet; Hammond project, 23,000 acre-feet; municipal and industrial, 224,000 acre-feet; other Indian uses, 96,000 acre-feet; and Navajo Reservoir evaporation, 34,000 acre-feet.

As to all of these demands except the reservoir evaporation, the New Mexico and Department witnesses estimate return flow amounting to about 50 percent of the diversion.

Does that seem like a reasonable conclusion?

Mr. SPARKS. Yes, it is a reasonable conclusion. Return flow is an extremely difficult problem to arrive at. But at this time that is a reasonable figure. Experience will indicate, however, how reasonable your estimates are in the future.

Mr. MORRIS. That is correct, and sometime within the next 100 years somebody will know how reasonable that is, maybe 200.

Mr. SPARKS. Much sooner, I would think.

Mr. MORRIS. Maybe within the next 50.

Mr. SPARKS. I think if these projects are constructed, within the next 10 or 15 years.

Mr. MORRIS. I am glad that you are optimistic.

If this assumption is reasonable, then should not your figures for unadjusted depletion in column 6 be adjusted to something over 400,000 acre-feet?

Mr. SPARKS. Yes. But for this study, we assumed very severe conditions.

Mr. MORRIS. I realize that and I said before I started to ask you these questions, your statement concerning how you made these assumptions, and why, and how you arrived at these figures, explained it to me. However, for some of the other members I want to be able to point this out to them and say that this was explained in the record.

Mr. SPARKS. We assumed very severe conditions for this study, not actual conditions.

Mr. MORRIS. That is right. And with this correction, will not your estimate of depletion that would result from the demand that you have listed fall well within your estimates of New Mexico's allowable depletion at sites of use within our State?

Mr. SPARKS. Yes. Of course, it would reduce any additional water which returns in excess of 300,000 feet, that, we have shown, would be subtracted from New Mexico's depletion.

Mr. MORRIS. That is specific.

Mr. Chairman, the  
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Mr. ASPINALL. The  
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Mr. ASPINALL. Thank

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Mr. SPARKS. Yes, sir.

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Mr. MORRIS. That is right. Thank you, Mr. Sparks, for being so specific.

Mr. Chairman, the gentleman from California asked me to yield.  
Mr. SAUND. I will ask the chairman for time. We will sit here to noon, if you wish. He is an important witness and I would like to ask one or two questions.

Mr. ASPINALL. The next witness is an important witness, too. The gentleman from North Dakota.

Mr. NYGAARD. I would like to compliment Mr. Sparks and other individuals of whom I have never asked any questions and have not therefore had the opportunity to compliment for the fine reports prepared for the information of this committee. I would like to compliment Mr. Sparks and his commission and the personnel that may have been working with them in this respect, particularly for using conservative figures in the matters upon which determinations have been made.

I would like to see that brought into the picture because we can, of course, in the future anticipate severe conditions and they have been pinpointed today. But when projects are predicated on the knowledge of those and there is still not going to be any severe danger to the project, I appreciate the fact that that point has been called attention to. As I gathered from your statement a moment ago, Mr. Sparks, the Colorado Water Conservation Board is satisfied that should these projects be built, they will in no foreseeable manner jeopardize the water rights of the State of Colorado; is that correct?

Mr. SPARKS. Yes, sir.

Mr. NYGAARD. And they will provide, within the estimate of approximate figures that you can determine, enough water to manage properly the projects that are anticipated to be constructed.

Mr. SPARKS. Yes, sir.

Mr. NYGAARD. Of course, barring unforeseen conditions over which man has no control.

Naturally your main interest is to be concerned about the State of Colorado which is a natural assumption, but as an engineer concerned with reclamation development, you naturally would show through your studies a concern for the operation of the projects below.

Mr. SPARKS. Yes, sir.

Mr. NYGAARD. That is a natural concern you assume as an engineer and I appreciate it. This matter then, as to which of these basins the water is to be used in the State of New Mexico is not of grave concern to you.

Mr. SPARKS. We consider that none of our business.

Mr. NYGAARD. It is a New Mexico problem and naturally your study did not concern itself with that question.

Mr. SPARKS. That is right.

Mr. NYGAARD. I just wanted to get that point in the record, thank you.

Mr. ASPINALL. Thank you very much, Mr. Nygaard.

Mr. Sparks, will you sit there and if Mr. Eakes does not take all of the time remaining maybe we can give Mr. Saund another chance to question you.

Mr. SPARKS. Yes, sir.

Mr. ASPINALL. The next witness will be Mr. William S. Eakes, board attorney for the Southwestern Water Conservation District of Colorado.

Bill, may I say I welcome you personally to the committee and I want you to know that we are sorry, since you have sat through all of these hearings, to find ourselves here with a limited amount of time. We will be glad to have your statement.

**STATEMENT OF WILLIAM S. EAKES, BOARD ATTORNEY, SOUTHWESTERN WATER CONSERVATION DISTRICT OF COLORADO**

Mr. EAKES. Thank you, Mr. Chairman; I appreciate the opportunity to be heard.

My name is William S. Eakes. I am an attorney with offices in Durango, Colo. I represent the Southwestern Water Conservation District of Colorado. This district was created by an act of the Colorado Legislature and charged with the express duty of protecting and preserving the rights and interests of the citizens of Colorado in the waters of the San Juan River.

I am accompanied here today by the following representatives from the Southwestern Water Conservation District: Ira Kelly, representing Montezuma County, Colo.; Board President Arch Toner, representing Archuleta County, Colo.; Board Secretary F. W. Kroeger, representing La Plata County; and Clifford Jex, of Grand Junction, Colo., the district engineer.

I might add that three of those gentlemen had to return home yesterday, so they are no longer here, but they were here.

The San Juan River Basin encompasses a vast area in both Colorado and New Mexico. It is a land rich in natural resources and has only recently entered upon a period of unprecedented growth.

The San Juan River, which is a part of the Colorado River system, rises in the mountains of Southwestern Colorado and flows into and westerly across northwestern New Mexico, through the city of Farmington, and on out of that State. The Animas River also rises in the mountains of southwestern Colorado and flows southerly through Durango, Colo., and on to its confluence with the San Juan River at Farmington, N. Mex.

Navajo Reservoir, which is now under construction on the San Juan River above the mouth of the Animas River, was authorized as an initial unit of the Upper Colorado River storage project by Public Law 485, 84th Congress. The Navajo Reservoir has the same status as Glen Canyon, Curecanti, and Flaming Gorge Reservoirs. In the words of Senator Clinton P. Anderson, of New Mexico, at the Senate hearings on S. 3648 on July 9, 1958: "The purpose of the dam is stream regulation \* \* \*"

The board of directors of the Southwestern Water Conservation District want to make sure that Navajo Reservoir will be operated to regulate the flow of the river and to supply downstream users with water.

Our fears are aroused because New Mexico's proposed operation study—Navajo Reservoir Operation Study No. 8—contemplates such demands on Navajo Reservoir that the reservoir spills in only 7 out of the 28 years of the study. This effects the virtual drying up of

the San Juan River below Navajo Reservoir and the Animas River.

The problem as it affects Colorado is that a number of substantial water uses are on the Animas River flows into the State, particularly Indian uses and it has been used for approximately 95,000 acre-feet of irrigated industrial uses below Farmington, Colo. In addition, the river is virtually dried up above Farmington, and become a burden on the Animas River.

The planners of these projects have had these downstream uses to fall into consideration.

The Navajo Indian irrigation project was authorized in 1955, beginning on page 37 and a discussion of this very problem is given in the report from upstream uses will full below Farmington. On page 43.

Under conditions of ultimate base flow the Animas River would be essential to the requirements of San Juan Valley.

The chart on page 43 states on page 48, the following statement:

In the operation studies of the river, the water were made to deliver water to 7 million Indian lands and 10,700 productive acres in the San Juan River Valley below Farmington are part of the authorized Fruit Allowance for the prior rights of diversion rate of 5 acre-feet per acre.

The reports fully establish that the river can be satisfied without call upon Navajo Reservoir.

In order to assure the operation of Navajo Reservoir in conformity with the Water Conservation Board offers to the end of section 8 of the bill.

(c) The Secretary of the Interior shall not authorize the operation of Navajo Reservoir that downstream water users in the State of New Mexico, that may be on the Animas River or its tributaries or from the San Juan River from Navajo Reservoir.

By this amendment we are proposing that the river be operated for the primary purpose of regulation of the river. We want to operate in the way the report shows supplying downstream users. If New Mexico uses are made at Navajo Reservoir, not Colorado, based and, thereby, of the project in New Mexico, not Colorado, should be based on the estimated amount of return water.

Mr. William S. Eakes,  
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The problem as it affects Colorado arises from the requirements of a number of substantial water users at and below Farmington where the Animas River flows into the San Juan River. These are principally Indian uses and it has been generally assumed they will call for approximately 95,000 acre-feet of water annually. Also, contemplated industrial uses below Farmington average about 60,000 acre-feet annually. In addition, there is every reason to expect these uses to be greatly expanded in the future. Since the San Juan River proper is virtually dried up above Farmington, these demands may become a burden on the Animas River and thus upon uses in Colorado.

The planners of these projects did not intend for the burden of these downstream uses to fall upon the Animas River.

The Navajo Indian irrigation project feasibility report of January 1955, beginning on page 37 and extending through page 48, contains a discussion of this very problem. It is there stated that return flows from upstream uses will fully supply the irrigation water for land below Farmington. On page 38, the following statement is made:

Under conditions of ultimate basin development, there would be times when the Animas River would be essentially dry at the mouth. The following study was made to show that the quantity of return flow would be sufficient to satisfy the requirements of San Juan Valley lands below Farmington.

The chart on page 43 states that there will be a surplus. Also, on page 48, the following statement is made:

In the operation studies of the Navajo Indian irrigation project, provisions were made to deliver water to 7,050 productive acres of presently irrigated Indian lands and 10,700 productive acres of potential new Indian lands located in the San Juan River Valley below Farmington. The 10,700 acres of new land are part of the authorized Fruitland and Hogback irrigation projects. The allowances for the prior rights of the Indian lands were based on an annual diversion rate of 5 acre-feet per acre.

The reports fully establish that the downstream demands are to be satisfied without call upon Animas River water.

In order to assure the operation of these projects and of Navajo Reservoir in conformity with project reports, the Southwestern Water Conservation Board offers the following amendment to be added to the end of section 8 of the bill:

(c) The Secretary of the Interior is hereby directed to so operate Navajo Reservoir that downstream water requirements on the San Juan River in the State of New Mexico, that may otherwise conflict with uses from the Animas River or its tributaries or from the La Plata River, shall be satisfied by releases from Navajo Reservoir.

By this amendment we are merely asking that Navajo Reservoir be operated for the primary purpose for which it was authorized: regulation of the river. We want to be assured that these projects will operate in the way the reports say they will operate—with return flows supplying downstream demands. This can be accomplished if New Mexico uses are made at places where return flows are reusable. New Mexico, not Colorado, has control of where the water will be based and, thereby, of the place of return flows. Therefore, New Mexico, not Colorado, should be required to underwrite the accuracy of the estimated amount of return flows.

The summer flow of the Animas River is already almost exhausted, principally by uses in New Mexico. If the downstream demand becomes a further burden on the Animas River, future development in and around Durango, Colo., and Aztec, N. Mex., will be severely restricted. However, if any residual demands are met by release from Navajo Reservoir, the effect is negligible. Navajo Reservoir has a capacity of over 1,700,000 acre-feet with more than 1 million acre-feet of active, usable stored water. A small portion of this water will satisfy any foreseeable downstream residual demands.

Without the protection of this amendment, we fear that the water supply for the Animas-La Plata project may be endangered.

The Secretary of the Interior has made a finding that there is ample water for both of these projects and the Animas-La Plata project. We have not had available to us the material upon which he based his finding. However, if this finding is accurate, our proposed amendment will do no damage. The Navajo Reservoir will serve the purpose for which it is built.

The watershed of southwestern Colorado provides substantially the entire runoff of the San Juan River. Very little of this water originates in New Mexico. Present uses in New Mexico already substantially exceed her contribution to the flow of the river. We do not object to sharing our water with New Mexico, but we believe that as a prerequisite to such sharing, we are entitled to have our development safeguarded.

I would like to add a comment or two, if I may, Mr. Chairman.

Mr. ASPINALL. According to our time, you have about 3 minutes. So you go ahead. We are going to try to stay a few minutes longer, but we cannot stay over 10 minutes.

Mr. EAKES. I want to make it clear first the difference between Navajo Reservoir, which is a part of the original Upper Colorado River storage bill, it is one of the four initial units—the Navajo Reservoir and the Navajo irrigation project are two entirely separate things. I think there has been some confusion among some of the witnesses in this regard. I served on the Colorado commission designated to negotiate the differences with New Mexico and I want to say now that I am in full accord with Mr. Sparks' testimony in behalf of the State water board. However, I want to be sure that these assumptions upon which his conclusions are based are solid.

Mr. Sparks predicated his testimony upon certain assumptions. Those assumptions are the predication for this study No. 1-A of the Colorado River Water Conservation Board.

Now the amendment that I propose would assure that those assumptions are fully followed by a direction to the Secretary of Interior. As Mr. Reynolds testified, the Secretary of the Interior is directed by section 7(a) of this bill to see to it that the San Juan-Chama and Navajo irrigation projects are adequately supplied with water. We are merely requesting that the Animas-La Plata project be similarly protected.

Mr. Reynolds also testified that they are willing to have us have this protection on parity. This means for us to share shortages in the same percentage as New Mexico. We certainly do not wish to share these excessive shortages which are caused by the overburdening of the supply of water in the Navajo Reservoir. Our uses of water

would be from Colorado's compact and New Mexico's contribution and we do not intend to.

We merely say depend will depend the amount. With the flow in the San Juan neighborhood of a million 750,000 acre-feet, if she uses those uses will get back in stream uses, we have no problem under those circumstances.

But if New Mexico diverges the return flow does not get stream uses, then we do have will curtail our development.

Now, section 4 of the bill water to Farmington for 224,000 acre-feet of water. with Colorado use. The Secretary's statement that there is no objection projects and Animas-La Plata the further use of 224,000 acre-feet industrial use at places where the river will create a problem about it.

Further, I have a table here.

Mr. ASPINALL. We are a will accept the table if we need will be devoted equally between.

Mr. EAKES. May I say what.

Mr. ASPINALL. All right.

Mr. EAKES. This is a statement State of New Mexico giving credence those assumptions making them be to the Animas-La Plata project.

Mr. ASPINALL. Without objection at this point. Hearing none, (The material referred to is

BYPASS DEMANDS OF RIGHTS BELONGING TO NEW MEXICO WHICH ARE SENIOR TO THE ANIMAS-LA PLATA PROJECTS

(Exhibit received from S. E. Reynolds)

BASIS

1. Water supply of the 1928-54 period
2. Irrigation, senior rights, 18,950 acre-feet
3. M. and I., senior rights, 5,000 acre-feet
4. Development of following: (a) Navajo Reservoir and Florida Project; (b) Animas-La Plata and Florida Project
5. Return flows from: (a) Existing M. and I. demand on Navajo Reservoir
5. Return flows from: (a) Existing M. and I. demand on Navajo Reservoir would be authorized by S. 72; and

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if I may, Mr. Chairman. you have about 3 minutes. stay a few minutes longer,

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e willing to have us have s to share shortages in the inly do not wish to share by the overburdening of vor. Our uses of water

would be from Colorado's allocation under the Upper Colorado River compact and New Mexico's use would be from New Mexico's allocation and we do not intend to say she should not receive her full allocation.

We merely say depending upon the place of use of her allocation will depend the amount of the water available to us in Colorado. With the flow in the San Juan and Animus River in something of the neighborhood of a million and a half acre-feet, if Colorado's quota is 750,000 acre-feet, if she uses that upstream where the return flow from those uses will get back into the river to be reused for these downstream uses, we have no problem. We say to you there is no problem under those circumstances.

But if New Mexico diverts the full million and a half acre-feet and the return flow does not get back into the river until below those downstream uses, then we do have a problem, a very difficult problem that will curtail our development.

Now, section 4 of the bill proposed an enlarged canal to convey water to Farmington for municipal and industrial use, presumably 224,000 acre-feet of water. It actually is this water that is in conflict with Colorado use. The Secretary of the Interior is correct in his statement that there is no conflict in the water supply for these two projects and Animas-La Plata. There is no question about that. But the further use of 224,000 acre-feet in New Mexico for municipal and industrial use at places where the return flow will not get back into the river will create a problem and I do not think there is any question about it.

Further, I have a table here that I would like to tender—

Mr. ASPINALL. We are already trespassing upon our rules. We will accept the table if we may for our files and the next 10 minutes will be devoted equally between the two sides.

Mr. EAKES. May I say what this is?

Mr. ASPINALL. All right.

Mr. EAKES. This is a statement prepared by Mr. Reynolds of the State of New Mexico giving certain basic assumptions and based upon those assumptions making the finding as to what the shortages would be to the Animas-La Plata or other uses.

Mr. ASPINALL. Without objection, it will be placed in the record at this point. Hearing none, it is so ordered.

(The material referred to follows:)

**BYPASS DEMANDS OF RIGHTS BELOW THE MOUTH OF THE ANIMAS RIVER IN NEW MEXICO WHICH ARE SENIOR TO THE NAVAJO IRRIGATION, SAN JUAN-CHAMA AND ANIMAS-LA PLATA PROJECTS**

(Exhibit received from S. E. Reynolds March 14, 1960, at meeting at Denver, Col.)

**BASIC ASSUMPTIONS**

1. Water supply of the 1928-54 period.
2. Irrigation, senior rights, 18,950 acres.
3. M. and I., senior rights, 5,000 acre-feet per month (60,000 acre-feet per year).
4. Development of following: (a) Projects that would be authorized by S. 72; (b) Animas-La Plata and Florida projects; and (c) 224,000 acre-feet per year M. and I. demand on Navajo Reservoir.
5. Return flows from: (a) Existing and authorized works; (b) projects that would be authorized by S. 72; and (c) the Animas-La Plata project. Available

return flows from Navajo Reservoir M. and I. demand limited to 20,000 acre-feet per year which amount meets channel losses.

6. All flows of Animas River, with the exception of return flows from Animas-La Plata project, depleted in Colorado.

(I) Under the basic assumptions the bypass demands would amount to 41,800 acre-feet per year. Slightly more than 12,000 acre-feet per year of this amount would be for irrigation rights in existence or authorized prior to October 11, 1948, and would occur in May, June, and July amounting to almost 6,000 acre-feet per month in June and July.

(II) Modifying the basic assumptions by assuming new development in Colorado limited to the Animas-La Plata and Florida projects the bypass demand would amount to an average of 10,100 acre-feet per year with a maximum yearly demand of 33,000 acre-feet.

(III) Modifying the basic assumptions by assuming the 50 percent of the 224,000 acre-feet per year M. and I. demand on Navajo Reservoir is available as return flow for channel losses and requirements of prior rights the bypass demand would amount to an average of 5,000 acre-feet per year.

(IV) Using the basic assumptions with the modifications of both II and III above the bypass demand of prior rights would average 900 acre-feet per year with a maximum demand of 5,000 acre-feet occurring in one year (1934) of the study period.

In I, II, III, and IV above the bypass demands would be increased in years in which shortages to diversion demands result in the diminution of the assumed return flows.

Mr. ASPINALL. The Chair recognizes his colleague from Pennsylvania for 2½ minutes.

Mr. SAYLOR. I might say, Mr. Eakes, the trouble with your statement is that this is on a false assumption. You have no right and your conservation district has no right to say that you object to sharing the water. That has already been determined by the Upper Colorado River compact and the mere fact that the water originated in Colorado has no effect whatsoever. The board or the State has already precluded from having it. So it is not a question of whether or not you like it or whether or not you want to share.

Mr. EAKES. Mr. Saylor, I was not referring to the sharing provisions of the Upper Colorado River compact. I was referring to the proposal of New Mexico that we share the shortages based on a straight across-the-board shortage. They are entirely different things.

Mr. SAYLOR. They are, but let me show you on page 2—your statement on page 2 runs completely contrary to the laws of the State of Colorado, because the laws of the State of Colorado with regard to water use are first in time, first in right. What you are trying to do is to say, on page 2, you now include contemplated industrial development and you expect expanding use in the future. This runs directly contrary to the laws of your own State.

Mr. EAKES. No, sir; it does not.

Mr. SAYLOR. You have no right and your district has no right.

Mr. EAKES. This is not my objection, if you please. The objection I have is that this project contemplates the facilities that would allow this expanded use in the immediate future in New Mexico whereas our facilities are not yet ready.

Mr. SAYLOR. That is an unfortunate situation that you find yourself in.

Mr. EAKES. No, sir; it is due to Government action, Federal Government action.

Mr. SAYLOR. That may be—

Mr. EAKES. By authorizing this expanded capacity.

Mr. SAYLOR. That may be, ahead with one and not the other always has to be first—

Mr. EAKES. It would solve they were authorized simultaneously.

Mr. SAYLOR. I do not think it is correct that you intend to hold water.

That is all, Mr. Chairman.

Mr. ASPINALL. The Chair recognizes the Chair for 2½ minutes.

Mr. SAUND. Mr. Eakes, did the projects are authorized and constructed be enough water for your project?

Mr. EAKES. Yes, sir.

Mr. SAUND. That is different from Sparks' answer to my question?

Mr. EAKES. Yes, I did, and based upon the assurances of the State makes the assumption that Navajo with the provisions which I asked that this provision should be insured that operation. If it is an agreement.

Mr. SAUND. Well, you answered.

Mr. EAKES. Do you think we should have water in the Colorado because not think it is fair that before the interests should be protected? Do we really try to find out how much water in the River itself? How much water in the Basin? If there was plenty of water would not be afraid of anything.

Mr. EAKES. Mr. Saund, I think that the amount of water that is present is based upon what period of year you use the period from 1900 to the present, a high flow, a greater flow in the last 30 years, you would get a different amount.

Mr. SAUND. You heard the figures. Do you have figures from which the upper basin can get from the Colorado River?

Mr. EAKES. No, sir; I do not know. It is merely a matter of whether you average out your flow for 10 years or the last 30 years.

Mr. SAUND. Different experts and different results, is that right?

Mr. EAKES. That is the same old but the facts are still the same. The flow of the river in the past is pretty well measured and are accepted. You can come up with a different period of time that you are measuring.



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Mr. SAYLOR. That may be, but if the Government decides to go ahead with one and not the other or puts this one first—something always has to be first—

Mr. EAKES. It would solve the problem eminently safely to us if they were authorized simultaneously.

Mr. SAYLOR. I do not think it would, because your statement indicates that you intend to hold water for the future.

That is all, Mr. Chairman.

Mr. ASPINALL. The Chair recognizes the gentleman from California for 21½ minutes.

Mr. SAUND. Mr. Eakes, did I understand you to say if these projects are authorized and constructed you have fear that there may not be enough water for your project?

Mr. EAKES. Yes, sir.

Mr. SAUND. That is different from Mr. Sparks. You heard Mr. Sparks' answer to my question?

Mr. EAKES. Yes, I did, and the difference in our answer is only based upon the assurances of the assumptions that he made. He makes the assumption that Navajo Reservoir will be operated in accord with the provisions which I ask be made a part of the bill. I say that this provision should be incorporated into the legislation to insure that operation. If it is operated that way, we have no disagreement.

Mr. SAUND. Well, you answered my question as to that.

Mr. EAKES, do you think we should have made a study of the supply of water in the Colorado because of all that is involved? Do you not think it is fair that before these projects are authorized that your interests should be protected? You have said that already. Should we really try to find out how much water there is in the Colorado River itself? How much water there is in the Upper Colorado River Basin? If there was plenty of water, 7.2 instead of 6.1 or 6.5, you would not be afraid of anything, would you?

Mr. EAKES. Mr. Saund, I think I can answer that question by saying that the amount of water that is projected to be in the Colorado River is based upon what period of years is used to measure the river. If you use the period from 1900 to 1930 or thereabouts, you would get a high flow, a greater flow in the river. If you used the period of the last 30 years, you would get a considerably smaller flow.

Mr. SAUND. You heard the figures 7.2 and 6.1 mentioned this morning. Do you have figures from which you can tell me how much water the upper basin can get from the Colorado River?

Mr. EAKES. No, sir; I do not think anyone can tell you. It is merely a matter of whether you use the alltime average of the flow of the river to average out your figure or whether you use the last 10 years or the last 30 years.

Mr. SAUND. Different experts and different studies come out with different results, is that right?

Mr. EAKES. That is the same old story, liars can figure, I guess, but the facts are still the same. The measurement of the flow of the river in the past is pretty well agreed upon by everybody. Those flows are measured and are accepted by everyone I know of. Now you can come up with a different total quantity by using a different period of time that you are measuring. If you use 60 years you

come up with one average, if you use 30 years, you come up with a different average. If you use the past 10 years, you come up with still a different average.

Mr. SAUND. If you were sitting in my place as a member of this committee, who would be required to vote on these projects and other projects coming up and not being expert on this situation, would you think I would be fair in asking that a thorough study be made of the water supply in the Colorado River before these projects are authorized?

Mr. EAKES. Certainly I think this committee should have the facts available to it before taking action, certainly.

Mr. SAUND. Because there are conflicting opinions among experts in different studies that have been made, I think a study should be made. It may be the thing to do. You would not be for the authorization of these projects until the language you suggest is included?

Mr. EAKES. That is right. Or some similar provision that overcomes the same objection.

Mr. SAUND. Your sole fear is there may not be enough water for your project.

Mr. ASPINALL. The time of the gentleman has expired.

The gentleman from North Dakota is recognized.

Mr. NYGAARD. I yield to Mr. Saylor.

Mr. SAYLOR. Mr. Eakes, on page 3, you say you want to be assured these projects will operate the way the reports say they will operate. Certainly nobody in your conservation district on your board is so naive as to think the Bureau of Reclamation ever operated any project, let alone this project, in accordance with their original report.

Mr. EAKES. This is one of the reasons we want some amendatory provision in the legislation.

Mr. SAYLOR. But if we put it in the report you do not think this is going to have any effect on the Bureau, do you?

Mr. EAKES. It will at least give us some ground to go to the Bureau on and try to insist it be operated as it is supposed to be operated.

Mr. SAYLOR. You know that Bureau downtown has said on many occasions they do not care what Congress puts in the act, they will just operate this river to suit themselves and the way the people in the field want to operate it. After all, they do not pay too much attention to this group up here, this is just something they have to put up with. The attitude of some of the people down there is that they were there before the present members of Congress came in and they will be there when we are gone. "So do not let it worry you; we will operate to suit ourselves." So while I would like to see your project protected, and while I think you have done us a favor by coming in here at least and offering us an amendment, I do not think that putting this amendment in is going to assure your board they are going to have this thing operated the way Congress intends.

Mr. EAKES. Do you believe, Mr. Saylor, I should make my appeal to the Bureau of Reclamation?

Mr. SAYLOR. I think you should make your appeal to the fellow that turns the valve out there on the water. I think you should call his attention to it. If you can get him to turn the water loose, I think you will be in much better shape regardless of what we write in the bill.

Mr. EAKES. The  
Mr. ASPINALL.  
Mr. MORRIS. Mi  
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Mr. EAKES. No,  
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STATEMENT OF WILLIAM I

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Mr. EAKES. Thank you very much, sir.

Mr. ASPINALL. The gentleman from New Mexico is recognized.

Mr. MORRIS. Mr. Eakes, a while ago when you said the canal at Farmington, you meant the San Juan-Chama diversion project, 224,000 acre-feet you were referring to?

Mr. EAKES. No, sir, I was referring to the provision of the bill, and if I said San Juan-Chama, I certainly did not mean it. I meant the Navajo. It is the authorization in section 4 of the legislation, I believe, of the bills offered. Section 4 reads:

SEC. 4. In developing the Navajo Indian irrigation project, the Secretary is authorized to provide capacity for municipal and industrial water supplies or miscellaneous purposes over and above the diversion requirements for irrigation stated in section 2 of this Act.

It gives the authority when the Secretary enters into contracts or has the demand for the water. But the capacity has to be built into the canal.

Mr. MORRIS. Does it not also go on to specify to the Secretary that he shall operate it in a manner to protect it as asked to be authorized under this legislation.

Mr. EAKES. Only of these two projects, the San Juan-Chama and the Navajo and we say it probably should protect the Animas-La Plata project also.

Mr. MORRIS. Do you not think that should be in the Animas-La Plata legislation when it is authorized?

Mr. EAKES. Perhaps Animas-La Plata legislation will be considered a project with this use, considering again that the Navajo Reservoir belongs to Colorado as much as it belongs to New Mexico. In fact, we are paying more of it out of the upper basin fund. All we are asking is that a restriction or direction be given to the Secretary on how to operate Navajo Reservoir, not the project.

Mr. MORRIS. Mr. Eakes, you do agree that these contemplated uses cannot be within the next 50 years or 75 years of 224,000 acre-feet of municipal and industrial water there, do you not?

Mr. EAKES. No, sir, I do not agree; I do not know.

Mr. ASPINALL. The time of the gentleman has expired. The Chair asks unanimous consent to include in the record the statement of William E. Welsh, secretary-manager, National Reclamation Association, Washington, D.C., together with a letter from Mr. John L. Gregg, treasurer-manager, Elephant Butte Irrigation District of New Mexico, and a telegram from the Espanola Valley Chamber of Commerce, Americo Romero, President, Espanola, N. Mex., which the gentleman from New Mexico has.

Is there any objection. Hearing none, it is so ordered.

(The material referred to follows:)

STATEMENT OF WILLIAM E. WELSH, SECRETARY-MANAGER, NATIONAL RECLAMATION ASSOCIATION

My name is William E. Welsh. I am secretary-manager of the National Reclamation Association. My purpose in appearing here today is to support legislation to authorize the two projects now pending before your committee, the Navajo Indian irrigation project and the San Juan-Chama participating project.

The National Reclamation Association was organized 29 years ago (1932) to save reclamation at a time when many of the prominent leaders of the West, including Dr. Elwood Mead, Commissioner of Reclamation, were fearful of losing

the entire reclamation program. It was organized to save reclamation for the West. The primary objective of the association throughout all these years has remained fundamentally the same: to support worthwhile reclamation projects in the western States.

The board of directors, by resolution, authorized the secretary-manager to support reclamation projects at either the authorization or appropriation stage which have the support of the State or States in which the project is located and which are noncontroversial between States.

Inasmuch as there had been some question on various occasions as to whether certain interests within the State of California were supporting or looked upon as controversial the Upper Colorado River projects, and particularly the Navajo Indian irrigation project and the San Juan-Chama participating project, the secretary-manager, under date of April 6 directed a letter to William E. Warne, director, California Department of Water Resources, asking whether the two projects referred to above are being opposed by California at this time. A copy of this letter was sent to Mr. Raymond Mathews, an engineer with the Colorado River Board of California. A copy of the letter follows:

"MR. WILLIAM E. WARNE,  
"Director, Department of Water Resources,  
"Sacramento, Calif.

"DEAR MR. WARNE: The board of directors of the National Reclamation Association has authorized the undersigned as secretary-manager to support reclamation projects either in the authorization or appropriation stage, which have the support of the responsible agencies within the State or States in which the project is situated and if it is not controversial between States.

"The House Interior and Insular Affairs Committee has scheduled hearings on the San Juan-Chama reclamation project and the Navajo Indian irrigation project, both in New Mexico, for Monday and Tuesday, April 24 and 25. It is quite probable that I will be invited to present a statement at these hearings in support of these projects. I know that several years ago certain interests in California did not look too favorably upon these and other Upper Colorado River projects. My concern now is whether these projects are being opposed by California at this time.

"Sincerely,

"WILLIAM E. WELSH, Secretary-Manager."

On April 21, a reply to this letter by telegram from Mr. Warne was received, copy of which follows:

"WILLIAM E. WELSH,  
Secretary-Manager, National Reclamation Association,  
Washington, D.C.:

"In reply to your April 6 letter, this department has no objection to your appearing in support of S. 107 before House committee. Governor Brown has stated that he does not oppose the San Juan-Chama reclamation project and the Navajo Indian irrigation project, authorized in S. 107 in the form that it passed the Senate. Thank you for opportunity to comment and will appreciate being advised of future hearings that might affect California.

"WILLIAM E. WARNE,  
Director, California Department of Water Resources."

After receiving the telegram the undersigned talked first with Mr. George L. Henderson, Bakersfield, Calif., acting NRA director for that State and later with LaSelle E. Coles, Prineville, Oreg., president, National Reclamation Association. Mr. Coles, without any hesitation, stated that under the circumstances he considered it the duty of the secretary-manager to support the two New Mexico projects referred to.

Accordingly, I am pleased to place the National Reclamation Association on record as strongly supporting both the Navajo Indian irrigation project and the San Juan-Chama participating project.

It is obviously unnecessary for me to take the time to go into details to explain the merits of these projects or set forth the reasons for the support of them by NRA. Governor Meachem, as well as several other witnesses, have explained to the committee the tremendous importance of these projects to the economy and the future growth and development of the entire area. Mr. McCabe has given you an excellent statement as to what the Navajo project would mean to

the Navajo Indians, not only them in a better position to utilize them it appears that neither does it appear that the engineering features of the available, since all of these Bureau of Reclamation.

The National Reclamation Act of 1902, and the initial stage project and the initial stage projects of the Colorado River projects of the Colorado River. Respectfully submitted.

RESOLUTION No. 4—AUTHORITY

Whereas water is the life existence; and the continuous water resources of the State; the Nation; and

Whereas remaining undeveloped in availability, are located in require major storage for control

Whereas the Reclamation Service goods and are absorbing a large United States because of the materials in the area and the industry in the interest of national

Whereas the Federal Government responsibility in the support of including the Reclamation Act of development and construction

Whereas such improvements in keeping with increasing national economic basis; and

Whereas the development of resource is a difficult, complicated many States having common interest of effort; and

Whereas the magnitude and extent within the framework of and State laws require joint action and State laws require joint action Reclamation States; and

Whereas greater public understanding and national benefits of the end therefore, be it

Resolved, That—

1. The National Reclamation Act the basic principles of reclamation 50 years, namely;

(a) Use of Federal money;

(b) Use of power revenue reclamation costs; and

(c) The inherent right of States with the assistance of water and power resources

and the water laws of the United States be binding on the United States

2. The individual States, and the directors of the National Reclamation and unanimously, a reclamation and water resources of the Nation

3. The officers of the National Reclamation the basic facts and far-reaching development.

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the Navajo Indians, not only in improving their standard of living but in placing them in a better position to ultimately be self-supporting.

Neither does it appear necessary or advisable to go into any details as to the engineering features of the projects or the amount of water that will be made available, since all of these will be thoroughly covered by witnesses from the Bureau of Reclamation.

The National Reclamation Association strongly supports and urges the enactment of legislation for the authorization of both the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project.

Respectfully submitted.

WILLIAM E. WELSH, Secretary-Manager.

RESOLUTION NO. 4—AUTHORIZATION AND APPROPRIATIONS FOR CONTINUED  
RECLAMATION PROGRAM

Whereas water is the lifeblood of municipal, agricultural and industrial existence; and the continuous conservation, development and utilization of the water resources of the States of this Nation are necessary to the growth of the Nation; and

Whereas remaining undeveloped water supplies are limited in amount, erratic in availability, are located long distances from necessary points of use and require major storage for control; and

Whereas the Reclamation States provide expanding markets for the Nation's goods and are absorbing a large share of the increase in population in the United States because of the location of needed and newly discovered raw materials in the area and the ever-present necessity for the decentralization of industry in the interest of national defense; and

Whereas the Federal Government, since its inception, has recognized its responsibility in the support of improvement resulting in public benefits, including the Reclamation Act of 1902 and subsequent legislation relating to the development and construction of major multipurpose water-use projects; and

Whereas such improvements and water-use projects must be carried forward in keeping with increasing national needs and on a feasible local and national economic basis; and

Whereas the development of basin-wide projects for the full use of a water resource is a difficult, complicated and time-consuming process often involving many States having common interests in interstate streams, requiring decades of effort; and

Whereas the magnitude and necessity for multiple use basin-wide developments within the framework and limitations prescribed by interstate compacts and State laws require joint action by the States involved and the support of all reclamation States; and

Whereas greater public understanding and appreciation of local, regional and national benefits of the entire reclamation program are necessary: Now, therefore, be it

Resolved, That—

1. The National Reclamation Association vigorously reaffirms its support of the basic principles of reclamation accepted as national policy for more than 50 years, namely;

(a) Use of Federal money without interest for the irrigation features;  
(b) Use of power revenues on a feasible economic basis to help pay reclamation costs; and

(c) The inherent right and obligation of the people of the reclamation States with the assistance of the Federal Government to develop fully their water and power resources in accordance with applicable interstate compacts and the water laws of the respective States, which are and should be binding on the United States in the development of water resources.

2. The individual States, and especially the reclamation States through the directors of the National Reclamation Association, be urged to support vigorously and unanimously, a reclamation program designed to fully develop the land and water resources of the Nation within the limit of available water supplies.

3. The officers of the National Reclamation Association inform the public of the basic facts and far-reaching benefits of present and proposed water resource development.

4. The officers of the National Reclamation Association bring to the attention of the President and Congress the extent to which the national welfare and available expanding markets will be impaired and curtailed if the Federal reclamation program is not expanded.

5. The officers of the National Reclamation Association bring to the attention of the President and Congress the ever present need for authorization of new projects justifiable under the law which will develop, control, conserve and utilize the water resources of the Nation to keep pace with its expanding population and improving standards of living.

RESOLUTION No. 8—BASINWIDE DEVELOPMENT AND FINANCING

Whereas the complicated and costly multipurpose projects which are today essential to the fullest utilization of the West's limited water supplies, are making power a more and more important paying partner in reclamation development; and

Whereas the use of power revenues to aid the repayment of irrigation costs is almost as old as the Federal reclamation program; and

Whereas it is recognized that integrated and coordinated planning, development, operation, and financing of federally constructed water development projects within a river or drainage basin and compact related area is the most economical, efficient, and feasible method of developing the water resources of many river basins and compact related areas: Now, therefore, be it

*Resolved*, That:

(1) The National Reclamation Association endorses the principle of integrated planning, development, operation, and financing of Federal water development projects within a river or drainage basin and compact related areas, and the use of basinwide power and other revenues to aid irrigation development within the river or drainage basin and compact related areas.

(2) Integrated development and financing, within a river or drainage basin and compact related areas, should not abandon the principle that basinwide development should meet reasonable standards of economic feasibility.

(3) That the authorization of all Federal basinwide developments, including the use of basinwide accounting, shall be by act of the Congress.

(4) That in any legislation for integrated basinwide development and financing, consideration should be given to the repayment of obligations of both existing and new irrigation entities within a basin or compact related area.

(5) That in any event integrated development and financing should not be imposed on river basins and compact related areas or existing Federal or local projects without approval of the States involved and established organizations of local consumptive users of water that would be affected thereby.

Representative THOMAS G. MORRIS,  
U.S. House of Representatives,  
Washington, D.C.:

ESPANOLA, N. MEX., April 25, 1961.

The Espanola Valley Chamber of Commerce, speaking for Espanola and the surrounding communities wish to emphatically endorse passage of the San Juan-Chama diversion projects. We ask your wholehearted support and efforts toward obtaining final passage of this legislation.

ESPANOLA VALLEY CHAMBER OF COMMERCE,  
AMERICO ROMERO, *President*.

ELEPHANT BUTTE IRRIGATION DISTRICT OF NEW MEXICO,  
Las Cruces, N. Mex., April 17, 1961.

Congressman WAYNE N. ASPINALL,  
Chairman, House Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: It will be appreciated if you will have this letter inserted in the record of hearings on the proposed San Juan-Chama project (H.R. 2506 and H.R. 2552), to be held on April 24 and 25, 1961.

The Elephant Butte Irrigation of the proposed San Juan-Chama project, the testimony of the district held before the House Committee on April 20, 1960. The testimony a record of the above hearing

The board of directors of the project to change its position on the project held on April 24 and 25, 1961. The board of directors of the project for the reasons stated above.

Very truly yours,

Mr. ASPINALL. We are very interested because you have given us the opportunity

Mr. SAUND. Would it be possible for us to interrogate the testimony of the board of directors?

Mr. ASPINALL. I am sure you can do that and has given such time as you desire.

The subcommittee staff will be at the call of the Chair.

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N. Mex., April 25, 1961.

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CHAMBER OF COMMERCE,  
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CT OF NEW MEXICO,  
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The Elephant Butte Irrigation District has consistently opposed the authori-  
zation of the proposed San Juan-Chama project for the reasons set forth in  
the testimony of the district appearing in the record of hearings on the project  
held before the House Committee on Interior and Insular Affairs on May  
20, 1960. The testimony appears on pages 169 to 172, inclusive, of the printed  
record of the above hearings.

The board of directors of the Elephant Butte irrigation district sees no reason  
to change its position on this matter and wishes the record of the hearings to be  
held on April 24 and 25, 1961, to show that the district continues its opposition  
to the project for the reasons stated in previous testimony referred to above.

Very truly yours,

JOHN L. GREGG, *Treasurer-Manager.*

Mr. ASPINALL. We are glad to have had you testify, Mr. Eakes,  
because you have given us something most worthwhile to consider.

Mr. SAUND. Would it be possible for us to meet this afternoon so  
we can interrogate the two witnesses.

Mr. ASPINALL. I am sorry; the chairman has other commitments  
and has given such time as he possibly can this morning.

The subcommittee stands adjourned.

(Whereupon at 12 noon, the subcommittee adjourned, to reconvene  
at the call of the Chair.)