

WESTERN

STATES



WATER

COUNCIL

1973

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WESTERN STATES WATER COUNCIL

1725 University Club Building

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ANNUAL REPORT

1973

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 26.)

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 27.) 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 1973, the Council unanimously took

positions urging the President to budget and Congress to appropriate \$5 million authorized under Title III Water Resources Planning Act of 1965 (p. 6) opposing S. 1012 and S. 1339 which would have created an Indian Trust Counsel Authority (p. 2) and urging Congress to adopt legislation to provide for a salinity control program for Colorado River water. (p. 5.)

INDIAN TRUST COUNSEL AUTHORITY

The Western States Water Council by unanimous vote on April 13, 1973, reiterated former positions (October 9, 1970 and January 14, 1972) opposing the creation of an Indian Trust Counsel Authority. Such authority would be free of control by any Executive Department and would supplant the Department of Justice and Interior as legal representatives of Indians in any matter concerning their right or claims to natural resources.

While the Council agreed that Indians should have ready access to the competent 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, the Council did not feel the creation of the Indian Trust Counsel Authority would achieve those objectives.

**STATEMENT
of the
WESTERN STATES WATER COUNCIL
to the
INDIAN AFFAIRS SUBCOMMITTEE
of
THE SENATE INTERIOR AND INSULAR
AFFAIRS COMMITTEE**

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, 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. 1012 and S. 1339 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 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 Authority 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 encouraged and assisted in the pursuit and protection of those rights.

However, the Council does not feel that the creation of an independent 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 independent interests of the respective tribes.

The Judiciary Committee Print "A Study of Administrative Conflicts of Interest in the Protection of Indian Natural Resources" contains further examples of inter-tribal and inter-pueblo conflicts of interest. The Print refers to the adjudication of water rights of tributary of the Rio Grande River. In one of those adjudication suits, four separate Indian pueblos are named as defendants: Nambe, Pojaque, Tesuque, and San Ildefonso. Each of those four pueblos have separate and competing 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 experienced advocates in the Justice Department, many of whom have devoted 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 enlargement of judicial review that could paralyze administrative action. It would place the Indian Trust Counsel Authority itself in hopeless conflicts 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.

IMPROVEMENT OF QUALITY OF COLORADO RIVER WATER

The Western States Water Council, meeting in Salt Lake City, Utah, October 12, 1973, adopted a resolution (p. 5) supporting in principle the concepts contained in S. 1807, H.R. 7774 and H.R. 7775, "Colorado River Basin Salinity Control Act of 1973."

This legislation introduced in the 93rd Congress by seven of the Colorado River Basins States encompassed the following objectives:

1. To provide a salinity control program that would have as its objective, maintenance of salinity in the lower mainstem at or below existing level as set forth in the "Conclusions and Recommendations" of the Seventh Session of the Conference in the Matter of the Interstate Waters of the Colorado River and its Tributaries.

2. To construct the following salinity control units as the initial state of the Colorado River Basin Salinity Control Program: LaVerkin Springs, Paradox Valley and Grand Valley.

3. To expedite completion of planning reports on those salinity control projects as described in the Secretary of the Interior report "Colorado River Water Quality Improvement Program, February 1972," and the saline water collection system of Las Vegas Wash, and

4. To direct cooperation between the Secretaries of the Interior and Agriculture in carrying out research and demonstration projects, and in implementing farm management practices that will further the salinity control program, and to undertake research on additional methods to accomplish the objectives of the Act.

Three types of projects would be involved — control of natural occurring salt springs, improved farming practices and control of diffused sources.

RESOLUTION CONCERNING IMPROVEMENT OF QUALITY OF COLORADO RIVER WATER

WHEREAS, Salinity Control legislation has been introduced in the 93rd Congress (S. 1807, H.R. 7774 and H.R. 7775); and

WHEREAS, this legislation is greatly needed to provide a salinity control program to maintain salinity of the Colorado River at or below existing levels; and

WHEREAS, there is a great need to carry on cooperation between the Secretaries of Interior and Agriculture for research and demonstration projects, and the implementation of practices that will improve salinity control programs, as well as other necessary research and programs.

NOW, THEREFORE, BE IT RESOLVED, that the Western States Water Council support in principle the concepts contained in S. 1807, H.R. 7774 and H.R. 7775.

NATIONAL LAND USE PLANNING LEGISLATION

In the 91st Congress, the Senate Interior and Insular Affairs Committee favorably reported a National Land Use Policy Act which would have directed the Water Resources Council to expand present water planning efforts to include land use planning. In both the 92nd and 93rd Congress, several different types of bills were introduced on land use planning.

Working through the Land Use Policy Subcommittee of the Water Policy and Legislative Committee, Wendell and Schwan, a consulting firm in Washington, D.C., was retained to prepare for the Western States Water Council a study of this legislation. Upon completion of the study, the Council adopted a Position Paper on July 8, 1971, at Portland, Oregon. Since that time the Water Policy and Legislative Committee, through its subcommittee, has diligently reported to the Council on land use planning legislation. This spring a researcher was retained to assist the staff in compiling materials in loose leaf form to be transmitted by Council members to the Governors of the eleven western states for their use. Included in this compilation entitled "Land Use Legislation—State Requirements and State Responses," was an analysis of the legislation and state requirements to qualify under such legislation. The report contained a digest of bills introduced in the 93rd Congress as well as state programs and state legislation enacted on mined land reclamation; power plant and transmission line siting; general environmental quality; water quality; air quality; preservation and protection of historic, scenic and recreational sites; agricultural practices; forest practices; highway planning and zoning; airport zoning; coastal zoning and areas of unstable soils and high seismic activity.

NATIONAL WATER COMMISSION

On February 9, 1973, the Executive Director of the Western States Water Council, presented a detailed comprehensive statement to the National Water Commission, Washington, D.C. The report of the Chairman to the Western Governors' Conference highlights this statement, and therefore it is not included verbatim in this report. (See page 18.)

RESOLUTIONS AND STATEMENTS

of the

WESTERN STATES WATER COUNCIL

REGARDING

THE WATER RESOURCES PLANNING ACT OF 1965

Albuquerque, New Mexico

January 5, 1973

WHEREAS, the Water Resources Planning Act of 1965 was passed to help meet the rapidly expanding demands for water by encouraging the conservation, development and utilization of water and related land resources through coordinated and cooperative planning efforts; and

WHEREAS, that Act recognized the need for increased state participation in water and land related resources planning and authorized the appropriation of \$5 million annually for grants to assist states in their planning efforts; and

WHEREAS, the states have demonstrated their interests and needs for increased grants by consistently over-matching the funds available; and

WHEREAS, the Executive Budget is now being prepared, and

WHEREAS, Congress will later consider the budget

NOW, THEREFORE BE IT RESOLVED, that the Western States Water Council urges the President to include the full \$5 million authorized for Title III of the Water Resources Planning Act of 1965 in the Executive Budget for FY 1974; and

BE IT FURTHER RESOLVED, that the Western States Water Council urges Congress to appropriate the \$5 million authorized.

REGARDING H. MAURICE AHLQUIST

Seattle, Washington

April 13, 1973

WHEREAS, H. Maurice Ahlquist, distinguished legislator and water resources administrator from the State of Washington, served on the Task Force of the Western Governor's Conference that recommended the creation of the Western States Water Council and drafted the guidelines governing the Council's creation; and

WHEREAS, he has served as a member of the Western States Water Council and its Executive Committee since its formation, during which time he constantly strived for effective cooperation among western states in planning for programs leading to integrated development by state, federal, and other agencies of their water resources; and

WHEREAS, his broad knowledge of the West, its water problems and its water leaders and his excellent judgment has promoted a better understanding among representatives of the Western States and contributed greatly to the progress that has been made by the Council,

NOW, THEREFORE BE IT RESOLVED, that the Western States Water Council assembled in Seattle, Washington, this 13th day of April, 1973, express its sincere appreciation to him for his many contributions toward achievement of its purposes.

REGARDING FRED D. GUSTAFSON

Salt Lake City, Utah

October 12, 1973

WHEREAS, Fred D. Gustafson possessed a deep interest and understanding of the importance of orderly water resource development, to the social and economic progress of the West; and

WHEREAS, in recognition of his ability to communicate and work with others on the problems and solutions to western water resource development, he was appointed by his Governor as a delegate to the Western States Water Council; and

WHEREAS, he faithfully served the interests of his state and the Western States Water Council; and

WHEREAS, the Western States Water Council learned with deep regret of his passing on Sunday, September 9, 1973,

NOW, THEREFORE BE IT RESOLVED, that the Western States Water Council assembled in Salt Lake City, Utah, this 12th day of October 1973, express to his family the loss of his guidance and wisdom in the affairs of this body and in western water development, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to his family and the Governor of Oregon State whom he so ably represented.

MEMBERSHIP LIST

COUNCIL OFFICERS 1973-1974

Chairman:

Mr. William A. Groff—Montana
(7-73 to—)

Mr. William R. Gianelli—Calif.
(7-71 to 7-73)
(Member 2-67 to 7-73)

Chairman:

Mr. Wesley E. Steiner—Arizona
(7-73 to—)

Mr. William A. Groff—Montana
(7-71 to 7-73)

Secretary-Treasurer:

Mr. Daniel F. Lawrence—Utah
(7-73 to—)

Mr. Floyd A. Bishop—Wyoming
(4-70 to 7-73)

Executive Director:

Mr. Thomas E. Cahill
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*Ex-Officio Members

****Member of Executive Committee**

Note: List has been updated to
Feb. 28, 1974.

STAFF

Jean R. Pierce, Administrative Assistant(5-72 to)
 Fae O. Drake, Secretary(1-71-to)
 Pearl O. Pollick, Secretary-Bookkeeper.....(5-72 to)
 Thomas E. Cahill, Executive Director.....(1-70 to 9-73)

BUDGET AND FINANCES

At its meeting in Seattle, Washington, April 13, 1973, the Council approved a budget of \$125,000 for FY '74 with assessments of \$5,000 for each member state.

**WESTERN STATES WATER COUNCIL
 STATEMENT OF GENERAL FUND OPERATIONS & FUND
 BALANCES**

Year Ended June 30, 1973

	Actual	Budget	Actual over (under) budget
Revenues:			
Member states' assessments.....	\$ 55,000.00	\$ 55,000.00	\$ -0-
Interest income	10,259.63	-0-	10,259.63
Total revenue	65,259.63	55,000.00	10,259.63
Expenditures:			
Salaries	40,081.51	48,000.00	(7,918.49)
Travel	11,070.40	20,000.00	(8,929.60)
Rent and utilities	6,948.51	7,500.00	(551.49)
Printing and reproduction	11,430.29	11,000.00	430.29
Telephone and telegraph.....	4,434.68	5,400.00	(965.32)
Payroll taxes, insurance and vacation allowance	3,834.69	6,000.00	(2,165.31)
Office supplies and expense.....	1,645.12	2,000.00	(354.88)
Postage	2,402.80	2,400.00	2.80
Contract services	1,326.30	15,000.00	(13,673.70)
Accounting fees	600.00	700.00	(100.00)
Reports, maps, and publications..	800.57	1,000.00	(199.43)
Meetings and arrangements.....	558.43	1,000.00	(441.57)
Unforeseen contingencies	676.00	3,500.00	(2,824.00)
Insurance	272.96	500.00	(227.04)
Total expenditures	86,082.26	124,000.00	(37,917.74)
Excess of expenditures over revenue	20,822.63	(69,000.00)	(48,177.37)
Fund balance at beginning of period	181,585.15	136,360.67	45,224.48
	<u>160,762.52</u>	<u>67,360.67</u>	<u>93,401.85</u>
Deduct purchase of fixed assets.....	175.40	1,000.00	824.60
Fund balance at end of period.....	\$160,587.12	\$ 66,360.67	\$ 94,226.45

**WESTERN STATES WATER COUNCIL
STATEMENT OF ASSETS AND FUND BALANCES**

June 30, 1973

ASSETS

	General Fund	Fixed Assets
Current assets:		
Cash	\$ 587.12	
Time certificates of deposit	160,000.00	
Fixed assets at cost:		
Office furniture and equipment.....	-0-	\$ 10,079.45
Totals	<u>\$160,587.12</u>	<u>\$ 10,079.45</u>

FUND BALANCES

Fund balances:		
Investment in fixed assets	-0-	\$ 10,079.45
General fund — unappropriated	\$160,587.12	
Totals	<u>\$160,587.12</u>	<u>\$ 10,079.45</u>

**WESTERN STATES WATER COUNCIL
STATEMENT OF INVESTMENT IN FIXED ASSETS FUND**

BALANCE

Year ended June 30, 1973

Fund balance at June 30, 1972.....	\$ 9,904.05
Add purchase of fixed assets.....	175.40
Fund balance at end of June 30, 1973.....	<u>\$ 10,079.45</u>

**REPORT OF WILLIAM A. GROFF (MONTANA)
CHAIRMAN, WESTERN STATES WATER COUNCIL
TO**

WESTERN GOVERNORS' CONFERENCE

HELD AT

SHALISAN LODGE

GLEDEN BEACH, OREGON

September 24, 25, 26, 1973

It is my pleasure to present to you the report on the eighth year of operation of the Western States Water Council. We are continually impressed with the importance now, as in 1965, 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.

In a day of growing complexities and pressing demands for governmental programs, the Council is 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 governmental investments in water and related land resource development. These efforts must be continued.

Eleven western states are 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 position taken except by unanimous vote by all member states. In April of 1972, the Council considered changing the Rules of Organization to limit the unanimity requirement to matters relating to inter-basin transfers, and require a three-fourths majority prior to making recommendations or taking external positions on other issues. Those changes were not made. At the 1971 Western Governors' Conference, you directed the Council to make known any unanimous views before federal bodies and other organizations. To implement that directive, in July, 1972, the Council adopted a Federal Appearance Policy which provides a mechanism to unanimously determine who will implement those views and how such actions will be taken.

In 1972, and up until July of this year, the Council has actively implemented unanimous external positions taken concerning the Review

Draft of the National Water Commission, Federal (OBERS) projections of future national economic activity, principles and guidelines used in federal water resources planning, dam safety legislation, and legislation to create an Indian Trust Counsel Authority.

I

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 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. The Review Draft concluded that food and fiber demands to the year 2000 could be met without additional irrigated lands being developed. At public hearings held in Washington, D.C., the Council urged reconsideration of that finding, and suggested changes in many of the Commission's recommendations.

Some of the items which tend to weaken the sufficiency of the Commission report are:

1. The summary refusal to examine farm price programs because they felt their mandate did not extend that far weakens the Report because it ignores that water resources development is part of a larger, more complex, process.
2. 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.
3. National economic efficiency is not necessarily the highest goal of water resources development.
4. 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.

5. 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; 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 that agricultural exports will remain at the 1967-69 level ignores the trend of increased net agricultural exports from \$1.2 billion in 1954 to \$3.3 billion in 1970. Likewise, it ignores our need to improve the United States foreign trade balance of payments.

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.

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." 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.

The Council approved the Commission rejection of the opportunity cost concept in evaluating water resources projects. The Western States unanimously agreed 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.

State Created Water Rights. The Commission made 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.

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 interest.

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.

II

OBERS PROJECTIONS

In March 1971, the Office of Business Economics of the Department of Commerce, now Bureau of Economic Analysis 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 some adjustments be made to the 1972 OBERS Projections. These suggested adjustments were transmitted to the Water Resources Council.

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 assumptions utilized in the OBERS Projections. As a result of these and other ongoing efforts, the 1972 OBERS Projections, released in February, 1973, have the resource data, both from BEA (formerly OBE) and ERS, assembled on State boundary lines.

They have been distributed to the states for utilization by the Governor's planning office and the designated water agencies. Other copies are available upon request.

The title page of the 1972 OBERS Projections indicates that they are the 1972 Edition, and that the series "C" population has been utilized. 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 this 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."

The Council felt that the base data utilized figures presented in the 1969 Agricultural Census which understates irrigation development.

The Agricultural Census are taken every five years, and irrigated acreage reported is dependent on acreage watered in the reporting year. Since water availability is one of the variables influencing total acres watered in the reporting year, reporting of irrigated acreage may fluctuate considerably. The 1964 Agricultural 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.

The Council agreed that 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 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.

III

WATER RESOURCES COUNCIL PLANNING PRINCIPLES AND STANDARDS

On December 21, 1971, the Water Resources Council published its "Proposed Principles and Standards for Planning Water and Related Land Resources." On March 20, 1972, at Washington, D.C., hearings, the Council expressed deep concern about the lack of emphasis on basic resource development. We felt that although the general effect

of utilization of "Principles and Guidelines" will be to display a wider range of alternatives from which to choose, there were certain portions of the "Principles and Standards" which, if adopted, would lessen the federal effort in water resources development and would be detrimental to the entire country.

The principles provided that the discount rate would be 7 percent. This was a substantial increase from the 5-3/8 percent presently used by the Water Resources Council. The Western States unanimously agreed 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 was an improper utilization of the discount rate.

The Proposed Principles provided 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 appeared to be arbitrary.

The President approved and authorized promulgation of the new "Principles and Standards" on August 3, 1973. Their impact on Western water resource development will be profound and the need for united state vigilance has been magnified.

IV

DAM SAFETY LEGISLATION

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 requested 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 dam safety programs.

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

V

INDIAN TRUST COUNSEL AUTHORITY

For the past several years, the Indian Affairs Subcommittee of the Senate Interior and Insular Affairs Committee has been considering legislation which would create an Indian Trust Counsel Authority which 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.

In October, 1971, the Council members unanimously agreed that this legislation was contrary to the interests of both Indians and non-Indians and should be opposed. Those same members agreed that Indians should have ready access to the competent 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 that the creation of an independent entity, completely free of executive control was the way to achieve that representation. The Council suggested 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.

These views were transmitted to the Senate Interior Committee for inclusion in the record of hearings in 1972 and again in 1973.

This is a short summary of the activities of some of the issues confronting the Council. We take pride in the opportunity to offer advice to the Western Governor's Conference. We all sincerely hope that our efforts have been of some assistance to you, as governors, both collectively and individually.

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
John R. Teerink (9-73 to)
William R. Gianelli (2-67 to 7-73)

COLORADO
T. W. Ten Eyck

IDAHO
Herman J. McDevitt

MONTANA
William A. Groff, Chairman

NEVADA
Roland D. Westergard

NEW MEXICO
S. E. Reynolds

OREGON
Chris L. Wheeler

UTAH
Thorpe A. Waddingham

WASHINGTON
John A. Biggs

WYOMING
Floyd A. Bishop

1973 MEETINGS

January 4Albuquerque, New Mexico
April 12.....Seattle, Washington
July 12Helena, Montana
August 29Salt Lake City, Utah
October 11Salt Lake City, Utah
November 13Phoenix, Arizona

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.

WATER RESOURCES COMMITTEE

Members

ARIZONA
Wesley E. Steiner

CALIFORNIA
Theodore J. George

COLORADO
C. J. Kupier

IDAHO
Ray Rigby

MONTANA
John E. Acord

NEVADA
Donald L. Paff
Committee Chairman

NEW MEXICO
Homer C. Berry

OREGON
Tucson Myers (11-73 to)
Fred D. Gustafson (2-71 to 9-73)

UTAH
Daniel F. Lawrence

WASHINGTON
Norman L. Krey

WYOMING
Myron Goodson

1973 MEETINGS

January 4Albuquerque, N. M.
March 7San Francisco, Calif.
April 12Seattle, Washington
July 12Helena, Montana
October 11Salt Lake City, Utah
November 27Las Vegas, Nevada

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.

WATER POLICY AND LEGISLATIVE COMMITTEE

Members

- ARIZONA
Tom Choules
- CALIFORNIA
Senator Howard Way
- COLORADO
Raphael J. Moses
- IDAHO
George L. Yost
- MONTANA
Ted J. Doney (12-73 to)
Lawrence M. Jakub (1-72 to 12-73)
- NEVADA
Hal Smith
- NEW MEXICO
George W. Hannett (8-73 to)
Dale Walker (7-67 to 8-73)
- OREGON
Eugene E. Marsh
Committee Chairman
- UTAH
Harry Pugsley
Dallin Jensen (Alt.)
- WASHINGTON
Charles B. Roe, Jr.
- WYOMING
Willard C. Rhoads

1973 MEETINGS

January 4.....Albuquerque, New Mexico
March 8.....San Francisco, Calif.
April 13.....Seattle, Washington
June 15.....San Francisco, Calif.
July 12.....Helena, Montana
October 11.....Salt Lake City, Utah
November 28.....San Francisco, Calif.

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.

Twenty-Ninth Quarterly Meeting

January 5, 1973

Albuquerque, New Mexico

Reports of the Water Policy and Legislative Committee, Water Resources Committee and the Executive Committee evolved around various assigned chapters of the National Water Commission Report. Each state was asked to submit a copy of its statement for the Washington hearings to the Council office.

The Council adopted a Resolution requesting full funding of the Title III Program under the Water Resources Planning Act of 1965.

PRESENTATIONS

David P. Hale, New Mexico, Interstate Stream Commission, Santa Fe, New Mexico.

Dr. Marx Brook, Professor of Physics, New Mexico Institute of Mining and Technology, Socorro, New Mexico.

Dr. Archie M. Kahan, Chief, Division of Atmospheric Water Resources Management Department of the Interior, Engineering and Research Center, Denver, Colorado.

Charles B. Moore, Professor of Atmospheric Physics, New Mexico Institute of Mining and Technology, Socorro, New Mexico.

Thirtieth Quarterly Meeting

April 13, 1973

Seattle, Washington

The Council, on recommendation of the Water Policy and Legislative Committee, adopted a statement reiterating a position taken January 14, 1972 opposing the creation of an Indian Trust Counsel Authority. The statement was to be submitted to the Senate Interior Committee for inclusion in hearings held May 7 and 8, 1973.

A resolution of commendation for H. Maurice Ahlquist (Washington) was approved by the Western States Water Council. Mr. Ahlquist had resigned, having served as a charter member of the Western States Water Council.

Authorization was given to the Water Policy and Legislative Committee to expend up to \$1,000 for a study of legislation concerning land use planning.

A budget for fiscal year '74 was approved in the amount of \$125,000 with each state being assessed \$5,000 per year.

PRESENTATIONS:

John A. Biggs, Director, Department of Ecology, Olympia, Washington.

Fred Hahn, Assistant Director, Planning and Program Development, Department of Ecology, Olympia, Washington.

Norman L. Krey, Power Consultant, Spokane, Washington.

Thirty-First Quarterly Meeting

July 13, 1973

Helena, Montana

The Chairman reported that our Council representative would be welcome to attend the Western Governor's Conference in Gleneden Beach, Oregon. However the presentation was to be a written statement as time would not allow oral reports.

Election of officers was held with William Groff (Montana) to serve as Chairman and Wesley E. Steiner (Arizona), Vice Chairman.

The Water Resources Committee asked that legislation to authorize the Colorado River Salinity Program be distributed to Council members along with a drafted resolution supporting the principle thereof.

The Water Policy and Legislative Committee polled the members to see how many copies each would like to have of the land use planning report. It was determined that each state would receive ten copies.

Mr. Gilbert Stamm, Commissioner of the Bureau of Reclamation, reported to the Council on that agency's program which was planned for the current year.

Mr. Jack Horton, Assistant Secretary, Land and Water Resources, Department of the Interior, was the banquet speaker. Mr. Horton spoke to the Pacific Northwest River Basins Commission and the Western States Water Council on the future of water development in the West.

Mr. Gianelli, outgoing Chairman, shared some of his personal observations with the Council members—how the Council could become a more effective body and how recommendations might be implemented. He thanked members of the Council for the cooperation in the past two years.

PRESENTATIONS:

Gilbert G. Stamm, Commissioner, Bureau of Reclamation, U.S. Department of the Interior.

John E. Acord, Chief, Montana Resources and Planning Bureau, Water Resources Division, Department of Natural Resources and Conservation.

Jack Horton, Assistant Secretary, Land and Water Resources, Department of the Interior.

Thirty-Second Quarterly Meeting

October 12, 1973

Salt Lake City, Utah

The Council approved unanimously passage of a resolution supporting in principle, the salinity control program on the Colorado River.

A resolution was adopted for Fred Gustafson, Oregon member and Chairman of the Water Resources Committee, who passed away September 9, 1973.

Lt. Gen. F. J. Clarke USA (Ret.) Executive Director on National Commission for Water Quality gave a presentation on the organization and what the plan of study might be.

Mr. Jerome Temchin, Chemical Engineer, EPA, gave a presentation on a new permit program, known as the National Pollution Discharge Elimination System.

PRESENTATIONS:

Jerome R. Temchin, Chemical Engineer, Program and Systems Management Staff, Division of Permit Programs, EPA, Washington, D.C.

Lieutenant General F. J. Clarke, USA (Ret.) Executive Director, National Commission for Water Quality.

Daniel F. Lawrence, Director, Utah Division of Water Resources.