



# Annual Report 1972

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WESTERN STATES WATER COUNCIL

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ANNUAL REPORT  
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In 1964, the Western Governors' Conference resolved that a comprehensive study of water resources should be undertaken by the states which would give particular attention to the feasibility of inter-regional water utilization, alternative methods of meeting the needs of water deficient areas, now and in the future, and an equitable means of maintaining the security of the water rights of each State. They further resolved that there be adopted an underlying philosophy for regional development that would assure areas and states of origin which export water to areas of deficiency full legal and economic protection of the future development rights. (See page 34)

On June 13, 1965, the Western Governors Conference authorized the establishment of the Western States Water Council in general conformity with the organized pattern of the rules of organization developed by the Western Governors' Conference's Western Water Resources Task Force. (See Page 34) The stated purpose of the Council is to accomplish effective cooperation among the western states in planning for programs leading to integrated development by state, federal and other agencies of their water resources.

Each state is represented on the Council by three members appointed by and serving at the pleasure of the Governors. Each state has one vote and no recommendations may be issued or external positions taken by the Council except by unanimous vote by all member states.

At the 1971 Western Governors' Conference the Council was directed to follow through on unanimous positions making its views known before Congress, federal agencies and other organizations. In April 1972, the Council added a new function to its rules of organization: to investigate and review water related matters of interest to the western states.

Since its inception, the Council has actively considered, coordinated, explained and commented on broad policy matters involving

water in the western states. During 1972, the Council unanimously took positions on the Review Draft of the Proposed Report of the National Water Commission, (p. 2) The "Proposed Principles and Standards for Planning Water and Land Resources" of the Water Resources Council, (p. 10) The 1972 OBERS Projection, (p. 16) legislation to create an Indian Trust Counsel Authority, (p. 21) dam safety legislation, (p. 24) and construction of a large-scale prototype desalter. (p. 25)

## NATIONAL WATER COMMISSION

On September 25, 1968, Congress established a National Water Commission to review present and anticipated national water resources problems, consider economic and social consequences of water resource development and advise on such specific water matters as referred to it by the President and the Water Resources Council.

On November 8, 1972, the Commission released a Review Draft of their Proposed Report, the final version of which is due to be presented to Congress not later than September 26, 1973. By special mail ballot, the Council unanimously agreed that the following statement should be presented to the National Water Commission at hearings held in Washington, D.C. on February 9.

### STATEMENT PRESENTED TO THE NATIONAL WATER COMMISSION Washington, D.C. February 9, 1973

In July 1965, the Western Governors' Conference created the Western States Water Council to accomplish effective cooperation among Western States in planning for programs leading to integrated development by state, federal and other agencies of their water resources. Each of the eleven western states is represented on the Council by three members, appointed by and serving at the pleasure of the Governor. No recommendation may be issued or external position taken except by unanimous vote of all member states.

Since its creation, the Council has actively considered, coordinated, explained and commented on broad policy matters involving water in the Western States. The Council has agreed upon Principles-Standards-Guidelines to be utilized in broad scale water resources planning and development; assisted in the formulation of positions taken on non-degradation statements to be included in water quality programs;

recommended action to identify the extent of federal claims of surface and underground waters from federal lands arising under the implied Reservation Doctrine; requested that this Commission identify in order of priority, the major issues and problems upon which the Commission would concentrate its efforts; resolved that benefits from uses, both primary and secondary, for local, regional, and national purposes should be considered in connection with all water and related land resource projects; requested that a large scale prototype desalter be constructed and put into operation as soon as possible; and is actively participating in the Western States Reconnaissance Investigation authorized by the Colorado River Basin Project Act.

The Western States Water Council appreciates the opportunity to again present its concerns to the National Water Commission. The eleven Western States have diversified interests and have commented separately upon the Review Draft. This statement is not intended to supersede those comments but is presented to inform the National Water Commission of the common concern shared by all eleven Western States. Those states unanimously request that the following concepts be incorporated into the Commission recommendations.

In a day of growing complexities and pressing demands for federal programs, the eleven Western States are deeply concerned about the lack of emphasis on basic resource development. These basic resources must be developed to provide the base for the general economy so that other needed programs can be supported. It is distressing when neglect threatens to weaken the nation in an area where it must be strong if it is to meet the needs of the future. The present healthy economy has been substantially bolstered by investments by the Federal Government in water and related land resource development. These federal efforts must be continued.

### AGRICULTURAL WATER NEEDS

The *Heady* study which underlies much of Chapter 1, examines the possibility of meeting future water demands under several sets of specified conditions and generally indicates that given the specified conditions demands can be met for the next 30 years without additional irrigated lands being developed. It appears that the Commission has placed too much reliance on the *Heady* study in developing its recommendations relative to national water resource development policy. Some of the items which tend to weaken the sufficiency of Chapter one are:

1. The National Water Commission summary refusal to

examine farm price programs because they felt their mandate did not extend that far, weakens the Review Draft because it ignores that water resources development is part of a larger, more complete, process.

2. The eleven alternative futures studied and reported in the draft do not allow a balanced appraisal of possible future needs. A major omission is a future describing OBERS conditions which have been subjected to intense scrutiny in regional meetings and project a national need for an additional 6.9 million acres of irrigated land by 2000.
3. Assumptions are used which tend to move the study rather far from the realm of reality, including:
  - a. The "free market" assumption which was used to reduce the study to manageable proportions; this assumption produces the effect of ignoring proper relationships between agricultural output and contractual arrangements with processing establishments and the availability of marketing and transportation agencies.
  - b. The assumption of uniform transportation activity costs for each commodity over all routes.
  - c. The assumption that agricultural exports will remain at the 1967-69 level. This ignores the trend of increased net agricultural exports from \$1.2 billion in 1954 to \$3.3 billion in 1970. Although future D assumes a doubling of the 1967-69 rate, this is offset by also assuming increased productivity through advanced technology.
4. National economic efficiency is not necessarily the highest goal of water resources development.
5. The discussion of repayment is loosely developed to promote an anti-irrigation bias. The Federal government does not bear costs when power revenues are used to supplement irrigation repayment, unless the assumption is made that surplus power revenues should go into the general treasury to reduce the overall tax burden. Such an assumption runs quickly into the body of policy and law concerning Federal competition with the private sector.

#### ENVIRONMENTAL CONCERNS

Both Chapters 2 and 6 are related to environmental concerns generated by water resources development. There is a marked difference in emphasis of the two chapters. Chapter 2 generally casts water resources development in a very negative role. Although there are qualifying

statements, Chapter 2's basic thrust is that water resources development has created more problems than it has solved. This is somewhat offset by Chapter Six, which creates the impression that water resources planners have now turned the corner on integrating environmental planning into their processes.

On these chapters, the Council would make the following observations, some of which are included in the Commission's recommendations:

1. Environmental planning should not ignore the welfare of the public.
2. Congress should continue to be the entity to balance differing environmental and social values of water resource developments. Congressional action should not be diluted by agency reaction.
3. Environmental review procedures under NEPA should be further standardized.
4. Statements presenting environmental concerns should be circulated in time to allow meaningful examination and response.

#### STATE CREATED WATER RIGHTS

Chapter 7 of the Review Draft contains recommendations which if implemented, would affect state-created water rights. Rights to the use of water acquired by appropriation and use under the laws and customs of the states are property rights subject to definition and regulation, within the constraints of the Fifth and Fourteenth amendments to the United States Constitution, by the States that created them. Coercive or punitive Federal Statutes which might pressure states to enact state legislation to forestall loss of Federal financing should be resisted.

#### TRANSFERABILITY

The determination of the desirability of market transfers should be left to the judgment of the individual states. However, it should be noted that with few exceptions it has always been the rule that an appropriator may change the place and character of the use of water, so long as he follows established procedures and does not impair the rights of other users. The States are constantly improving their water rights records through their planning efforts, computer programs, adjudicatory processes and other methods.

Although it may be very desirable to encourage water to yield the highest return to social well being, economic gain for a new use at the expense of an established use is not necessarily a net economic advantage to the public interest. The burden of persuasion on the issue of injury to other users should remain on the transferor.

#### SOCIAL VALUE (NON-ECONOMIC) RIGHTS

The States recognize that the public's need and interest in water related recreation, fish and aquatic habitat and esthetic enjoyment should be an integral part of any water resource planning or development program. Issues concerning public access to water and instream water use should remain within the jurisdiction of the individual states. Present noteworthy state efforts range from inclusion of these social values in state water planning efforts to specific legislation reserving minimum flows. Any recommended state legislation authorizing appropriation and use of water, without storage or diversion, for recreation, fish and wildlife or esthetics should be limited to public agencies for the benefit of the public and not for private ownership. Legislation authorizing appropriation and use after diversion for those uses should be extended to both private and public interests.

#### STATE GROUNDWATER LAWS

Groundwater law should be state law with localized variations in substantive rules and procedures where needed. State supervision should encourage optimum local use and conservation of groundwater resources.

Groundwater law should be codified as an integral part of the codification of surface water law. All classification of groundwater into percolating water and water in underground streams should be eliminated.

State water quality statutes and regulations should expressly include groundwater except where affirmative reasons can be discovered for not doing so. They should contain authority for state regulation or prohibition of activities which unreasonably impair quality of groundwater resources.

There should be administrative authority, state or local, by basin or areas to promulgate and enforce regulations to achieve the following:

- (a) Well construction by licensed and bonded well drillers to prevent injury to groundwater aquifers and to insure that hydrogeologic data are properly recorded and reported in connection with drilling.
- (b) Recording water extractions to obtain needed hydrogeologic information.
- (c) Regulations to insure optimum well spacing and minimum well interference.
- (d) Enforcement of adequate measures to protect public health as to the quality of domestic water supplies.
- (e) Controlling wells to prevent waste of water and artesian pressure.
- (f) Plugging abandoned wells.

#### INTERSTATE GROUNDWATER LAWS

Congress should enact legislation consenting in advance to administrative agreements by states for the administrations of interstate groundwater basins identified in the agreement. Consenting legislation should make these conditions:

- (a) The agreement should be approved after execution, by the Secretary of the Interior, or by Congress, if he should withhold consent.
- (b) It should not interfere with any vested rights.
- (c) It may be revoked or modified in the same manner in which it was created. Property rights created in accordance with and under the agreement shall not be taken without just compensation.

#### INTERBASIN TRANSFERS

In Chapter 8, the Commission concludes that "the 'in kind' type of area-of-origin protection exemplified by the State and Federal legislation . . . is unworkable . . ." The Western States Water Council has adopted principles which state in Article III:

"Except as otherwise provided by existing compacts, the planning of western water resources development on a regional basis will be predicated upon the following principles for protection of states of origin:

- (1) All water-related needs of the states of origin, including but not limited to irrigation, municipal and industrial water, flood control, power, navigation, recreation, water quality control; and fish and wildlife preservation and enhancement shall be considered in formulating the plan.
- (2) The rights of states to water derived from the interbasin transfers shall be subordinate to needs within the states of origin.
- (3) The cost of water development to the states of origin shall not be greater, but may be less than would have been the case had there never been an export from those states under any such plan."

These Principles were unanimously adopted by the States comprising the Columbia and Colorado River Basins. However, it is suggested that principles appropriate for interstate interbasin transfers will vary from one situation to another and from one time to another. Therefore, the Commission should not recommend principles which would apply to all situations at all times.

#### **COST SHARING & REGIONAL DEVELOPMENT**

We few and rather insignificant exceptions, the Commission in Chapter 14, recommends transfer of a "uniform" 100% of all federal costs to local beneficiaries. Full transfer of costs for municipal waste collection and treatment would be deferred for a period of ten years. The exceptions to the policy of full transfer involve the areas of water-based recreation and enhancement of environmental values, and even here the maximum possible transfer is proposed even though the report admits that the policies of PL 89-72 have been a failure. The Western States have encouraged the Water Resources Council to conduct an early review of current reimbursement and cost-sharing policies so that uniformity can be achieved by the various agencies.

The Commission reliance on national economic efficiency and harsh cost sharing policies would reduce the governmental role to that of a banker with a limited social conscience. Contrary to the Commission findings, all of the social goals and public welfare objectives possible through water resources development have not been achieved. If National economic efficiency is to be the sole determinant for water resources development, then the proposed cost-sharing policies may have merit as long-range objectives, perhaps for achievement around the turn of the century. But abrupt implementation of such policies at this time would be disastrous.

The Commission has concluded that "to a large extent, economic development benefits of water projects accruing only to one region will result in offsetting losses in another region". (14-26) This may be true in some cases, but as a general thesis, it is at best unproven and is probably dead wrong. It might be an interesting exercise to identify the offsetting losses in other regions to the great benefits that have resulted in the Salt River Valley from the Salt River Project, in much of the Pacific Southwest from the construction of Hoover Dam, and in the Pacific Northwest from the construction of major dams on the Columbia River. It would be difficult to identify any offsetting losses as a result of the flood control, hydroelectric power, municipal and industrial water supply, and irrigation benefits that resulted regionally from these great water projects.

To insure maximum effectiveness, water and related land resources planning in the eleven western states must be a cooperative effort between the State and Federal governments. The legislative authority for these state planning efforts generally directs that plans be formulated to allow optimum development of the State as a region. To constrain the cooperative state-federal planning efforts by eliminating regional objectives would violate the intent of the legislative authority for most western state planning.

In view of the policy position taken by Congress relative to many of the non-water related economic development programs that Congress has approved, which use a regional approach, elimination of regional objectives of water resources development would appear to be arbitrary. The Western States believe that regional development concepts should be included as an objective in all plans for proposed water programs and physical developments in which federal funding is requested. Retention or rejection of the regional development aspects of an investigation could then be determined as a part of the planning and authorization process.

#### **STATE PLANNING ASSISTANCE**

The Commission has recommended that the Water Resources Planning Act Title III program be extended for at least five years and that the \$5,000,000 per year ceiling be removed. The Western States concur in this recommendation. The States have consistently demonstrated their interests and needs for increased funding by consistently over matching available federal funds.

## DISCOUNT RATE

The Council approves the Commission rejection of the opportunity cost concept in evaluating water resources projects. The Western States unanimously agree that use of the opportunity cost concept to set a high discount rate to effect a reduction in the amount of money spent for the nation's water resources program is an improper utilization of the discount rate. The sovereign social interest and responsibility toward public investment in water resources development should not be limited by constraints placed on private capital investments.

Utilization of the opportunity cost concept may necessitate the planner to scope projects that have low capital investment but may require increased maintenance and operation costs that extend into the future. Since benefits from storage projects are generally projected to occur in stages, large multi-purpose storage projects would probably have to be reduced in scope and some projected future benefits would be foregone. If that happens, from a hydrologic standpoint, possible major storage sites might be under-utilized.

The Western States unanimously agree that the discount rate should be established by Congress for a minimum period of five years.

## WATER RESOURCES COUNCIL PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

On December 21, 1971, the Water Resources Council published in the Federal Register its "Proposed Principles and Standards for Planning Water and Related Land Resources." Those Principles and Standards would apply to Federal participation in planning of water and land resources for states, regions and river basins to planning of federal and federally assisted programs and projects, and to federal licensing activities. On March 21, 1972, at hearings held in Washington, D.C., the Western States Water Council presented the following Statement:

### STATEMENT PRESENTED TO WATER RESOURCES COUNCIL MARCH 21, 1972

The Western States Water Council was formed in 1965, pursuant to a resolution of the Western Governors' Conference, to foster effective cooperation among Western States in planning for programs leading to integrated development by state, federal, and other agencies of their water resources. The Council has three representatives from

each of the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, appointed by the respective governors. Each state has one vote, but no recommendation may be issued or external position taken except by unanimous vote of all member states.

The Council appreciates the opportunity to present to the Water Resources Council its unanimous views on the "Proposed Principles and Standards for Planning Water and Related Land Resources" as published in the Federal Register on December 21, 1971. In a day of growing complexities and pressing demands for federal programs, the eleven Western States are deeply concerned about the lack of emphasis on basic resource development. These basic resources must be developed to provide the base for the general economy so that other needed programs can be supported. It is distressing when neglect threatens to weaken the nation in an area where it must be strong if it is to meet the needs of the future. The present healthy economy has been substantially abetted through investments by the Federal Government in water and related land resource development. These federal efforts must be continued. Although the general effect of utilization of the "Principles and Guidelines" will be to display a wider range of alternatives from which to choose, there are certain portions of the "Principles and Standards" which, if adopted, will lessen the federal effort in water resources development and will be detrimental to the entire country.

## DISCOUNT RATE

Section IV D of the "Principles" provides that the discount rate to be used in the formulation and evaluation of water resources projects will be "The average rate of return on private investment in physical assets, including all specific taxes on capital or the earnings of capital and excluding the rate of general inflation, weighted by the proportion of private investment in each major sector."

The "Standards" ( § IV D.) set the rate to be 7 percent. This is a substantial increase from the 5 3/8 percent presently used by the Water Resources Council. Utilization of the opportunity cost concept may necessitate the planner to scope projects that have low capital investment but may require increased maintenance and operation costs that extend into the future. Since benefits from storage projects are generally projected to occur in stages, large multi-purpose storage projects would probably have to be reduced in scope and some projected future benefits will be foregone. If that happens, from a



hydrologic standpoint, possible major storage sites may be under-utilized.

Economists are not in agreement that the opportunity cost concept should be used to determine the discount rate for public investment. At least two other concepts can be used in determining the proper discount rate. These are the social time preference concept, or the government borrowing cost concept.

Both of these concepts have clear advantages over the "opportunity cost" concept. The "government borrowing cost" concept is easy to understand and planners have ready access to empirical data necessary for its determination. Also, a formula which would change slowly could be devised. This would eliminate a continuous re-evaluation of projects as the interest rate changes.

The "social time preference" concept is much more reflective of the democratic process in estimating the public preference for apportioning benefits between the present and the future. That concept also recognizes that collective decisions made through the political process encompass a broader range of considerations than those examined in non-federal investments.

The Western States unanimously agree that use of the "opportunity cost" concept to set a high discount rate to effect a reduction in the amount of money spent for the nation's water resources program is an improper utilization of the discount rate. No other federal program has its spending level set by the use of that concept. The establishment of an interest rate and concept on which the interest rate is based is a policy decision that can and should be made by Congress. We urge that Congress exercise this prerogative by legislative action and set the interest rate to be used in water planning programs. The interest rate so established should be set for a minimum period of 5 years.

#### REGIONAL DEVELOPMENT ACCOUNT

The Proposed Principles provide that "The regional development objective will be used in formulating alternative plans only when directed." To insure maximum effectiveness, water and related land resources planning in the eleven western states must be a cooperative effort between the State and Federal governments. The legislative authority for these state planning efforts generally directs that plans be formulated to allow optimum development of the State as a region. To constrain the cooperative state-federal planning efforts by requiring

federal approval prior to consideration of regional objectives would violate the intent of the legislative authority for most western state planning.

In view of the policy position taken by Congress relative to many of the non-water related economic development programs that Congress has approved, which use a regional approach, this language appears to be arbitrary. The Western States believe that regional development concepts should be included as an objective in all plans for proposed water programs and physical developments in which federal funding is requested. Retention or rejection of the regional development aspects of an investigation would then be determined as a part of the planning and authorization process.

#### MULTI ACCOUNT APPROACH

The Western States agree that the beneficial and adverse effects of possible water resources development on national and economic development, regional development, and the environmental characteristics of the area under study should be identified. On the basis of that identification, decision-makers will be able to effect balanced development. The Standards can be interpreted to provide that once net benefits are displayed in the National Economic Development Account, and an alternative project is formulated to emphasize an Environmental Quality or Regional Development objective, it is not necessary that the National Economic Development benefit be in excess of National Economic Development costs. The states agree with that interpretation and feel it should be more clearly stated.

#### EFFECT ON EXTERNAL ECONOMIES

The Water Resources Council is to be commended for including in the Standards consideration of indirect, induced, secondary, and intangible benefits and costs such as induced productivity changes, employment of presently unemployed resources, population redistribution, and income redistribution. The Western States Water Council has supported these same concepts in its statement of January 13, 1969, concerning the original draft of the proposed principles.

Today there is an enormous body of literature relating to the evaluation of water resources investments. The water field can claim a measure of sophistication in the evaluation of investments that cannot be claimed by most other sectors of government involved in the

## REIMBURSEMENT AND COST-SHARING

investment of large sums, such as education, transportation, urban renewal, or social welfare programs. Yet one cannot be content with what has been done, and those deeply concerned with water resources management are keenly aware of certain limitations in the techniques of economic analysis and recognize that further improvements are needed.

Both the cost and benefit sides of water project evaluation are in need of improvement. For years the various federal agencies have been struggling to do so. This is particularly true with respect to the benefit side of the equation as it relates to municipal water supply, hydroelectric power, and recreation. Time and again projects have been constructed which provide benefits to these purposes, and it has turned out that the benefits were substantially underestimated in the formulation process.

A major factor in properly evaluating project benefits is the present difficulty in placing a dollar value on so-called indirect, or secondary benefits (such as stabilization of income, creation of job opportunities, provision of economic flexibility, dispersal of population, resource preservation, and the general economic and social well-being of the people). Better ways must be found to evaluate these benefits to aid in the decision-making process when new project proposals are before the Congress.

Most of the new government programs involve social objectives whose values are considered almost totally intangible. Conversely, experience has demonstrated that the benefit-cost ratio has become almost the sole measure of the economic worth of water resource projects. If this measure is to be meaningful, some objective way must be found to reflect the important indirect benefits of these projects.

### SCHEDULE FOR APPLYING STANDARDS

The Western States Water Council is concerned over the schedule for applying these proposed standards. It is strongly recommended that these standards not be applied to plans, programs or projects which have already been authorized by Congress until 5 years after the adoption of the Standards. This will permit a more reasonable transition in the evaluation procedure of projects and minimize the cost and confusion of changing the criteria applicable to projects already under consideration.

The Western States Water Council commends the Water Resources Council for the recognition that current reimbursement and cost-sharing policies be reviewed at an early date. The Water Resources Council is encouraged to conduct such a review in a formal manner and as early as possible so that uniformity can be achieved by the various reviewing agencies. It is requested that the individual states and the Western States Water Council be involved and participate in such a review and have an opportunity to comment on any suggested modifications that may come of such a review.

### REVIEW OF STANDARDS

With the understanding that any new tool must be evaluated and often modified if it is to properly perform the task for which it was designed, it is suggested that the Water Resources Council conduct a thorough review and analysis of the standards that are eventually adopted and implemented after they have been applied and used for a period of time. Such a review should involve all using agencies and states, with the intent of modifying the Standards, where appropriate, to refine the procedures and insure that they are as good a method as can be agreed upon to best evaluate prospective projects.

### UNDETERMINED ISSUES

The Western States Water Council and its member states have taken note of the fact that there are yet to be adopted many policies, criteria and project review factors before the standards proposed by the Water Resources Council can in fact be truly implemented. It is most important that these additional factors and standards be determined and applied in a uniform manner. Many of these items will be major determinants in the eventual evaluation of individual projects. These factors must be set before the standards can really be implemented. Therefore, these should be determined as early as possible, to hasten the date of true implementation of the Proposed Standards.

In addition, and of even greater concern to the Western States Water Council and its member states, is the need to have local and state input in the setting and adoption of these additional policy items. We are concerned that major factors not be arbitrarily set by "Administrative Legislation" by one or more governmental groups or agencies.

It is requested that the Western States Water Council and the individual states participate as fully as possible in the formulation and

adoption of such additional policies as are needed to implement the Proposed Principles and Standards.

### 1972 OBERS PROJECTIONS

In March 1971, the Office of Business Economics of the Department of Commerce and the Economic Research Service of the Department of Agriculture, under contract with the Water Resources Council, distributed for review a report on the historical and projected population and economic activities in the United States by water resources region and subarea from 1929 to 2020.

The report was distributed to Federal field offices and state agencies. Following a review period, a series of public meetings were held to explain and discuss the report.

Following those hearings, a revised draft of the report was circulated. On July 13, 1972, the Council unanimously suggested that the following adjustments be made to the 1972 OBERS Projections. These suggested adjustments were transmitted to the Water Resources Council.

#### SUGGESTED ADJUSTMENTS TO THE 1972 OBERS PROJECTION adopted July 13, 1972

In 1965, The Western Governors' Conference created The Western States Water Council to accomplish effective cooperation among western states in planning for programs leading to integrated development by state, federal and other agencies of their water resources. The Council represents a semi-arid part of the United States where streamflows are sometimes erratic and inadequate. Water problems in the Council states are further accentuated because this area is presently experiencing the nation's most rapid population growth rate.

Each of the eleven Council States is formulating or updating its own State water plan and also participating in the Westwide Reconnaissance Investigation authorized by Public Law 90-537. The individual states are taking a strong role in developing their own projections of most probable locations and alternative patterns of future development, attendant water requirements, and all other water requirements.

So that maximum utilization of effort can be achieved, proper coordination be effectuated, and realizing that the Assumptions and Criteria utilized in OBERS will greatly influence Study results, the

Western States Water Council requests that the following adjustments be made prior to utilization of the 1972 OBERS Projections.

1. All projections should be provided in accordance with State boundaries. This would assist the state in developing alternative projections for use in their own study efforts and enhance relevancy for utilization in the Westwide Study.

2. A more complete set of documents should be provided to the designated State water planning agencies. The distribution of the Review materials of the 1972 OBERS Projections has been extremely limited. This has hampered State efforts to adequately review and determine relevancy.

3. The projections should clearly illustrate that they are the 1972 edition, and that it is but one of a continuing effort. To insure that the information is not misused, the cover of the report should clearly indicate (a) the population series utilized, (b) the year the study is completed, and (c) any special criteria identification needed.

4. Which series of population projections will be utilized as the base line concept is a major concern. It cannot be overstressed that projections do not identify goals or objectives, but are merely a planning tool. To emphasize this, and also to identify a range of alternative courses of actions, in addition to utilizing the "C" series of population growth, OBERS should formulate an additional nationally consistent projection of economic activity in the United States by water resources region, and subarea, utilizing a lower rate of population growth consistent with recent trends.

5. An understanding of the relationship between water and land is fundamental for proper utilizations of the projections. In the semi-arid west, where there are vast areas of potential crop land and seemingly available water supplies, it is essential that Agricultural Assumptions used be fully explained. Also the data and information as shown for the United States summaries does not appear to be consistent. The acreage data supplied for a twenty-one state total is shown to be greater than that for the forty-eight state total. The WSWC recommends that the following suggestions be utilized in finalizing projected Agricultural growth:

(a) The base data utilizes figures presented in the 1969 Agricultural Census which understates irrigations development. The base should be adjusted to reflect actual development.

(b) For years, the impression has been given that millions of acres of farm land are being lost for other uses. The 1969 Agricultural Census completely reverses this trend by reporting vast acreages of crop land that were overlooked in previous census year. The notable differences in recent Agricultural Censuses should be reconciled.

(c) It should not be assumed that present dry farm crop lands be the first lands to be converted to projected irrigation growth.

(d) The methodology and source of data for determining the private irrigation should be identified.

(e) Determination of the feed base allocated to the public lands should be fully discussed. In recent years both the Bureau of Land Management and the Forest Service have tended to restrict, and in some instances, curtail grazing on the public domain. There have been increased pressures for other uses such as recreational and wild life production which have further restricted cattle and sheep production. The multiple use and classification act of 1964 provided for additional pressure that could eventually restrict grazing. Assumptions made in these areas should be clearly identified and fully discussed.

(f) Projections of future agricultural developments should not be constrained by judgmental predictions of future availability of federal financing.

(g) As world population increases, the world market will reflect increased demands for food and fiber. Assumptions made concerning any future Import-Export relationships should be fully identified and discussed.

6. The 1972 OBERS Projection Report, when finalized, should contain a complete identification and discussion of all assumptions and limitations. Without such identification and discussion, the projections are more than likely to be abused than used.

#### IMPLEMENTATION

On November 2, 1972, representatives of the Western States Water Council met with representatives of the Water Resources Council, BEA, and ERS, to discuss the methodology and the assumption utilized in the OBERS Projections.

The agenda followed the adjustments to the 1972 OBERS Projections suggested by the Council at their July 13, 1972 meeting. A consensus of that discussion follows:

1. ALL PROJECTIONS SHOULD BE PROVIDED IN ACCORDANCE WITH STATE BOUNDARIES.

The 1972 OBERS Projections released in February, 1973, have the resource data, both from BEA formerly OBE and ERS, assembled on State boundary lines.

2. A MORE COMPLETE SET OF DOCUMENTS SHOULD BE PROVIDED TO THE DESIGNATED STATE WATER PLANNING AGENCIES.

The 1972 OBERS Projections have been distributed to the states. Three copies were sent to each state. One was sent to the Governor, for utilization by the Governor's planning office. Two copies were sent to the designated water agencies. Other copies are available upon request.

3. THE PROJECTIONS SHOULD CLEARLY ILLUSTRATE THAT THEY ARE THE 1972 EDITION, AND THAT IT IS BUT ONE OF A CONTINUING EFFORT.

The title page of the 1972 OBERS Projections indicates that they are the 1972 Edition, and that the series "C" population has been utilized. No special criteria identification is displayed.

4. . . . TO IDENTIFY A RANGE OF ALTERNATIVE COURSES OF ACTION, IN ADDITION TO UTILIZING THE C SERIES OF POPULATION GROWTH, THE OBERS SHOULD FORMULATE AN ADDITIONAL NATIONALLY CONSISTENT SET OF PROJECTIONS OF ECONOMIC ACTIVITY IN THE UNITED STATES BY WATER RESOURCE REGION AND SUBAREA, UTILIZING A LOWER RATE OF POPULATION GROWTH CONSISTENT WITH RECENT TRENDS.

The 1972 OBERS Projections are based upon the "C" series of population growth. Work for the utilization of the "E" series population growth rate will be completed next Fall. The draft recommended OBERS action plan now indicates that by February 1, 1974, the Water Resources Council will issue supplement "D" to the current OBERS report which will provide projections based upon "E" series population projections to 2020 comparable to the 1972 OBERS Report and supplements "A" through "C".

5. (a) THE BASE DATA UTILIZED FIGURES PRESENTED IN THE 1969 AGRICULTURAL CENSUS WHICH UNDERSTATES IRRIGATION DEVELOPMENT.

The 1964 Agriculture Census was taken by direct enumeration, whereas, the 1969 Census used a mail survey questionnaire. The Census Bureau believes that part of the 1969 increase in reported cropland acres resulted from this change in enumeration procedure. The Census Bureau is, however, unable to identify the extent to which the increase in reported 1969 cropland acreage was caused by this change in enumeration procedure.

**5. (b) THE NOTABLE DIFFERENCES IN RECENT AGRICULTURAL CENSUSES SHOULD BE RECONCILED.**

The Agricultural Census are taken every five years, and irrigated acreage reported is dependent on acres watered in the reporting year. Since water availability is one of the variables influencing total acres watered in the reporting year, dependent on water availability of the particular year reported upon, reporting of irrigated acreage may fluctuate considerably.

**5. (c) IT SHOULD NOT BE ASSUMED THAT PRESENT DRY FARM CROP LANDS WILL BE THE FIRST LANDS TO BE CONVERTED TO PROJECTED IRRIGATION GROWTH.**

The 1969 Census indicated that in the 17 Western States, three Delta States and Florida, there were 36.2 million acres under irrigation. (In 1969, somewhat less than two million irrigated acres were reported for areas outside these 21 states). Irrigated acreage is defined as that land which is being irrigated presently, and from which crops are being taken. Raw land is identified as that land from which no crops are taken.

The 1972 OBERS Projections indicate that 44.6 million acres will be under irrigation by the year 2020. Those same projections indicate that 22 million acres of non-agricultural development will occur by 2020. No assumption has been made as to whether, or to what extent, presently irrigated lands will be utilized in those 22 million acres.

Of the net increase of 8.6 million acres by 2020, the projections assume that 4.9 million acres will be from dry farms that will be converted to irrigation. The remaining 3.5 million acres will be developed from raw land.

**5. (d) THE METHODOLOGY AND SOURCE OF DATA FOR DETERMINING PRIVATE IRRIGATION SHOULD BE IDENTIFIED.**

Private irrigation is defined as all lands other than lands under full

service Bureau of Reclamation projects. The source of data is the 1969 Agricultural Census. The methodology for determining private irrigation development is identified in Chapter One of the 1972 OBERS Projections.

**5. (e) DETERMINATION OF THE FEED BASE ALLOCATED TO THE PUBLIC LANDS SHOULD BE FULLY DISCUSSED.**

Assumptions made in these areas should be clearly identified. ERS has assumed that productivity of public lands will increase. Information concerning environmental or other pressures that will retard that increase or cause less than present productivity will have to come from field offices.

It might then be possible to adjust the assumptions to more accurately reflect the probable future situations.

**5. (f) PROJECTIONS OF FUTURE AGRICULTURAL DEVELOPMENTS SHOULD NOT BE CONSTRAINED BY JUDGEMENTAL PREDICTIONS OF FUTURE AVAILABILITY OF FEDERAL FINANCING.**

Future agricultural developments are projected in two stages. Historical trends in private development are assumed to continue to 2020. (Private development is defined as non full-service Bureau of Reclamation development). To this is added the acreage included in the Bureau of Reclamation projects presently authorized and funded. The two are combined and displayed as total projected development.

**6. THE 1972 OBERS PROJECTION REPORT, WHEN FINALIZED, SHOULD CONTAIN A COMPLETE IDENTIFICATION AND DISCUSSION OF ALL ASSUMPTIONS AND LIMITATIONS.**

Volume 1 of the 1972 OBERS identifies the assumptions and limitations. If more specific information is required, or requested, both BEA and ERS have agreed to make their files available.

**INDIAN TRUST COUNSEL AUTHORITY**

Late in 1970, legislation was introduced in the United States House of Representatives and Senate which would create an Indian Trust Counsel Authority. That Authority would be completely free from control by any Executive Department and would supplant the Departments of Justice and Interior as legal representatives of Indians in any matter concerning their rights or claims to natural resources.

On October 9, 1970, the Western States Water Council un-  
animously agreed that Indians should have ready access to the com-  
petent legal representation necessary for the protection of their rights  
to natural resources, and should be encouraged and assisted in the  
pursuit and protection of those rights. However, the Council did not  
feel the creation of the Indian Trust Counsel Authority was the proper  
way to achieve those objectives.

At a meeting of the Western States Water Council in Phoenix,  
Arizona, January 14, 1972, it was unanimously agreed that the follow-  
ing statement should be submitted to the Senate Interior and Insular  
Affairs.

**STATEMENT SUBMITTED TO  
SENATE INTERIOR AND INSULAR AFFAIRS  
JANUARY, 1972**

The Western States Water Council was formed in 1965, pursuant  
to a resolution of the Western Governors' Conference, to foster effec-  
tive cooperation among Western States in planning for programs leading  
to integrated development by state, federal and other agencies, of their  
water resources. The Council has three representatives, appointed by  
the Governor, from each of the States of Arizona, California, Colorado,  
Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and  
Wyoming. Each state has one vote but no recommendations may be  
issued or external positions taken, except by unanimous vote of all  
member states.

The Indian Affairs Subcommittee is presently considering S. 2035  
which would create an Indian Trust Counsel Authority. That Authority  
would be completely free from control by any Executive Department  
and would supplant the Departments of Justice and Interior as legal  
representatives of Indians in any matter concerning their rights or  
claims to natural resources.

At the twenty-first meeting of the Western States Water Council,  
Council members unanimously agreed that this legislation is contrary to  
the interests of both Indians and non-Indians. They also unanimously  
agreed that the creation of the proposed Indian Trust Counsel Autho-  
rity should be opposed. Those same members agree that Indians should  
have ready access to the competent legal representation necessary for  
the protection of their rights to natural resources, and should be en-  
couraged and assisted in the pursuit and protection of those rights.

However, the Council does not feel that the creation of an inde-  
pendent entity, completely free of executive control, is the way to

achieve that representation. S. 2035 treats Indians as if they were a  
single entity with common interests. This is just not so. A frequent and  
significant conflict encountered in the representation of Indian claims is  
the conflict between tribes with competing or conflicting interests. The  
protracted boundary dispute between Acoma and Laguna Pueblos and  
the long-standing land title controversies between the Hopis and  
Navajos and the Zunis and Navajos serve as examples of the indepen-  
dent interests of the respective tribes.

The Judiciary Committee Print "A Study of Administrative Con-  
flicts of Interest in the Protection of Indian Natural Resources" con-  
tains further examples of inter-tribal and inter-pueblo conflicts of in-  
terest. The Print refers to the adjudication of water rights of a tributary  
of the Rio Grande River. In one of the adjudication suits, four separate  
Indian pueblos are named as defendants; Nambe, Pojaque, Tesuque,  
and San Ildefonso. Each of those four pueblos have separate and com-  
peting claims to the inadequate water supply of one of the tributaries  
of the Rio Grande River. Under S. 2035, the Indian Trust Counsel  
Authority, could, completely free of executive restraint, choose which  
of those four pueblos should have their rights most vigorously pursued.

These illustrations of the complexity of Indian claims demonstrate  
the futility and dangers of attempting to solve conflicts of interest  
merely by shifting legal representation from established channels to a  
new agency free of any executive control. The underlying problems of  
competing inter-Indian conflicts would remain untouched.

The proposed legislation could open the door to countless lawsuits  
clouding land, timber, fishing and water rights throughout the United  
States for generations. It could deprive the Indians of services of experi-  
enced advocates in the Justice Department, many of whom have de-  
voted decades to the honorable and competent representation of Indian  
interests. It could make possible, and perhaps encourage, the filing of  
many suits to seek review of administrative decisions of the Department  
of the Interior, thus subjecting the trustee to an unreasonable enlarge-  
ment of judicial review that could paralyze administrative action. It  
would place the Indian Trust Counsel Authority itself in hopeless con-  
flicts of interest whenever the prosecution of a claim for one Indian or  
tribe required the joinder of another Indian or tribe.

The Council suggests that a more straightforward and practical  
solution to the problem of insuring that Indians have ready access to  
competent legal representation would be to direct the Interior and  
Justice Departments, when conflicts of interest arise, to retain and pay

for separate private counsel to represent the interests involved. This would make it possible for all Indian interests to obtain independent counsel, a practice which many financially able Indian tribes follow already.

The Western States Water Council appreciates the opportunity to present its comments on this legislation. It is hoped that prior to taking action, the Indian Affairs Subcommittee will consider this unanimous action by the Council members.

#### DAM SAFETY LEGISLATION

On July 20, 1972, the Senate Interior Committee held hearings on a proposed "National Safety of Dams Act" (S. 3449).

While the Senate Interior Committee was "hearing," the House Public Works Committee was "reporting." On July 19, 1972, Congressman Blatnik (D. Minn.) introduced H. R. 15951. On July 20, the House Public Works Committee considered it in Executive Session and reported it on July 20, 1972. On July 24, 1972, with unanimous consent for its consideration (H. 6824, Cong. Rec., July 24, 1972) the House of Representatives debated and passed H. R. 15951. On July 25, 1972, the Senate, without any debate or discussion, passed the same bill.

H. R. 15951 "authorizes the Secretary of the Army, acting through the Chief of Engineers, to carry out a national program of inspection of dams for the purpose of protecting human life and property," and directs the Secretary of the Army, by July 1, 1974, to report to Congress on "(1) an inventory of all dams located in the United States, (2) a review of each inspection made, the recommendations furnished the appropriate Governor, and the implementation of the recommendations, and (3) recommendations for a comprehensive national program for the inspection and regulation of dams of the nation, and the respective responsibilities which should be assumed by Federal, State and local governments and by public and private interests." (House Report 92-1232, pp 1-2).

At its Monterey meeting, the Council unanimously adopted the following resolution:

#### RESOLUTION BY THE WESTERN STATES WATER COUNCIL REGARDING DAM SAFETY PROGRAM OCTOBER 13, 1972

WHEREAS, the enactment of H. R. 15951 (P.L. 92-367) requires the Secretary of the Army, acting through the Chief of Engineers, to carry out a program of safety inspections for dams throughout the United States; and

WHEREAS, The Secretary of the Army shall, by July 1, 1974, make recommendations to Congress for the inspection and regulation of dams of the nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests; and

WHEREAS, The President of the United States had stated that, "The safety of non-Federal dams should rest primarily with the States," and that "Some states are already conducting effective safety programs"; and

WHEREAS, The President has directed the Secretary of the Army to utilize "The experience of those States which have effective dam safety programs" by seeking "the greatest possible degree of State participation under this legislation"; and

WHEREAS, it is the desire of the Western States Water Council that the dam safety inspection programs remain a prime responsibility of the states.

NOW, THEREFORE BE IT RESOLVED, that the Corps of Engineers maximize the use of existing State Programs and initiative by:

- (1) Developing criteria of inspection and programming in harmony with existing State programs and criteria;
- (2) Allowing States, where practicable, to perform safety inspections under contracts with the Secretary of the Army;
- (3) Assisting in the enhancement, strengthening, and (where lacking) the formulation and initiation of State dam safety programs.

So that the Secretary of the Army may provide Congress and the Governors a meaningful report by July 1, 1974.

#### OTHER RESOLUTIONS DIABLO CANYON DESALTING PROJECT APRIL 28, 1972

WHEREAS, the Western Governors' Conference, in 1969, requested that the Federal Government cooperate with the western states in assessing suitable sites

within these states so that a prototype desalter with a nominal capacity in the order of 30,000 to 50,000 acre-feet per annum could be constructed and put into operation at as early a date as possible; and

WHEREAS, the State of California and the Office of Saline Water have concluded that the Diablo Canyon Desalting Project is the next logical step in the orderly development of desalting technology and is needed to demonstrate that large scale desalting is a practical and reliable source of water; and

WHEREAS, that Project will provide a basis for evaluation of the potential role of even larger desalting plants in meeting the future water requirements of the Southwestern States;

NOW, THEREFORE BE IT RESOLVED, that the Western States Water Council urges Congress to proceed with authorization of the Diablo Canyon Desalting Project.

REGARDING GERALDINE B. TYSON  
April 28, 1972

WHEREAS, Geraldine B. Tyson was a distinguished representative of the State of Nevada on the Western States Water Council from June, 1967 to April, 1970; and

WHEREAS, she served with distinction as a member of the Water Policy and Legislative Committee from May, 1968 to April, 1970, and as its Chairman from August, 1968 to April, 1970, where her thorough understanding of the legislative process and perceptive leadership contributed uniquely to the value of the committee's contributions; and

WHEREAS, she has served since April, 1970, as Administrative Assistant on the staff of the Western States Water Council where her broad knowledge, experience and judgement have further benefited the Council and its members.

NOW, THEREFORE BE IT RESOLVED, that the Western State Water Council assembled in Carson City, Nevada this 28th day of April, 1972, expresses to her its sincere thanks and warm appreciation for her many contributions and wishes her continued happiness and success.

MEMBERSHIP LIST

COUNCIL OFFICERS 1972 — 1973

Chairman:

Mr. William R. Gianelli — California

Vice Chairman:

Mr. William A. Groff — Montana

Secretary-Treasurer:

Mr. Floyd A. Bishop — Wyoming

Executive Director:

Mr. Thomas E. Cahill

ARIZONA

\*Honorable Jack Williams  
Governor of Arizona  
State House  
Phoenix, Arizona 85007

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Mr. Wesley E. Steiner  
Executive Director and Arizona  
State Water Engineer  
Arizona Water Commission  
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CALIFORNIA

\*Honorable Ronald Reagan  
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\*\*Mr. William R. Gianelli  
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State of California  
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Senator Howard Way  
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State Capitol Building  
Room 4062  
Sacramento, California 95814

Mr. Theodore J. George  
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Drawer "B"  
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Senator Gordon Cologne  
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Mr. C.J. Kuiper  
Colorado State Engineer  
1845 Sherman Street  
Denver, Colorado 80203



IDAHO

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Emmett, Idaho 83617

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Rexburg, Idaho 83440

Mr. R. Keith Higginson, Director (Alt.)  
(2-16-73 to )  
Department of Water Administration  
Statehouse  
Boise, Idaho 83707

Mr. Wayne T. Haas, Director (Alt.)  
(3-14-73 to )  
Idaho Water Resources Board  
Statehouse  
Boise, Idaho 83707

Mr. Cy Young (Alt.)  
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St. Anthony, Idaho 83445

Mr. Tom Olmstead  
(1-69 to 3-73)  
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Mr. Edward V. Williams  
(8-71 to 4-72)  
Administrative Assistant  
Governors Office  
Statehouse  
Boise, Idaho 83707

Dr. Robert R. Lee (Alt.)  
(1-1-67 to 12-31-72)  
Idaho Water Resources Board  
Statehouse  
Boise, Idaho 83707

MONTANA

\*Honorable Forest Anderson  
(Governor of Montana to 12-31-72)  
State Capitol  
Helena, Montana 59601

\*Honorable Thomas L. Judge  
Governor of Montana  
(1-1-73 to )  
State Capitol  
Helena, Montana 59601

\*\*Mr. William A. Groff  
Farmers State Bank  
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Mr. Lawrence M. Jakob  
Assistant for Environmental and  
Legal Affairs  
Department of Natural Resources and  
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Sam W. Mitchell Building  
Helena, Montana 59601

Mr. John E. Acord  
Chief, Resources and Planning Bureau  
Water Resources Division  
Department of Natural Resources and  
Conservation  
Sam W. Mitchell Building  
Helena, Montana 59601

Mr. Grant Buswell (Alt.)  
Administrator  
Water Resources Division  
Sam W. Mitchell Building  
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NEVADA

\*Honorable D.N. "Mike" O'Callaghan  
Governor of Nevada  
State Capitol  
Carson City, Nevada 89701

\*\*Mr. Roland D. Westergard  
Nevada State Engineer  
201 South Fall Street  
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Mr. Hal Smith  
% Henderson Builders Supply  
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Henderson, Nevada 89015

Mr. Donald L. Paff, Administrator  
Colorado River Commission  
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Las Vegas, Nevada 89101

Mr. Robert S. Leighton (Alt.)  
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Reno, Nevada 89510

Mr. C. Clifton Young (Alt.)  
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Reno, Nevada 89510

NEW MEXICO

\*Honorable Bruce King  
Governor of New Mexico  
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\*\*Mr. S.E. Reynolds  
New Mexico State Engineer  
State Capitol Building  
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Mr. Dale Walker  
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Mr. Homer C. Berry  
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Mr. David P. Hale (Alt.)  
New Mexico Interstate  
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Santa Fe, New Mexico 87501

OREGON

\*Honorable Tom McCall  
Governor of Oregon  
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Salem, Oregon 97310

\*\*Mr. Chris L. Wheeler  
Oregon State Engineer  
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Salem, Oregon 97310

Mr. Eugene E. Marsh  
Attorney-at-Law  
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Mr. Fred D. Gustafson, Director  
State Water Resources Board  
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Salem, Oregon 97310

UTAH

\*Honorable Calvin L. Rampton  
Governor of Utah  
State Capitol  
Salt Lake City, Utah 84114

\*\*Mr. Thorpe A. Waddingham  
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Delta, Utah 84624

Mr. Harry D. Pugsley  
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Salt Lake City, Utah 84111

Mr. Daniel F. Lawrence, Director  
Division of Water Resources  
435 State Capitol Building  
Salt Lake City, Utah 84114

Mr. Dallin Jensen (Alt.)  
442 State Capitol Building  
Salt Lake City, Utah 84114

#### WASHINGTON

\*Honorable Daniel J. Evans  
Governor of Washington  
State Capitol  
Olympia, Washington 98501

\*\*Mr. John A. Biggs  
(1-73 to )  
Director, Department of Ecology  
335 General Administration Building  
Olympia, Washington 98501

Mr. Norman L. Krey  
Power Consultant  
Lincoln Building  
West 818 Riverside Avenue  
Spokane, Washington 99201

Mr. Charles B. Roe, Jr.  
Senior Assistant Attorney General  
Temple of Justice  
Olympia, Washington 98501

Mr. Fred D. Hahn (Alt.)  
Assistant Director  
Planning & Program Development  
Department of Ecology  
P.O. Box 829  
Olympia, Washington 98504

\*Ex-Officio Members

\*\*Member of Executive Committee

Note: List has been updated to March 31, 1973

Mr. H. Maurice Ahlquist  
(6-65 to 1-73)  
1929 Forest Hill Drive  
Olympia, Washington 98501

#### WYOMING

\*Honorable Stanley K. Hathaway  
Governor of Wyoming  
State Capitol  
Cheyenne, Wyoming 82001

\*\*Mr. Floyd A. Bishop  
Wyoming State Engineer  
State Office Building  
Cheyenne, Wyoming 82001

Mr. Willard C. Rhoads  
North Fork Route  
Cody, Wyoming 82414

Mr. Myron Goodson  
Chief of Water Development  
Department of Economic  
Planning and Development  
720 West 18th Street  
Cheyenne, Wyoming 82001

#### TEXAS OBSERVER

Mr. Marvin Shurbet  
Vice Chairman, Texas  
Water Development Board  
Route 1  
Petersburg, Texas 79250

#### STAFF

Thomas E. Cahill, Executive Director . . . . . (1-73 to . . . )  
Executive Secretary . . . . . (1-70 to 1-73)

Jean R. Pierce, Administrative Assistant . . . . . (5-15-72 to . . . )

Fae O. Drake . . . . . (1-71 to . . . )

Pearl O. Pollick . . . . . (5-29-72 to . . . )

Geraldine B. Tyson, Administrative Assistant . . . . . (4-70 to 5-1-72)

Ruby R. Fitzwater . . . . . (11-70 to 5-26-72)

#### BUDGET AND FINANCES

At its meeting in Carson City, Nevada, April 28, 1972, the Council approved a budget of \$125,000 for FY '73 with assessments of \$5,000 for each member state.

WESTERN STATES WATER COUNCIL

STATEMENT OF GENERAL FUND OPERATIONS AND FUND BALANCES

Year ended June 30, 1972

Revenues:	Actual	Budget	Actual over (under) budget
Member states' assessments	\$71,500.00	\$71,500.00	\$ —0—
Interest and other income	<u>9,382.57</u>	<u>—0—</u>	<u>9,382.57</u>
Total revenue	80,882.57	71,500.00	9,382.57
Expenditures:			
Salaries (professional \$20,500.02; administrative \$23,247.63)	43,747.65	45,000.00	(1,252.35)
Travel	15,309.82	20,000.00	(4,690.18)
Rent and utilities	7,094.77	7,500.00	(405.23)
Printing and reproduction	4,100.00	6,000.00	(1,900.00)
Telephone and telegraph	4,893.66	5,400.00	(506.34)
Payroll taxes, insurance and vacation allowance	1,458.41	3,000.00	(1,541.59)
Office supplies and expense	1,522.09	2,000.00	(477.91)
Postage	2,210.48	2,100.00	110.48
Contract services	3,413.18	20,000.00	(16,586.82)
Accounting fees	677.00	700.00	(23.00)
Reports, maps and publications	1,011.24	1,000.00	11.24
Meetings and arrangements	334.55	1,000.00	(665.45)
Unforeseen contingencies	1,214.57	9,800.00	(8,585.43)
Insurance	<u>370.30</u>	<u>500.00</u>	<u>(129.70)</u>
Total expenditures	<u>87,357.72</u>	<u>124,000.00</u>	<u>(36,642.28)</u>
Excess of expenditures over revenues	6,475.15	52,500.00	46,024.85
Fund balance at beginning of period	<u>188,860.67</u>	<u>188,860.67</u>	<u>—0—</u>
	182,385.52	136,360.67	46,024.85
Deduct purchase of fixed assets	<u>(800.37)</u>	<u>—0—</u>	<u>(800.37)</u>
Fund balance at end of period	<u>\$181,585.15</u>	<u>\$136,360.67</u>	<u>\$45,224.48</u>

WESTERN STATES WATER COUNCIL

STATEMENT OF ASSETS AND FUND BALANCES

June 30, 1972

ASSETS		General Fund	Fixed Assets
Current assets:			
Cash		\$ 6,585.15	
Time certificates of deposit		175,000.00	
Fixed assets at cost:			
Office furniture and equipment		<u>                    </u>	\$9,904.05
Totals		<u>\$181,585.15</u>	<u>\$9,904.05</u>
FUND BALANCES			
Fund balances:			
Investment in fixed assets			\$9,904.05
General fund-unappropriated		<u>181,585.15</u>	
Totals		<u>\$181,585.15</u>	<u>\$9,904.05</u>

WESTERN STATES WATER COUNCIL  
STATEMENT OF INVESTMENT IN FIXED ASSETS FUND BALANCE  
Year ended June 30, 1972

Fund balance at June 30, 1971	\$9,103.68
Add purchase of fixed assets	<u>800.37</u>
Fund balance at June 30, 1972	<u>\$9,904.05</u>

RESOLUTION OF WESTERN GOVERNORS' CONFERENCE  
MAY 3-6, 1964

1. COMPREHENSIVE STUDY OF THE WATER RESOURCES OF THE  
WESTERN STATES

WHEREAS, The future growth, prosperity and general well being of the western states depend upon the availability of adequate quantities of water of such quality as to permit its use for myriad purposes, including, but not limited to, irrigation, domestic and livestock, human consumption, industrial, navigation, mining, power development, fish and wildlife, recreation, and pollution abatement, all of which are recognized as beneficial uses; and

WHEREAS, Population, economic and other forecasts indicate water supplies may become increasingly short in arid and semi-arid regions of the West, and may in the future be far from abundant, even in those areas where current supplies may appear to be in excess of the needs of local users and consumers; and

WHEREAS, For the past 15 years, individual studies have considered the feasibility of transporting water from areas of relatively high annual precipitation to areas where supplies are naturally deficient or have become so because of heavy withdrawals and use; and

WHEREAS, There is need for an accurate and unbiased appraisal of present and future water requirements of each region of the West, and for development of a comprehensive plan for equitably meeting such needs; and

WHEREAS, Any proposal for transporting water from one region to another ought to include recognition that needs of the supplying region are paramount to those of any consuming region;

NOW, THEREFORE BE IT RESOLVED, by the Western Governors' Conference that it recommends that a comprehensive study of the water resources of the 13 western states be under taken jointly by the states through the Council of State Governments and its affiliates, the several states agreeing to cooperate in every appropriate manner toward early completion of the study; and

BE IT FURTHER RESOLVED, That such study shall give particular attention to:

1. The feasibility of inter-regional water utilization.
2. Alternative methods of meeting the needs of water deficient areas, now and in the future.
3. An equitable means of maintaining the security of the water rights of each state; and

BE IT FURTHER RESOLVED By the Western Governors' Conference that there be:

1. Early authorization by the Congress of the United States of legislation to permit comprehensive investigation of water

resources and requirements throughout the West, for the purpose of developing an integrated plan of physical works to meet present and anticipated needs.

2. Adoption of an underlying philosophy for regional development that will assure areas and states of origin which export waters to areas of deficiency full legal and economic protection of their future development rights; and

BE IT FURTHER RESOLVED, That implementation of this resolution should in no way defer or delay authorization or construction of any projects now before Congress for either authorization or appropriation.

WESTERN GOVERNORS' CONFERENCE  
RESOLUTION  
JUNE 13, 1965  
WESTERN STATES WATER COUNCIL

WHEREAS, The future growth and prosperity of the western states depend upon the availability of adequate quantities of water of suitable quality; and

WHEREAS, The need for accurate and unbiased appraisal of present and future requirements of each area of the West and for the most equitable means of providing for the meeting of such requirements demands a regional effort;

NOW, THEREFORE BE IT RESOLVED, by the Western Governors' Conference that it approves the creation of a Western States Water Council to be established in general conformity with the organizational pattern of the attached SUGGESTED RULES OF ORGANIZATION developed by the Western Water Resources Task Force appointed by the members of this Conference; and

BE IT FURTHER RESOLVED, That the members of this Conference will take all feasible steps to provide the support to give effective meaning to the creation of such a Council including the establishment, upon recommendation of the Council, of a staff and central office to be financed in an amount not to exceed the sum of \$150,000 for the first year from appropriations by each of the member states equally.

## RULES OF ORGANIZATION

### Article I—Name

The name of this organization shall be "THE WESTERN STATES WATER COUNCIL."

### Article II—Purpose

The purpose of the Western States Water Council shall be to accomplish effective cooperation among western states in planning for programs leading to integrated development by state, federal, and other agencies of their water resources.

### Article III—Principles

Except as otherwise provided by existing compacts, the planning of western water resources development on a regional basis will be predicated upon the following principles for protection of states of origin:

(1) All water-related needs of the states of origin, including but not limited to irrigation, municipal and industrial water, flood control, power, navigation, recreation, water quality control, and fish and wildlife preservation and enhancement shall be considered in formulating the plan.

(2) The rights of states to water derived from the interbasin transfers shall be subordinate to needs within the states of origin.

(3) The cost of water development to the states of origin shall not be greater, but may be less, than would have been the case had there never been an export from those states under any such plan.

### Article IV—Functions

The functions of the Western States Water Council shall be to:

(1) Prepare criteria in the formulation of plans for regional development of water resources to protect and further state and local interests.

(2) Undertake continuing review of all large-scale interstate and interbasin plans and projects for development, control or utilization of water resources in the western states and submit recommendations

to the Governors regarding the compatibility of such projects and plans with an orderly and optimum development of water resources in the western states.

(3) Investigate and review water related matters of interest to the Western States.

### Article V—Membership

(1) The membership of the Council shall consist of not more than three representatives of each of the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming appointed by and serving at the pleasure of the respective Governors. The states of Alaska and Hawaii shall be added to membership if their respective Governors so request.

(2) Member states may name alternate representatives for any meeting.

(3) Any state may withdraw from membership upon written notice by its Governor.

### Article VI—Ex Officio Members

The Governors of the member states shall be ex officio members and shall be in addition to the regularly appointed members from each state.

### Article VII—Officers

The officers of the Council shall be the Chairman, Vice Chairman, and Secretary-Treasurer. They shall be selected in the manner provided in Article VIII.

### Article VIII—Selection of Officers

The Chairman and Vice Chairman, who shall be from different states, shall be elected from the Council by a majority vote at a regular meeting to be held in July of each year. The Secretary-Treasurer shall be appointed by and serve at the pleasure of the Chairman and need not be a member of the Council. The Chairman and Vice Chairman shall serve one-year terms but may not be elected to serve more than two terms consecutively in any one office.

### Article IX—Executive Committee

Representatives of each state shall designate one of their members to serve on an Executive Committee which shall have such

authority as may be conferred on it by these Rules of Organization, or by action of the Council. Any Executive Committee member may designate an alternate to serve in his absence. All standing, working, special or other committees of the Council may report to the Council through the Executive Committee.

#### **Article X—Voting**

Each state represented at a meeting of the Council shall have one vote. A quorum shall consist of a majority of the member states. No matter may be brought before the Council for a vote unless advance notice of such matter has been mailed to each member of the Council at least 30 days prior to the meeting at which such matter is to be considered; provided, that matters may be added to the agenda at any meeting by unanimous consent of those states represented at the meeting. In any matter put before the Council for a vote, other than election of officers, any member state may upon request obtain one automatic delay in the voting until the next meeting of the Council. Further delays in voting on such matter may be obtained only by majority vote. No recommendation may be issued or external position taken by the Council except by unanimous vote of all member states. On all internal matters, however, action may be majority vote.

#### **Article XI—Conduct of Meetings**

Except as otherwise provided herein, meetings shall be conducted under Roberts Rules of Order, Revised.

#### **Article XII—Meetings**

The Council shall have one regular meeting each year in the month of July at a time and place to be decided by the Chairman. Special meetings may be called by the Chairman or by a majority of the member states, upon 30 days written notice.

#### **Article XIII—Limitations**

The work of the Council shall in no way defer or delay authorization or construction of any projects now before Congress for either authorization or appropriation.

#### **Article XIV—Amendment**

These articles may be amended at any meeting of the Council by unanimous vote of the member states represented at the meeting. The substance of the proposed amendment shall be included in the call of such meetings.

## **PRINCIPLES — STANDARDS — GUIDELINES**

### **PREAMBLE**

The Constitution of the United States and the Constitutions of the individual States shall be adhered to in Western regional water planning and development.

This statement of principle reaffirms, expands and clarifies principles set forth in Article III, "Rules of Organization" of the Western States Water Council.

### **1.0 PRINCIPLES**

1.1 Comprehensive regional planning, transcending political boundaries, is a major consideration in the maximum proper utilization of the water and related resources of the West. Development of those resources to meet all reasonable needs as they may arise is essential to the continuing prosperity of the region and each of its economically interdependent parts.

1.1.1 The planning process should include or supplement rather than supersede existing water resource developments; it should complement and strengthen local and state planning activities rather than displace them; it should result from cooperative effort of all agencies concerned.

1.1.2 The planning program should be aimed to achieve a reasonably equitable balance among all existing and potential uses of water, insofar as the supply available or to be developed will permit, consistent with established rights.

1.1.3 Water resources of the region should be put to beneficial use to the fullest practicable extent in an efficient manner in accord with the needs and types of use in the particular area.

1.1.4 It is imperative that all States, as expeditiously as possible, make thorough studies of their water resources and predicted water needs in accordance with Guidelines and Standards similar to those adopted by the Council.

1.1.5 Long-range water plans should be expeditiously developed which are flexible enough to permit modifications to meet changing long-term needs and advances in technology, yet specific enough to provide solutions for immediate water supply problems.

1.1.6 Water exportation studies shall include a thorough examination of efficiency of water use and cost-price relationships and a comprehensive economic evaluation that considers all costs and bene-

fits accruing to the area of origin and costs and benefits accruing to the area of import. The economic analysis must include similar studies for alternative sources of supply. Aesthetic values shall be considered in over-all project evaluation.

1.1.7 Close cooperation and free interchange of ideas and reporting of data on a uniform basis among all affected local, State and Federal interests, shall be sought.

1.1.8 Water resource planning shall consider water quality, as well as quantity.

1.2 Regional water planning should be designed to avoid interference with existing rights to the use of water. Any taking of land or water rights shall be governed by the law of eminent domain. Interstate compact allocations shall be honored.

1.2.1 Any entity studying transfer of surplus water shall recognize the economic, social, legal, political and ethical implications of the transfer on both the exporting and importing areas. Such entity must plan so as to assure social and economic growth and development, by either:

(a) The return or replacement of the water exported to the area of origin; or

(b) Providing equivalent beneficial programs acceptable to the area.

1.2.2 The rights to water of regions; states or individuals must be recognized and guaranteed through due process of law.

1.3 Except as otherwise provided by existing law, the planning of water resources development in the Western states shall be predicated upon the following principles for protection of and assistance to states of origin:

1.3.1 Inter-basin or inter-regional transfer of water shall contemplate only the transfer from the area of origin of those quantities of water deemed to be surplus. The States shall endeavor to agree upon determination of quantities of water that are surplus.

1.3.2 In making determinations of possible surplus water, all water-related needs of the States and areas of origin, including but not limited to: irrigation, domestic, stock, municipal, industrial, flood control, power, navigation, recreation, water quality control, fish and wildlife preservation and enhancement, and aesthetic enjoyment shall be recognized.

1.3.3 All water requirements, present or future, for uses within the drainage area of any river basin, shall have priority and right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of water delivered by means of such exportation works, unless otherwise provided by treaty, interstate agreement or compact.

1.3.4 The cost of water development to the States of origin shall not be greater, but may be less, than would have been the case had there never been an export from those States under any such plan.

1.3.5 In the study of interstate diversion, any interstate diversion project shall neither impede nor minimize the development of water resources in the state of origin, and shall result in substantive net advantage to such State over the advantage it could have obtained, by itself or otherwise, without such diversion project.

1.3.6 All plans for inter-basin diversion of water shall provide for such financial arrangements with the states of origin as may be necessary to comply with Sections 1.3.4 and 1.3.5 above.

1.3.7 The exportation of water shall not change an area of origin from a water-rich to a water-deficient economy and shall not adversely affect the competitive position of the area of origin.

1.3.8 State or area of origin priority shall be explicitly set forth in all contracts for the use of imported water. Should such priority ever be denied, through subsequent action of the Congress, or otherwise, areas of origin will be entitled to just compensation.

1.3.9 Federal statutes designed to protect areas and states of origin, in any regional interstate plan of origin, in any regional interstate plan of water development, should include the consent by the United States for any such state of origin to sue in the Federal Courts, to compel Federal officials to comply with such statutes and for such other relief as deemed equitable.

1.4 This statement of principles shall not be considered as any support or advocacy for the diversion of water from one river basin to another.

## **2.0 STANDARDS FOR GUIDANCE IN THE FORMULATION OF CONCEPTS AND PLANS FOR STAGED REGIONAL DEVELOPMENT OF WATER RESOURCES**

2.1 A Western States water resource program shall be developed and maintained by the Western States Water Council through compilation and analysis of available state-wide plans and Federal inter-

basin and interstate plans, to provide a broad and flexible pattern into which future definite projects may be integrated in an orderly fashion.

2.2 A basic objective of the program is to provide a framework within which projects may be developed to meet the requirements for water to the extent feasible as and where they arise.

2.3 A determination of the advantages and disadvantages of alternate methods of meeting water needs should be included in the Western States water resource program.

2.4 In order to provide the uniformity necessary to facilitate compilation and analysis of the various state-wide water plans, it is recommended that such plans contain projects of usable water resources and an inventory of need for the years: 1980, 2000, 2020, 2040.

2.5 Each Member State should strive to complete, no later than June 30, 1977, a preliminary water plan, including estimates of water resources and estimates of current and long-range water needs.

### **3.0 GUIDELINES AND PROCEDURES FOR CORRELATION OF PLANS AND SCHEDULES AMONG WESTERN STATES**

#### **3.1 Interstate Exchange of Information and Data**

3.1.1 When a state publishes reports or takes any action which may affect the plans or objectives of other States, the affected States and the Western States Water Council staff should be furnished copies thereof. Request for basic data and supporting information should be initiated by the state needing the data or information.

3.1.2 The request for the exchange of basic data and supporting information should be coordinated through one state agency.

3.1.3 The name, official position, address and telephone number of the designated state office will be forwarded to the Western States Water Council staff. The staff will prepare a consolidated list of designated offices and distributed copies to all States through the State's member of the Executive Committee, Western States Water Council.

3.1.4 The type of reports and actions which should be sent to other States and the Western States Water Council staff includes, but is not limited to, copies of the following:

3.1.4.1 Summaries of current and long-range estimates of various types of water needs and usable water resources.

3.1.4.2 Planning schedules for developments of all large scale interstate and interbasin plans and projects.

3.1.4.3 State evaluation of programs such as weather modification, watershed management, groundwater recharge, desalination, and waste water reclamation.

3.1.4.4 Major legal and administrative decisions pertaining to water resources.

3.1.4.5 State or Federal legislation as proposed by any state materially affecting Western States water planning.

#### **3.2 Correlation of Plans and Schedules**

3.2.1 A master list shall be prepared and maintained at the headquarters of the Western States Water Council of items furnished pursuant to Section 3.1 with copies to be furnished to member States at appropriate intervals.



## OPERATING PROCEDURES

### 1.0 FEDERAL APPEARANCE & POLICY

1.1 Formal Appearances by the Western States Water Council before any Committee of Congress or agency of the Federal Government to advocate any external position shall be in the following manner:

1.1.1 When the Council recommends that a position be implemented by appearing before any legislative body or executive branch of the Federal Government, the Council shall determine:

- (a.) The text of the recommendation;
- (b.) The implementing action proposed; and
- (c.) The person or persons who will make the appearance.

1.1.2 The Council may authorize appointment of an implementing Committee by the Chairman or Vice-Chairman.

1.1.3 Appearances shall cover only subjects designated by the Council.

1.1.4 Working committees may suggest methods of implementing committee reports or recommendations. The suggested method of implementation will be considered as a matter separate from the report of recommendation.

1.1.5 Any action or implementation other than a personal appearance before a legislative body or an executive branch of the Government, may be taken only by action of the Council.

## ACTIVITIES PROGRAM

The Western States Water Council is the entity best suited to consider, coordinate, explain and comment on broad policy matters involving water in the western states. The Council's obligation and duty to the western states is such that it should assume an active role in many areas in the field of water and related land resource development that have not heretofore been undertaken by the western states collectively. With this in mind, a constructive program for the future with emphasis on a west-wide viewpoint or approach should be undertaken.

Extensive discussions and much of the work of the Council have thus far related primarily to the water augmentation issue. The scope of the Council's work should now be broadened to include other matters of importance to the field of water development in the western states.

The objective of the Council, where possible, is to arrive at a unanimous conclusion on issues, but it is also to provide a forum for the discussion and interchange of ideas on controversial water issues affecting the western states. Discussion in those areas of conflict should prove to be beneficial to all member states.

The Council will periodically point out to the western states' governors those issues of major importance on which the Council believes the western states should take a united position and on which they should express themselves collectively. Complete and full information on those issues on which the Council has arrived at a collective viewpoint will be made available to the governors of the member states.

The committee approach heretofore adopted will be enlarged upon when necessary by the appointment of additional committees, or special committees, or subcommittees within the present committee framework.

Many of the member states have no doubt resolved unique and difficult water and water related problems, and their experience in the handling and resolving of such problems may be of benefit to the other states. The staff of the Council should encourage and assist in making such information available to all member states.

An important function of the Council is the encouragement of free interchange of ideas on current water issues among the member states.

The "Principles-Standards-Guidelines," which have been adopted by the Council, elaborate on "Article III — Principles" of the "Rules of Organization," and also constitute a significant step toward carrying out the function of the Council as set forth in Article IV, (1).

The functions set out in Article IV, (2) are among other things yet to be initiated.

The Council should proceed to:

1. Establish a check list that will be used in performing the review function set out in Article IV, (2) of the "Rules of Organization."

2. Explore economic justification and methods of financing western states water development by local, state and federal agencies.

As an example of one of the many factors to be considered in determining economic justification for a project, the problems presented in connection with allocation of costs to recreation and fish and wildlife as is contemplated under P.L. 89-72 should be reviewed.

3. Make recommendations on the consideration to be given in plan formulation to such matters as:

- (a) Wild and scenic rivers;
- (b) Reclamation of arid lands;
- (c) Water quality;
- (d) Methods of making economic comparisons of power, irrigation, municipal and industrial benefits;
- (e) Points of view of local, state, regional, and national interests.

4. Review activities of the Pacific Northwest River Basins Commission and the Pacific Southwest Inter-agency Committee in their Type I framework studies, and point out any problem areas in the studies.

5. Analyze criteria being used in project planning (federal and state), and if compatible criteria are not being used, point out the fact.

6. Review biennial national water assessment prepared by the Water Resources Council, and make findings and conclusions available to member states. Assist member states in presentation of input, well in advance of the next assessment.

7. Review and evaluate studies made on the economic interdependence of the western states.

8. Assist member states in reviewing and drafting position papers on matters of major mutual concern which are before the Congress and under consideration by federal agencies, such as the Public Land Law Review Commission, Food and Fiber Commission, and legislation on protecting state water rights.

9. Review and comment on plans and policies for water development in the western states when there is a recognized common western state interest.

## EXECUTIVE COMMITTEE

### Members

- ARIZONA  
Wayne M. Akin
- CALIFORNIA  
William R. Gianelli, Chairman
- COLORADO  
T. W. Ten Eyck
- IDAHO  
Herman J. McDevitt (4-72 to )  
Edward V. Williams (8-71 to 4-72)
- MONTANA  
William A. Groff, Vice Chairman
- NEVADA  
Roland D. Westergard
- NEW MEXICO  
S.E. Reynolds
- OREGON  
Chris L. Wheeler
- UTAH  
Thorpe A. Waddingham
- WASHINGTON  
John A. Biggs (1-73 to )  
H. Maurice Ahlquist (6-65 to 1-73)
- WYOMING  
Floyd A. Bishop, Secretary-Treasurer

### CHARTER

This charter of the Executive Committee of the Western States Water Council was adopted by resolution on January 29, 1970, at the meeting of the Council in Seattle, Washington. It is the administrative and steering committee of the Council on matters outlined in this Charter and such other matters as may be related thereto.

### Objective

The committee shall assist the Council in carrying out effective cooperation

among western states in planning for programs leading to integrated development of water resources by state, federal, and other agencies; by acting as a steering committee; by making sure there is consistency and no overlap of Council liaison with national organizations, including the National Water Commission, Water Resources Council, federal departments, National Water Resources Association, Council of State Governments; and by establishing and maintaining liaison with western organizations such as the Western Governors' Conference and the Interstate Conference on Water Problems.

### Authority

The authority of the Executive Committee derives from the Council itself and includes the following powers: (1) To act upon internal and administrative matters between meetings of the Council; (2) To create working groups and ad hoc groups; (3) To make assignments to committees; (4) To receive committee reports; and (5) To implement actions and programs approved by the Council.

### Program

The committee shall have the obligation to prepare Council meeting agenda and shall correlate Council's liaison with national and regional agencies, and correlate the Council's efforts to keep abreast of broad-scale developments by those agencies as they relate to Council programs. The committee will initiate recommendations for Council actions at conferences, hearings, and special meetings with national water leaders. The committee shall make assignments to other committees and give directions as to the scope and nature of their activities. The committee will have authority to require that the committees submit their reports and/or recommendations to it, and it will submit its views on said reports and/or recommendations to the Council.

## Organization and Voting

The Executive Committee of the Western States Water Council consists of one representative from each member state in accordance with Article IX - Executive Committee - of the "Rules of Organization." The Chairman and Vice Chairman of the Council shall represent their states on and be members of the Executive Committee and serve as officers of the Executive Committee. The council staff furnishes necessary assistance as desired and requested by the Executive Committee.

Each member of the Executive Committee shall have one vote in conducting business. A quorum consists of six (6) members, and a simple majority of those voting shall prevail on internal matters. If an external matter comes before the Executive Committee between Council meetings, and the Executive Committee finds an emergency exists, it may take final action by unanimous vote of all members.

### Meetings

Regular meetings of the Executive Committee shall be held at least thirty (30) days prior to each Council meeting and also in conjunction with meetings of the Council. Special meetings of the Executive Committee may be called by the Chairman, or by the Vice-Chairman in the event the Chairman is incapacitated, or by any (6) members, upon five-days' notice to all members, stating the time and place of the meeting. When all members are present, no notice is required. All meetings may be adjourned to a time certain by majority vote of those present.

### Reporting

The committee shall report to the Council at each Council meeting as to any actions it may have taken between meetings.

## 1972 MEETINGS

January 13, 1972 . . . Phoenix, Arizona  
April 27, 1972 . . . Carson City, Nevada  
July 12, 1973 . . . Denver, Colorado  
October 12, 1972 . . . Monterey, California

## WATER RESOURCES COMMITTEE

### Members

- ARIZONA  
Wesley E. Steiner
- CALIFORNIA  
Theodore J. George
- COLORADO  
C.J. Kuiper
- IDAHO  
Tom Olmstead (1-69 to 3-73)
- MONTANA  
John E. Acord
- NEVADA  
Donald L. Paff
- NEW MEXICO  
Homer C. Berry
- OREGON  
Fred D. Gustafson, Chairman
- UTAH  
Daniel F. Lawrence
- WASHINGTON  
Norman L. Krey
- WYOMING  
Myron Goodson

### CHARTER

This Charter of the Water Resources Committee of the Western States Water Council was adopted by resolution on April 23, 1970, at the meeting of the Council in Albuquerque, New Mexico.

### Objective

The committee's fundamental objec-

tive is to assist the Council to establish and carry on a definite program of constructive action that will accomplish the objectives as set out in the Rules of Organization.

#### Program

In pursuance of the underlying objective, the committee will develop and recommend basic principles and standards for guidance in the formulation of concepts and plans for a staged regional and development of water resources, including protection and furtherance of state and local interests.

The committee will recommend guidelines and procedures for the interstate exchange of basic data and information, and for the correlation of plans and schedules of water resource development.

The committee shall evaluate and advise the Executive Committee and the Council on all physical and economic factors relevant to staged regional water development. These include, but are not limited to, water supplies, weather modification, water requirements, water quality, conservation practices, waste water reclamation, flood control, sediment control, navigation, hydropower, recreation, fish and wildlife.

#### Organization

Committee membership is by appointment by the states of the Council, one member from each state (but not necessarily one of the state's delegates to the Council). Any Water Resource Committee member may designate an alternate to serve in his absence. A quorum shall consist of six (6) members. A majority of those members present and voting is required for committee action. Each state shall have one vote. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

The committee chairman shall be appointed by the Chairman of the Council from the committee membership. The

committee chairman will appoint a Vice Chairman, and subcommittees as needed.

The Council staff will furnish necessary assistance as desired and requested by the committee. A member of the staff will serve as secretary.

#### Meetings

The committee will meet at the call of the committee chairman.

#### Reporting

The committee shall submit its reports and/or recommendations to the Council and to the Executive Committee if so requested. The committee shall not issue any public statements or reports except as may be directed by the Council and the Executive Committee.

#### WORK PROGRAM

To carry out the objective stated in the Charter of the Water Resources Committee the following activities, taken from the Rules of Organization, Principles-Standards-Guidelines and Activities Program, and in order of priority, are made part of the Committee's current work program.

1. Review Type I Framework Study activities of the Pacific Northwest River Basins Commission and the Pacific Southwest Inter-agency Committee, and that portion of the Missouri Basin Inter-agency Committee that applies; assist the Department of the Interior in the performance of the Westwide water resource and requirement studies authorized by P.L. 90-537 and bring to the attention of the Council any problem areas in either group of studies. (Item 4 of Activities Program.)
  - A. Assess the reasonableness of water requirement and water supply estimates by states, regions and river systems.

2. Develop and maintain a Western States water resources program through compilation and analysis of available state-wide plans and Federal interbasin and interstate plans, to provide a broad and flexible pattern into which future definite projects may be integrated in an orderly fashion. (Item 2.1 of Principles-Standards-Guidelines)
  - A. Assemble a summary document of states' activities in water planning.
  - B. Review technical criteria and assumptions employed in major state, interstate and regional planning efforts.
3. Perform continuing technical review of all proposed large-scale interstate and interbasin plans and projects for development, control or utilization of water resources in the western states and submit recommendations to the Council regarding the compatibility of such projects and plans with an orderly and optimum development of water resources in the western states. (Article IV (2) of the Rules of Organization)
  - A. Establish a check list that will be used in performing the review function set out in Article IV (2) of the Rules of Organization. (Item 1 of Activities Program)
  - B. Prepare a summary of inter-regional and international water transfer proposals.
  - C. Evaluate the technical adequacy of selected water transfer proposals using Principles-Standards-Guidelines adopted by the Council.
4. Identify areas of desirable interstate exchange of technical information and data. (Item 3.1 of Principles-Standards-Guidelines.)
  - A. Complete summary of expenditures by states for water planning, administration and development.
5. Review and evaluate studies made of the economic interdependence

of western states. (Item 7 of Activities Program)

6. Review and recommend criteria for establishing economic justification and methods of financing western states water development by local, state and federal agencies. (Item 2 of Activities Program)
7. Review current developments in water conservation, reuse and augmentation through desalination and weather modification.
8. Prepare for Council action recommendations to be submitted to the Western Governors' Conference.

#### 1972 MEETINGS

January 13, 1972 . . . Phoenix, Arizona  
 March 6, 1972 . . . Salt Lake City, Utah  
 April 27, 1972 . . . Carson City, Nevada  
 June 12, 1972 . . . Salt Lake City, Utah  
 July 12, 1972 . . . Denver, Colorado  
 August 28, 1972 . . . Salt Lake City, Utah  
 October 12, 1972 . . . Monterey, California

#### WATER POLICY AND LEGISLATIVE COMMITTEE

##### Members

ARIZONA  
 Tom Choules

CALIFORNIA  
 Senator Howard Way (4-72 to )  
 Senator Gordon Cologne (10-71 to 4-72)

COLORADO  
 Raphael J. Moses

IDAHO  
 George L. Yost

MONTANA  
 Lawrence M. Jakub

NEVADA  
 Hal Smith

NEW MEXICO  
 Dale Walker, Chairman

## OREGON

Eugene E. Marsh

## UTAH

Harry Pugsley  
Dallin Jensen (Alt.)

## WASHINGTON

Charles B. Roe, Jr.

## WYOMING

Willard C. Rhoads

### CHARTER

This Charter of the Water Policy & Legislative Committee of the Western States Water Council was adopted by resolution on April 23, 1970, at the meeting of the Council in Albuquerque, New Mexico.

### Objective

The committee shall assist the Council in initiating, establishing and carrying out the objectives of the Council by providing guidance on the social, ethical, legal and political aspects of the program including assistance to and protection of areas of origin.

### Program

The committee shall study the social, ethical, legal and political aspects associated with interstate water resources development and shall recommend policies and courses of action relative to the role of the Council in its relationship with the National Water Commission, the Water Resources Council, pertinent river basin commissions, appropriate federal and state statutes affecting interstate water resources development; need for new legislation; "area of origin" assistance and protection; and possible dissolution of existing interstate or federal-state committees, councils, or interagency groups.

The committee shall develop and recommend basic assumptions, objectives, principles, and criteria for guidance of the Council in the Policy and Legislative field.

### Organization and Voting

Committee membership is by appointment by the states of the Council. One member shall be from each state, but need not be one of the state's delegates to the Council. Any Water Policy and Legislative Committee member may designate an alternate to serve in his absence. A quorum shall consist of six (6) members. A majority of those members present and voting is required for committee action. Each state shall have one vote. Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

A committee chairman shall be appointed by the chairman of the Council from the committee membership and serve at his pleasure. The committee chairman will appoint a vice chairman and subcommittees as needed. The staff of the Council shall furnish such assistance to the committee as is requested. A member of the staff will serve as secretary.

### Meetings

The Committee shall meet at the call of the committee chairman.

### Reports

The committee shall submit reports and/or recommendations to the Council and to the Executive Committee as requested. The committee shall not issue any public statements or reports except as may be directed by the Council or the Executive Committee.

### WORK PROGRAM

The Water Policy and Legislative Committee shall assist the Council in initiating, establishing, and carrying out effective cooperation among western states in planning for programs leading to integrated development by state, federal and other agencies, of their water resources, by providing guidance on the social, ethical, legal and political

aspects of the program, including assistance to and protection of areas of origin.

As its current work program the Committee shall:

1. Consider, coordinate, explain and comment on broad policy matters involving water in the western states.
2. Foster close cooperation and free interchange of information on policies and legislation among all affected state and federal interests.
3. Review plans and comment on policies involved for water development in the western states when there is a recognized common western state interest.
4. Analyze policies and principles being used in project planning (federal and state) and if compatible policies and principles are not being used, identify the incompatibility.
5. Assist member states in reviewing and drafting position papers on matters of major mutual concern which are, or should be, before the Congress and under consideration by federal agencies.

### 1972 MEETINGS

January 13, 1972 . . . Phoenix, Arizona  
April 27, 1972 . . . Carson City, Nevada  
June 1, 1972 . . . San Francisco, California  
July 12, 1972 . . . Denver, Colorado  
September 8, 1972 . . . Denver, Colorado  
October 12, 1972 . . . Monterey, California

Twenty-Fifth Quarterly Meeting  
January 14, 1972  
Phoenix, Arizona

The Council, on recommendation of the Water Resources Committee, took a strong stand in requesting that states have an opportunity to review and comment on the OBERS Projections prior to their official adoption by the Water Resources Council See P. 16

The Western States Water Council urged the Council on Environmental Quality to maintain communication regarding pending policies and procedures particularly related to Environmental Impact Statements.

The Council reviewed the status of water pollution control legislation S. 2770 and H.R. 11896. The Council adopted recommendations as an Internal Position Paper.

A Statement opposing the creation of an Indian Trust Council Authority was adopted to be entered into the record of the Indian Affairs Subcommittee before the Senate Interior and Insular Affairs Committee. See P. 22

The Water Policy and Legislative Committee and the Water Resources Committee had met jointly to hear remarks by Mr. Don Maughan, Executive Director, Water Resources Council. Mr. Maughan reported to the Committees that hearings would be held on the Proposed Principles and Standards for Planning Water and Related Land Resources. The Council approved drafting a statement to be submitted to the Water Resources Council. See P. 10

### PRESENTATIONS:

Ellis L. Armstrong, Commissioner, Bureau of Reclamation, U.S. Department of Interior, Washington, D.C.

Roger Ernst, Member, National Water Commission, Phoenix, Arizona

Congressman John M. Rhodes, 1st District, Arizona

Wesley E. Steiner, Executive Director and State Water Engineer, Arizona Water Commission, Phoenix, Arizona.

Twenty-Sixth Quarterly Meeting  
April 28, 1972  
Carson City, Nevada

Upon her resignation as administrative Assistant to the Western States Water Council, Mrs. Geraldine B. Tyson was presented with a resolution adopted by the Council as an expression of appreciation. See P. 26

The budget for \$125,000 FY'73 was approved, and a reduction in assessment to the states from \$6500 to \$5000 was accepted.

Proposed Amendment No 1, Functions of the Council, was approved which added a new subsection (3) under the Rules of Organization . . . "Investigate and review water related matters of interest to the Western States." See P. 36

A resolution was adopted by the Council urging Congress to proceed with the authorization of the Diablo Canyon Desalting Project in the State of California. See P. 25

A study was authorized for an expert analysis of the National Land Use Planning and Management Act of 1972. The Executive Secretary was authorized to retain such expertise and circulate the findings on the legislation to the members.

#### PRESENTATIONS

W. Don Maughan, Executive Director, Water Resources Council, Washington, D.C.

Tom Barry, Member of the Office of Management and Budget, Washington, D.C.

Roland Westergard, Nevada State Engineer, Carson City, Nevada

**Twenty-Seventh Meeting  
Denver, Colorado  
July 13, 1972**

The Chairman reported that a statement was to be submitted in

writing to the Western Governors' Conference rather than in person.

Secretary-Treasurer Floyd Bishop (Wyoming) reviewed the Final Audit Report for FY '72, and it was accepted by the Council as submitted. See P. 32

Mr. Gianelli (California) and Mr. Groff (Montana) were elected unanimously to serve as Chairman and Vice Chairman for 72-73 year.

A proposed Federal Appearance Policy was adopted by the Council. See P. 44

The Council adopted the recommendations of the Water Resources Committee in suggested adjustments to the 1972 OBERS Projections. These adjustments were to be transmitted to the Water Resources Council. See P. 16

#### PRESENTATIONS:

Charles Conklin, Special Counsel on Public Lands and Environmental Matters for the Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

Frank E. Clarke, Deputy Under Secretary, U.S. Dept. of the Interior, Washington, D.C.

Laren D. Morrill, Deputy Director, Colorado Water Conservation Board, Denver, Colorado

**Twenty-Eight Quarterly Meeting  
Monterey, California  
October 13, 1972**

A resolution on National Safety of Dams Legislation was adopted by the Council. See P. 25

Chairman Gianelli reported that the Western Governors' Conference scheduled for November had been cancelled. Copies of the Chairman's Report

to the Governors would be sent directly to each member state.

Mr. Dale Walker (New Mexico) and Mr. Fred Gustafson (Oregon) were reappointed as Chairmen of the Water Policy and Legislative Committee and Water Resources Committee. Mr. Floyd Bishop (Wyoming) was reappointed as Secretary-Treasurer. All three will serve for the 1972-73 year.

#### PRESENTATIONS:

John Teerink, Deputy Director, California Dept. of Water Resources, Sacramento, California

E.A. Lundberg, Regional Director, Lower Colorado Region, Bureau of Reclamation, U.S. Dept. of the Interior, Boulder City, Nevada

Major General John W. Morris, Director of Civil Works, U.S. Army Chief of Engineers, Corps of Engineers, Washington, D.C.

Donel J. Lane, Chairman, Pacific Northwest River Basins Commission, Vancouver, Washington