

1970

WESTERN STATES WATER COUNCIL
1725 University Club Bldg.
Salt Lake City, Utah 84114

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**WESTERN STATES WATER COUNCIL
ANNUAL REPORT
1970**

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 represented at a meeting has one vote, but no recommendation may be issued or external position taken except by unanimous vote of all member states. In addition to the eleven voting states, observers from Texas have participated as non-voting members of the Council. They have kept the Council informed on water legislation and planning in Texas and have helped to broaden the scope of the Council.

The Council is a committee-oriented organization with three working committees. They are the Executive Committee, the Water Policy and Legislative Committee, and the Water Resources Committee. Each state has one representative on each Committee. The Committee Charters and a schedule of their 1970 meetings can be found on pages 42, 43, and 45 respectively.

The Water Resources Committee activities centered on the Reconnaissance Investigations authorized by the Colorado River Basin Project Act (P.L. 90-537). That Committee made recommendations on responses to questions posed by the Commissioner of Reclamation, formulated comments on the first Review Draft of a Study Plan Outline, and suggested Study Procedures and Principles, Criteria and Assumptions to be utilized in the Investigations. In each instance, the Council unanimously adopted the Committee recommendations.

The Water Policy and Legislative Committee took positions on the Reservation Doctrine, the National Water Commission Program of Study, modernization of the 160-acre limitation of federal reclamation law, funding of state water and related land resources planning grants, and proposed legislation that would create an Indian Trust Counsel Authority.

WESTWIDE RECONNAISSANCE STUDY

In response to the finding by the Western Governors' Conference that there is need for "accurate and unbiased appraisal of the present and future requirements of each area of the West and for the most equitable means of providing for the meeting of such requirements", the Council has made major efforts to make meaningful contributions to the Reconnaissance Investigations authorized by P.L. 90-537. In July, 1969, the Western Governors' Conference ratified a Council request that the Secretary of the Interior consult with the Council to insure maximum coordination in preparing the plan of study, the time schedule, and the principles and guidelines under which those investigations will proceed.

As a result of that request, the Commissioner of the Bureau of Reclamation, at the Albuquerque Council meeting, asked five general questions concerning the investigation. At its Montana meeting, the Council unanimously responded to those questions. (See page 3.)

On July 29, 1970, the Bureau of Reclamation circulated a Review Draft of a Study Plan Outline. On August 17, 1970, the Water Resources Committee discussed that Review Draft and directed the staff to formulate comments in five general areas. Those comments were submitted to the Executive Committee and, in an emergency action, the Executive Committee unanimously agreed to submit those comments to the Bureau of Reclamation. (See page 6.)

The Water Resources Committee devoted a major portion of its time considering the problems inherent in the Westwide Study. In addition to the Responses and Comments previously mentioned, that Committee also formulated Suggested Study Procedures and Principles, Criteria and Assumptions to be utilized in the study which were unanimously adopted by the Council at its Salt Lake City meeting. (See page 8.)

As a result of the Council comment that specific provisions be made to allow state participation at the policy-making and decision-making levels of the study, the Bureau of Reclamation created an Advisory Committee made up from representatives of the states, the Pacific Northwest River Basins Commission, the Pacific Southwest Interagency Committee, private organizations, and the Western States Water Council. At its Salt Lake City meeting, the Council concurred in the desirability of forming the Advisory Committee, and designated the Executive Secretary to represent the Council on that Committee.

RESPONSES TO QUESTIONS ASKED BY THE COMMISSIONER OF THE BUREAU OF RECLAMATION

1. What role should the Western States Water Council play?

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

At the 1969 Western Governors' Conference, the Governors requested that the Secretary of the Interior consult with the Western States Water Council to insure maximum coordination in preparing the Plan of Study, the time schedule, and the principles and guidelines under which the Western States Reconnaissance Investigation will proceed, and thereafter to make semi-annual reports to the Council.

The Council was pleased to hear that when the initial framework study plan is formulated, it will be presented to the states and the Council for review and comment. A review will also be made by the states through the Western States Water Council. The Council will review the principles, criteria and planning assumptions to be used uniformly throughout the investigation, the plan of study, schedule, budget, and organizational plan identifying work items, responsible federal or state agencies, study due dates and funding requirements. The individual states should be given a strong role in developing the projections of most probable locations and alternative patterns of future development, attendant water requirements, and all other water requirements.

2. To what extent should the public and conservation and preservation interests be involved in the Study?

We agree that the environment must be given proper consideration in the Western United States Reconnaissance Investigation.

Conservation and preservation interests, and all other responsible interests of the general public, should be advised periodically of the progress of the investigation, and their comments should be solicited by the study group. Periodic public hearings should be held in which the respective states are full participants.

In conducting the investigation, all facts on the effects of proposed water development and land use on man's total environment should be analyzed and utilized in comparing alternatives. Consideration of environmental factors should be concerned with maintenance and enhancement of this total environment, both natural and man-induced.

3. Should outside or independent sources be contracted with to review projections of economic and social development?

Outside or independent entities other than the states should not be contracted with to review projections of economic and social developments. While it might be beneficial for outside or independent sources to review

certain aspects of the projections of economic development, wholesale review and revision of present projection techniques would only serve to delay and confuse the investigation.

All projections used in the investigation should be clearly defined as to the criteria and assumptions from which they were derived.

Projections of economic and social development should be based upon the following:

- a. Basic data and conclusions from the Type I Framework Studies and other previous state and federal planning studies, together with information from other studies conducted during the course of the Reconnaissance Investigation, should be utilized as appropriate.
- b. Additional information should be developed by the Reconnaissance Investigation as needed to supplement that available from other sources.
- c. By contract with each affected state, or in close cooperation with each state and making maximum use of state input, the most probable location of future development, attendant water requirements, and water requirements for all other water-related needs, together with alternative growth patterns, should be projected. These projections should be made in close coordination with the development of reconnaissance investigations to reflect reasonable uses of water.
- d. Evaluation of the means of meeting future demands for electric power should recognize economic and environmental value of hydro-electric power.
- e. All identifiable benefits, detriments and costs should be quantified where possible and treated qualitatively otherwise.

Every effort should be made to accommodate the views of the states.

4. What research, if any, should be conducted as part of the Western States Water Plan Study?

In general, there should be no basic or fundamental research conducted under the Reconnaissance Investigation. The results of research undertaken under other authorizations should be fully utilized in the study, but should not be conducted as part of the study.

5. Can or should the study address itself in any way to the potentials of large interbasin diversions?

The Western United States Reconnaissance Investigation was authorized by P.L. 90-537. Title II of that Act directs the Secretary of the Interior to:

"Conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the

Western United States. Such investigation shall include the long-range water supply available and the long-range water requirements in each water resource region of the Western United States. Progress reports in connection with these investigations shall be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and to the Congress every two years. The first of such reports shall be submitted not later than June 30, 1977: Provided, that for a period of ten years from the date of this Act, the Secretary shall not undertake reconnaissance studies or any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River."

This prohibition should be strictly observed; however, the investigation should evaluate water supply demands and water requirements for all other water-related needs which in some cases may exceed the limits of supply available in a given basin and in some cases may indicate existence of surpluses. Reconnaissance plans should be developed to meet these needs, utilizing all available alternative resources within each major drainage basin. Alternative plans should cover both structural and nonstructural solutions as well as the possibility of maintaining the status quo. Plans to satisfy these needs should also consider interbasin diversions to the extent not prohibited by Section 201 of P.L. 90-537.

September 9, 1970

Commissioner Ellis Armstrong
Bureau of Reclamation
Department of the Interior
Washington, D. C. 20240

Dear Commissioner Armstrong:

The Western States Water Council appreciates the opportunity to comment upon the July 29 Review Draft of the Study Plan Outline for the Western United States Water Plan Study. After due consideration by the eleven Western States, the Western States Water Council has unanimously agreed to submit the following general comments:

- I. The July 29, 1970, Review Draft of the Study Plan Outline for the Western United States Water Plan Study is too broad in its scope. The July 29 Draft apparently suggests an expansion, refinement and sophistication of ongoing Type I Studies authorized by the Water Resources Planning Act of 1965. The Type I Studies will be extremely helpful to the Secretary of the Interior as he complies with the statutory directives of the Colorado River Basin Project Act. However, the Western United States Water Plan Study should retain the perspective contemplated by the language and the legislative history of that Act. The initial effort under that Act should be limited to full and complete reconnaissance investigations which can be used in the development of a general plan to meet the future water needs of those States lying wholly or in part west of the Continental Divide. That effort should include consideration of all possible sources of water (other than importation into the Colorado River Basin from any source as prohibited by Sec. 201, P.L. 90-537) including water conservation and salvage, weather modification, desalination, reclamation and reuse of waste waters, geothermal resources and intraregional transfers.
- II. To provide strong centralized control, all funds for the Western United States Water Plan Study should be appropriated to the entity that has responsibility for the Study. That entity could delegate certain technical func-

tions to other entities, both federal and non-federal, and distribute funds necessary for the accomplishment of the specific assignments.

- III. Procedures and methods to be utilized in the formulation of the assumptions and criteria to be used in making the necessary projections should be more clearly enunciated.
- IV. The July 29 Draft provides that policy guidance for the Study will be centered in Washington, D.C., while state participation is limited to the Denver operational office. Specific provision should be made to allow state participation at the policy-making and decision-making levels of the study, including development of the assumptions and criteria underlying the study projections.
- V. Economic evaluation under existing laws and policies and environmental quality should receive greater emphasis.

Again, the Council appreciates the opportunity for involvement in the Western United States Water Plan Study.

Sincerely,

Thomas E. Cahill
Executive Secretary

SUGGESTED STUDY PROCEDURES AND GUIDELINES FOR THE WESTERN UNITED STATES RECONNAISSANCE INVESTIGATION AUTHORIZED BY P.L. 90-537

PREAMBLE

The purpose of the Western States Water Council is 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 Western United States Reconnaissance Investigation was authorized by P.L. 90-537. Title II of that Act directs the Secretary of the Interior to "conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States. Such investigations shall include the long-range water supply available and the long-range water requirements in each water resource region of the Western United States. Progress reports in connection with these investigations shall be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and the Congress every two years. The first of such reports shall be submitted on or before June 30, 1971, and a final reconnaissance report shall be submitted not later than June 30, 1977: Provided, that for a period of ten years from the date of this Act, (or until September 30, 1978) the Secretary shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River."

At the 1969 Western Governors' Conference, the Governors requested that the Secretary of Interior consult with the Western States Water Council to insure maximum coordination in preparing the plan of study, the time schedule, and the principles and guidelines under which the Western United States Reconnaissance Investigation will proceed, and thereafter to make semi-annual reports to the Council.

As the Secretary of the Interior proceeds, it is requested that he consider the following Suggested Study Procedures and Principles, Criteria and Assumptions.

SUGGESTED STUDY PROCEDURES

1. After establishing the principles and criteria that will govern the investigation and the planning assumptions that will be utilized uniformly throughout the investigation, the results should be reviewed with the Water Resources Council, the eleven Western States, the Pacific Northwest River Basins Commission, and the Western States Water Council and adjusted as warranted.
2. After preparing a plan of study, schedule, budget, and organizational plan for the entire reconnaissance investigation, identifying work items, responsible federal or state agency, due date and funding requirements, the results should be reviewed by the Water Resources Council, the eleven western states, the Pacific Northwest River Basins Commission, and the Western States Water Council and adjusted as warranted.
3. Review basic data compiled for, and conclusions drawn from, the Type I Framework Studies and other state and federal planning studies, identifying

strengths and weaknesses and the areas in which additional information is needed to meet study objectives in line with adopted principles and criteria. Information from other studies conducted during the course of the Reconnaissance Investigation should also be utilized.

4. Develop additional information identified as required.
5. By contract with each affected state, or in close cooperation with each state and making maximum use of state input, project the most probable location of future developments, its attendant water requirements, and water requirements for all other water-related needs. Alternative growth pattern should also be projected in cooperation with the states.
6. Review the resulting water requirements and location of requirements with the affected states, the Western States Water Council, the Pacific Northwest River Basins Commission and the Water Resources Council, in that order. Adjust as necessary.
7. Develop reconnaissance plans to meet the needs identified in Item 6, taking into account all relevant federal, state and local water planning, considering:
 - a. Additional development of local surface and ground waters
 - b. Reclamation and reuse of waste water
 - c. Desalting
 - d. Weather modification
 - e. Geothermal development
 - f. Water salvage and improved efficiency of use
 - g. Intra-regional transfers
 - h. Any other sources other than importation into the Colorado River Basin from any source as prohibited by Sec. 201, P.L. 90-537.
8. Adjust the requirements of Item 6 to reflect the economic costs and benefits of water service.
9. Review reconnaissance investigations with states, Western States Water Council, Pacific Northwest River Basins Commission and the Water Resources Council.

PRINCIPLES, CRITERIA AND ASSUMPTIONS

1. The Western United States Reconnaissance Investigation shall not include any study for exporting water from the Pacific Northwest.
2. All applicable elements of "Principles, Standards, Guidelines," adopted by the Western States Water Council should be followed in this study.
3. All aspects of study should be at comparable reconnaissance level of depth and scope except where previously developed, more detailed information may be available.
4. Proposals for development of additional water supplies and for meeting other

water-related needs should reflect a reasonable use of water and an economic evaluation that considers all costs and benefits resulting from the development of additional water supplies.

5. Evaluation of future demands for electric power should recognize increasing economic and environmental value of hydro power.
6. All facts on the effects of proposed water development and land use on man's total environment should be analyzed and utilized in comparing alternatives. Consideration of environmental and ecological factors should be concerned with maintenance and enhancement of man's total environment, natural and man-induced.
7. Alternatives should cover both structural and non-structural solutions as well as the possibility of maintaining the status quo.
8. All identifiable benefits, detriments and costs should be quantified where possible and treated qualitatively otherwise.

STATE-FEDERAL WATER RIGHTS

The appropriative doctrine of water law, in one form or another, is followed in all of the eleven states of the Council.

A water right is established by the expression, in an accepted form, of a desire to make use of a certain amount of water, followed by a diligent effort of the user in perfecting his ability to use the water. The rights created are given a priority to the use of the water, based upon the initial date of the expression of desire. Thus, if there is a shortage of water, the user with the later priority date is denied water until all uses senior to his are fulfilled. These rights are administered by a state agency or a state court.

Congress in 1866, 1871 and 1877, accepted this theory of water law and made water from federal lands subject to it. However, various federal agencies have claimed that the reservation of land for various purposes also included sufficient water necessary to effectuate the purpose of the reservation. They claim a priority date as of the date of the reservation. The claims of these agencies are based upon a series of federal court decisions. The Western States have long sought legislation which would clarify this issue.

At the Eighteenth Quarterly Meeting of the Council held in Seattle, Washington, it was unanimously agreed that the following Position Paper should be presented to the public members of the Public Land Law Review Commission.

**POSITION PAPER
PRESENTED TO THE
PUBLIC LAND LAW REVIEW COMMISSION**

**Concerning The Reservation Doctrine and the Relationship of State
and Federal Governments with Respect to Water**

The eleven states of the Western States Water Council have in the past, and will in the future, present to the Congress of the United States their several independent positions upon the many issues encompassed by the subject of this paper. However, the states are unanimous in their conviction that some changes in Federal Law are essential. On this basis, and recognizing the influential role that will be played by the Public Land Law Review Commission in the development of proposals for Federal legislation, it is the purpose of this paper to set forth in general terms several basic principles which all eleven states believe should be incorporated in the recommendations of the Commission as a first step in the clarification of the Reservation Doctrine.

- I. The United States should be required by law to identify all federal claims to surface and underground water asserted under the Reservation Doctrine or other theory of paramount right including those made on behalf of Indians. Such identification should include a specific recital of the purpose, location, extent and priority date of every water right claimed. The United States should be required to complete such identification within a reasonable specified period of time and should be required to give notice to each affected state. The legislation should limit such claims to the effectuation of the original purposes of the reservation.
- II. Procedures should be established by law for adjudication of the validity and extent of such claims. The legislation should be so devised as to provide the certainty and finality of judgment and to estop the Federal Government from any future expansion of such claims.
- III. Provision should be made to assure full compensation to the owners of water rights vested under state law prior to such federal identification, if those rights are later taken by the United States or if the exercise of those rights is precluded by actions of the United States.
- IV. There should be legislation enacted to clarify or broaden the consent-to-suit provision of the McCarran amendment (43 U.S.C., Section 666) to insure the right of states or subdivisions thereof, to secure judicial clarification of the nature and extent of all claims to the use of water by the United States.

In April, at Albuquerque, New Mexico, the Council unanimously approved the following resolution suggesting concerted state action in *United States v. District Court of Eagle County, Colorado*, regarding the adjudication of United States Water Rights in accordance with state law.

RESOLUTION

WHEREAS, the Western States Water Council has, heretofore, adopted a position supporting the principle that claims of the Federal Government to the use of water be acquired in accordance with state law; and

WHEREAS, there is now pending in the Supreme Court of the United States, Case No. 1178, October Term, 1969, entitled *United States v. District Court of Eagle County, Colorado*, in which the United States seeks to obtain a reversal of a decision of the Colorado Supreme Court requiring the United States to adjudicate all of its claims in accordance with Colorado law; and

WHEREAS, the decision of the United States Supreme Court will be of extreme importance in determining the extent to which the United States will be required to comply with state law in the adjudication of water rights, including rights claimed by the United States as "reserved" rights; and

WHEREAS, a determination favorable to the position of the Colorado Supreme Court would be of great benefit to the orderly administration of water rights in all of the states of the West,

NOW, THEREFORE, BE IT RESOLVED that the Western States Water Council hereby urges that its members request their respective governors and attorneys general to appear in the pending litigation in the United States Supreme Court in support of the position of the Colorado Supreme Court that the United States must submit to the adjudication of all of its water rights, including so-called "reserved" rights, in accordance with state law under the provisions of the McCarran Amendment (43 USCA Sec. 666).

A brief prepared by the Executive Secretary was joined by the States of Colorado, Oregon, Nevada, Idaho, Montana and Alaska. Six other states also wrote amicus curiae briefs making a total representation of twelve Western States that joined the side of Colorado in urging the proper interpretation of the McCarran Amendment.

The Public Land Law Review Commission recommended that the implied Reservation Doctrine of water rights for federally reserved lands should be clarified and limited in at least four ways:

- (1) Amounts of water claimed, both surface and underground, be formally established;
- (2) Procedures for contesting each claim should be provided;
- (3) Water requirements for future reservations should be expressly reserved; and

- (4) Compensation should be awarded where interference results with claims valid under state law before the decision in *Arizona v. California*.

Following the publication of the Public Land Law Review Commission Report, the Water Policy and Legislative Committee recommended the preparation of legislation for solution of the problems raised by the Reservation Doctrine. At the Salt Lake City meeting of the Council held on October 9, 1970, the following Resolution was approved by the members concerning the Reservation Doctrine.

RESOLUTION

WHEREAS, the Public Land Law Review Commission has made certain recommendations with reference to the implied "Reservation Doctrine" of Federal Water rights; and

WHEREAS, said recommendations have been considered by the member states of the Western States Water Council and the Water Policy and Legislative Committee; and

WHEREAS, the Water Policy and Legislative Committee has appointed a subcommittee to assist in the drafting of legislation to resolve the problems of water resources allocation of the Reservation Doctrine, taking into consideration Recommendation 56 of the Public Land Law Review Commission Report on said subject; and

WHEREAS, it is the desire of the Water Policy and Legislative Committee of the Western States Water Council that the appointment of said subcommittee be confirmed by the Council and instructed to assist in the preparation and drafting of legislation to resolve the problems of water resources allocation of the Reservation Doctrine taking into consideration Recommendation 56 of the Public Land Law Review Commission Report on said subject; now, therefore

BE IT RESOLVED by the Western States Water Council that the appointment of said subcommittee be and the same is hereby confirmed, and said subcommittee instructed to assist in the preparation and drafting of legislation to resolve the problems of water resources allocation of the Reservation Doctrine taking into consideration Recommendation 56 of the Public Land Law Review Commission Report.

BE IT FURTHER RESOLVED that the Executive Secretary and the subcommittee is directed to contact other interested organizations to seek their assistance in the preparation of legislation.

A subcommittee of the Water Policy and Legislative Committee is presently cooperating with subcommittees of other interested groups in the preparation of proposed legislation.

NATIONAL WATER COMMISSION

In 1969, the National Water Commission outlined a Program of Study which they hoped to complete by early 1973. Six regional conferences were held throughout the United States to obtain reactions, opinions, and suggestions regarding their Study Program.

All eleven Western States presented statements to the Commission. The Water Policy and Legislative Committee was directed to review those statements and formulate a Position Paper for presentation to the Commission. That Committee finalized a Position Paper late in December of 1969 which was presented to and unanimously approved by the Council at their January 29, 1970, meeting in Seattle, Washington. That Position Paper was presented to the National Water Commission in Phoenix on February 5, 1970.

POSITION PAPER

The National Water Commission is faced with a monumental job. To get the job done well requires a series of well-planned steps. The Western States commend the Commission approach of inviting the states, major water interests within the states, national organizations, and the federal establishments to help identify the major water issues and problems in our country. Following an informal meeting with the National Water Commission in Portland, Oregon, on August 27, 1969, each of the eleven states represented on the Western States Water Council presented testimony at the regional conferences held by the Commission. This statement is founded on the results of that meeting and the conferences and represents the collective views of the eleven states on matters in which there is a consensus.

The Commission requested comments on a list of 31 tentative study proposals and 25 questions. These preliminary steps accomplished two goals. They helped the Commission assure itself that no major water issue or problem would be overlooked and gave others an insight into the Commission's preliminary thinking.

Now that these important steps have been taken, the Western States Water Council urges that the Commission's identification and appraisal of the issues and problems be done openly. When the key issues have been identified, the states would appreciate the opportunity to have sufficient time to address themselves to those issues and to furnish the Commission specific views and possible recommendations concerning them.

In examining the statements made by the eleven states represented on our Council, and after considering other testimony at the Commission conferences in Portland, Denver and Los Angeles, this statement represents an area of consensus which we hope will be useful to the Commission as they seek to identify the key issues.

We believe the Commission should steer a course leading to making innovative policy recommendations. To accomplish that goal will require in-depth and imaginative consideration of a few areas of major concern. Without seeking to elaborate,

we suggest that the Commission should give major emphasis to studies which will determine:

1. The fair share of federal funding for water programs;
2. The role of irrigated agriculture in meeting the country's future needs in food and fiber;
3. The federal policy on major interbasin and international diversions;
4. Cost sharing policies;
5. Evaluation of aesthetics, environmental and well-being objectives and who should pay for meeting those objectives.

We have not attempted to prepare a composite set of answers to the questions because of their complexity and the time factor. We, as a Council, are looking forward to making a considerable effort once the key issues have been identified by the Commission. As the Commission proceeds with its work, we recommend that:

1. The Commission identify, in order of priority, the major issues and problems upon which the Commission will concentrate its efforts.
2. Immediately after the identification and setting of priorities, circulation of the Commission findings and opportunity for state assistance to the Commission.
3. Regular status communications from the Commission to the Western States Water Council with the opportunity of joint meetings on a regular basis, preferably not less than semi-annually.

On April 2, 1970, Charles Luce, Chairman of the National Water Council, made the following response to Council Chairman William S. Holden:

"The National Water Commission has considered the statement of the Western States Water Council which was presented orally by Mr. Cahill at the Commission's meeting in Phoenix, Arizona, on February 5. Your Council suggests that the Commission should give major emphasis to studies which will determine (1) the fair share of federal funding for water programs, (2) the role of irrigated agriculture in meeting the country's future needs in food and fiber, (3) the federal policy on major interbasin and international diversions, (4) the cost sharing policies and (5) evaluation of aesthetics, environmental and well being objectives and who should pay for meeting these objectives.

The Council went on to recommend that (1) the Commission identify in order of priority the major issues and problems on which the Commission will concentrate its efforts, (2) immediately after the identification and setting of priorities, the Commission circulate its findings and provide an opportunity for the states to assist the Commission and (3) that the Commission issue regular status communi-

cations to the Western States Water Council and afford an opportunity for joint meetings on a regular basis, preferably not less than semi-annually.

The policy issues suggested by the Council are among those that will be given the highest priority by the Commission. However, we are hesitant to assign an order of priority to these issues at this time as this might tend to preclude from consideration other important issues which may arise as the Commission's studies progress. The Commission has a rather large program ahead of it and over the next several years will be discussing all major issues at its regularly scheduled meetings. As the work of the Commission progresses, there may well be shifting of emphasis on priorities. Accordingly, the Commission feels that it must avoid any prejudgments based on a partial and premature evaluation of the situation.

As the Commission moves toward its final report, however, it will consult with the states and others concerned and will give them an opportunity to discuss and comment on its proposed findings. Regular meetings with the Western States Water Council as suggested, however, would not be practical because of the great demands they would make on the Commissioner's time and also because the Commission desires to deal equitably with all other interests concerned. Obviously, the Commission would not be able to meet with all the organizations that might request a similar arrangement were a precedent to be established.

We appreciate receipt of your views, and we suggest a continuing liaison between your Council and the National Water Commission be maintained through close cooperation between the staffs of the two bodies. This will make it possible to arrange at any time for any necessary exchanges of views between the two bodies including future joint meetings should they become necessary.

Sincerely yours,

Charles S. Luce, Chairman"

At the Albuquerque meeting on April 23, 1970, it was the consensus of the Council that Mr. Holden should respond to Mr. Luce's letter in the following general manner.

"I was very pleased to receive your letter of April 2, 1970, which was in reply to the statement of the Western States Water Council presented by its Executive Secretary, Mr. Thomas E. Cahill, to the National Water Commission at its meeting in Phoenix, Arizona, on February 5. The Council is most appreciative of the careful consideration given to its statement by the Commission.

I am pleased to know that the policy issues suggested by our Council will be given the highest priority by the Commission, even though the Commission at this time hesitates to assign an Order of Priority to these issues. I can appreciate that the assigning of an Order of Priority for the consideration of these issues might tend to preclude from consideration other important issues which might arise as the Commission's studies progress. There, no doubt, is merit in the Commission maintaining a flexible position so that it may be free to shift emphasis and priorities as its work progresses. It is gratifying to know, however, that as the Commission moves toward its final report, it will consult with the states and others concerned and give them

an opportunity to discuss and comment on its proposed findings. I am hopeful, too, that intermediate reports, as well as the final report, will be made available to the Council for review and comment.

Your point is well taken that great demands are being made upon the Commission's time by many groups and that it, therefore, may not be practical, at least at this time, to attempt to schedule regular meetings with the Western States Water Council. I am pleased to note, however, that the Commission expresses a desire for a continuing liaison between the Council and the Commission through cooperation between the staffs of the two organizations. This continuing liaison between our respective staffs, as pointed out by you in your letter, will make it possible to arrange at any time for any necessary exchanges of views between the two bodies, including future joint meetings, should they become necessary.

Again, I want to express to you on behalf of the Council our deep appreciation for the courtesies that have been extended to the Council and for the desire of the Commission to maintain a close relationship with the Council. We fully appreciate the magnitude of the Commission's responsibility and wish to express to you our desire to cooperate and assist in any way that will be helpful.

My very best wishes.

Sincerely,

William S. Holden, Chairman"

OTHER ACTIONS

In 1970, the Western States Water Council also took unanimous action in opposing legislation to create an Indian Trust Counsel Authority and in adopting resolutions regarding modernization of the 160-acre limitation of Federal Reclamation Laws and federal funding of state water and related land resource planning grants under Title III of the Water Resources Planning Act.

INDIAN TRUST COUNSEL AUTHORITY

Late in the summer of 1970, federal legislation was introduced in both the Senate and the House which would have created an Indian Trust Counsel Authority. That Authority was to be completely free of executive control, and would be responsible for initiating litigation involving Indian claims in water, land, and other natural resources. The proposed legislation would have relieved the Departments of Justice and Interior of their historic trust responsibility and would have waived the immunity to suit of the United States.

At the Salt Lake City meeting of October 9, 1970, the Council unanimously agreed that the proposed legislation was contrary to the interests of Indians and non-Indians alike and unanimously agreed that the creation of the proposed Indian Trust Counsel Authority should be opposed. They also 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.

RESOLUTION REGARDING MODERNIZATION OF THE 160-ACRE LIMITATION OF FEDERAL RECLAMATION LAW ADOPTED APRIL 23, 1970

WHEREAS, the 160-acre limitation on water deliveries from federal reclamation projects was adopted in 1902 in light of the then existing agricultural economy and as a means of encouraging the establishment of family-size farms on undeveloped public lands of that time without allowance for changes in farm technology and economics; and

WHEREAS, there is need for expansion of the size of farm units that may receive water deliveries from federal reclamation projects under uniform conditions in order that such units may be operated efficiently and maintain a competitive position in the agricultural economy of the United States; and

WHEREAS, it is in the public interest that water deliveries from federal reclamation projects to lands in excess of an updated acreage limitation be per-

mitted to be made so long as there is paid to the United States, with interest, the allocated share of the construction costs involved in furnishing benefits to such excess acreage.

NOW, THEREFORE, BE IT RESOLVED by the Western Governors' Conference that it support and urge that all state and federal officials support a modification of the federal reclamation laws so as:

1. To increase the number of acres in single ownership eligible for water deliveries without loss of the benefit of interest-free financing to at least the equivalent of 160 irrigable acres of Class I land, or such greater number of irrigable acres as may be determined from time to time by the Secretary of the Interior to be justified in light of economic and technological changes affecting agriculture to promote efficient and profitable agricultural production;
2. To permit deliveries of water from any existing or future federal reclamation project to those lands in single ownership which are in excess of the acreage limitation but on whose behalf payment is made of interest on the allocated share of construction costs attributable to furnishing irrigation benefits to such excess lands.

RESOLUTION REGARDING THE WATER RESOURCES PLANNING ACT OF 1965 ADOPTED APRIL 23, 1970

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 related land 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 present executive budget request allocates only \$3 million for such grants;

NOW, THEREFORE, BE IT RESOLVED that the Western Governors' Conference urges Congress to appropriate the \$5 million authorized by the Water Resources Planning Act of 1965 to assist states in their water and related land resources planning efforts.

MEMBERSHIP LIST

COUNCIL OFFICERS -- 1970 -- 1971

Chairman:

Mr. William S. Holden -- Idaho

Vice Chairman:

Mr. William R. Gianelli - - -
California

Secretary - Treasurer:

Mr. Donel J. Lane -- Oregon
(6 - 65 to 4 - 70)

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

Executive Secretary:

Mr. Thomas E. Cahill
(1 - 70 to -----)

ARIZONA

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

** Mr. Wayne M. Akin
801 North First Avenue
Phoenix, Arizona 85003

Mr. Wesley E. Steiner
Executive Director
Arizona Water Commission
34 West Monroe, Suite 707
Phoenix, Arizona 85003

Mr. Sam F. Dick, President
Yuma County Water Users Assoc.
Post Office Box 708
Yuma, Arizona 85364
(8 - 68 to 2 - 70 - deceased)

Mr. Tom Choules
190 West Madison Avenue
Post Office Box 551
Yuma, Arizona 85364
(4 - 70 to ---)

CALIFORNIA

* Honorable Ronald Reagan
Governor of California
State Capitol
Sacramento, California 95814

** Mr. William R. Gianelli, Director
Department of Water Resources
State of California
Post Office Box 388
Sacramento, California 95802

Senator Gordon Cologne
State Capitol Building
Room 3086
Sacramento, California 95814

Mr. Theodore J. George
Consulting Engineer
Drawer "B"
Marysville, California 95901

COLORADO

* Honorable John A. Love
Governor of Colorado
State Capitol
Denver, Colorado 80203

** Mr. T. W. TenEyck
Executive Director
Dept. of Natural Resources
1845 Sherman Street
Denver, Colorado 80203

Mr. Raphael J. Moses
Post Office Box 34
Boulder, Colorado 80302

Mr. C. J. Kuiper
Colorado State Engineer
1845 Sherman Street
Denver, Colorado 80203

IDAHO

* Honorable Don W. Samuelson
Governor of Idaho
State Capitol
Boise, Idaho 83707

** Mr. William S. Holden
Post Office Box 129
Idaho Falls, Idaho 83401

Mr. Tom Olmstead
Route 2
Twin Falls, Idaho 83301

Mr. George L. Yost
Post Office Box 308
Emmett, Idaho 83617

MONTANA

* Honorable Forrest Anderson
Governor of Montana
State Capitol
Helena, Montana 59601

** Mr. William A. Groff
Farmers State Bank
Post Office Box 46
Victor, Montana 59875

Mr. Clyde Hawks
St. Xavier, Montana 59075

Mr. Douglas G. Smith, Director
Montana Water Resources Board
Sam W. Mitchell Building
Helena, Montana 59601

Mr. Fred Barrett (Alt.)
Chester, Montana 59522

NEVADA

* Honorable Paul Laxalt
Governor of Nevada
State Capitol
Carson City, Nevada 89701

** Mr. Ivan P. Head
5469 Sir Richard Court
Las Vegas, Nevada 89110

Mr. Roland D. Westergard
Nevada State Engineer
201 South Fall Street
Carson City, Nevada 89701

Mrs. Geraldine B. Tyson
800 North Carson Street
Carson City, Nevada 89701
(6 - 67 to 4 - 70)

Mr. Hal Smith
c/o Henderson Builders Supply
1245 North Boulder Highway
Henderson, Nevada 89015
(4 - 70 to -----)

Mr. Robert S. Leighton (Alt.)
Post Office Box 10100
Reno, Nevada 89501

Senator C. Clifton Young (Alt.)
195 South Sierra Street
Reno, Nevada 89501

NEW MEXICO

* Honorable David F. Cargo
Governor of New Mexico
State Capitol
Santa Fe, New Mexico 87501

** Mr. S. E. Reynolds
New Mexico State Engineer
State Capitol Building
Santa Fe, New Mexico 87501

Mr. Dale Walker
Bank of New Mexico Building
Room 1222
Albuquerque, New Mexico 87101

Mr. Homer C. Berry
Post Office Box 407
Dexter, New Mexico 88230

Mr. David P. Hale (Alt.)
New Mexico Interstate Stream
Commission
State Capitol Building
Santa Fe, New Mexico 87501

OREGON

* Honorable Tom McCall
Governor of Oregon
State Capitol
Salem, Oregon 97310

** Mr. Donel J. Lane, Director
State Water Resources Board
500 Public Service Building
Salem, Oregon 97310
(6 - 65 to 4 - 70)

** Mr. Chris L. Wheeler
Oregon State Engineer
1178 Chemeketa Street, N.E.
Salem, Oregon 97310
(Alt. 6 - 65 to 4 - 70)
(Member - 4-70 to -----)

General Louis H. Foote
Oregon Water Resources Board
1633 Filbert Street
Forest Grove, Oregon 97116
(6 - 65 to 12 - 70)

Mr. Eugene E. Marsh
302 Dayton Road
McMinnville, Oregon 97128

Mr. Fred D. Gustafson, Director
State Water Resources Board
1158 Chemeketa Street, N.E.
Salem, Oregon 97310
(2 - 70 to -----)

UTAH

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

** Mr. Thorpe A. Waddingham
Post Office Box 177
Delta, Utah 84624

Mr. Harry D. Pugsley
400 El Paso Gas Building
315 East 2nd South
Salt Lake City, Utah 84111

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

WASHINGTON

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

** Mr. Maurice Ahlquist
1929 Forest Hill Drive
Olympia, Washington 98501

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

Mr. Charles B. Roe, Jr.
Senior Assistant Attorney General
Temple of Justice
Olympia, Washington 98501
(4 - 70 to -----)

- * Ex-Officio Member
- ** Executive Committee Member

Mr. Fred Hahn (Alt.)
Assistant Director
Office of Planning and Program
Development
335 General Administration Bldg.
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, Legislator
State of Wyoming
North Fork Route
Cody, Wyoming 82414

Mr. Myron Goodson
Chief of Water Development
Department of Economic
Planning and Development
210 West 23rd Street
Cheyenne, Wyoming 82001

TEXAS OBSERVERS

Mr. Mills Cox, Chairman
Texas Water Development Board
Gay Hill, Texas 77858
(1 - 66 to 2 - 70)

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

Staff

Thomas E. Cahill, Executive Secretary 1-70 to -----
Geraldine B. Tyson, Administrative Assistant 4-70 to -----
Eileen Zander, Secretary 10-69 to 10-70
Deona Green, Secretary 2-70 to 11-70
Ruby R. Fitzwater 11-70 to -----

BUDGET AND FINANCES

At its meeting in Albuquerque, New Mexico, on April 23, 1970,
the Council approved a budget of \$125,000 for FY '71, with assess-
ments of \$7,500 for each member state.

Note: This membership list is updated to June 1, 1971.

WESTERN STATES WATER COUNCIL

BALANCE SHEET

June 30, 1970

ASSETS

	<u>General Fund</u>	<u>Fixed Assets</u>
Current Assets:		
Cash	\$ 2,886	\$ ---
Time certificate of deposit	100,000	---
United States Treasury bills, at cost, which approximates market	50,997	---
Member states' assessments receivable	14,000	---
Accrued interest receivable	4,149	---
Accounts receivable - Social Security refund	781	---
Prepaid expenses	384	---
Fixed assets, at cost:		
Office furniture and equipment	---	\$7,760
	<u>\$173,197</u>	<u>\$7,760</u>

LIABILITIES AND FUND BALANCES

Current liabilities:		
Accounts payable	\$ 2,293	\$ ---
Fund balances:		
Investment in fixed assets	---	\$7,760
General fund -- unappropriated	<u>170,904</u>	---
	<u>\$173,197</u>	<u>\$7,760</u>

December 31, 1970

ASSETS

	<u>General Fund</u>	<u>Fixed Assets</u>
Current Assets:		
Cash	\$ 2,502	\$ ---
U.S. Treasury Bills (at cost)	70,000	---
Time Certificates (at cost)	100,000	---
Fixed Assets, at cost:		
Office furniture	---	7,994
	<u>\$172,502</u>	<u>\$7,994</u>

LIABILITIES AND FUND BALANCES

Current Liabilities:		
Income taxes withheld and payable	\$ 183	
Social Security taxes due and payable	458	
State Insurance Fund due and payable	23	
Fund Balances:		
Investment in fixed assets	---	\$7,994
General fund -- unappropriated	<u>171,174</u>	---
	<u>\$172,502</u>	<u>\$7,994</u>

WESTERN STATES WATER COUNCIL

STATEMENT OF GENERAL FUND OPERATIONS
AND FUND BALANCE

Year ended June 30, 1970

	Actual	Budget	Actual Over (Under) Budget
Revenues:			
Member states' assessments	\$115,500	\$115,500	---
Interest	9,450	---	\$ 9,450
Total revenue	<u>124,950</u>	<u>115,500</u>	<u>9,450</u>
Expenditures:			
Salaries (Professional \$27,469; administrative \$10,802)	38,271	44,000	(5,729)
Travel	10,467	10,600	(133)
Rent and utilities	5,794	6,000	(206)
Printing and reproduction	4,950	5,500	(550)
Telephone and telegraph	4,208	4,800	(592)
Payroll taxes, insurance and vacation allowance	4,184	4,500	(316)
Office supplies and expense	1,296	2,500	(1,204)
Postage	1,127	1,200	(73)
Contracted services	704	20,000	(19,296)
Accounting fees	700	1,200	(500)
Reports, maps and publications	607	800	(193)
Meetings and arrangements	589	800	(211)
Unforeseen contingencies	430	11,100	(10,670)
Equipment rental	271	1,500	(1,229)
Insurance	258	500	(242)
Total expenditures	<u>73,856</u>	<u>115,000</u>	<u>(41,144)</u>
Excess of revenue over expenditures	51,094	500	50,594
Fund balance at beginning of period	<u>120,186</u>	<u>120,186</u>	<u>---</u>
	<u>171,280</u>	<u>120,686</u>	<u>50,594</u>
Deduct purchase of fixed assets	<u>(376)</u>		<u>376</u>
Fund balance at end of period	<u>\$170,904</u>	<u>\$120,686</u>	<u>\$50,218</u>

STATEMENT OF EXPENDITURES
Six Months Ended December 31, 1970

	Actual	Budget	Over (Under)
Revenues:			
Member states' assessments	\$ 75,000	\$ 82,500	\$ (7,500)
Interest	4,111	---	4,111
Total Revenue	<u>\$ 79,111</u>	<u>\$ 82,500</u>	<u>\$ (3,389)</u>
Expenditures:			
Salaries	\$ 19,327	\$ 22,500	\$ (3,173)
Payroll taxes	267	1,500	(1,233)
Furn. & Equip. (including rental)	396	500	(104)
Rent & utilities	2,751	3,000	(249)
Printing & Reproduction	2,634	3,000	(366)
Office Supplies	586	1,000	(414)
Telephone	1,898	2,700	(802)
Postage	600	600	---
Reports, Maps, Publications	147	400	(253)
Contracted Services	---	10,000	(10,000)
Auditing	650	350	300
Travel	5,229	11,000	(5,771)
Meetings & Arrangements	88	500	(412)
Insurance	38	250	(212)
Unforeseen Contingencies	664	5,200	(4,536)
Total Expenditures	<u>\$ 35,275</u>	<u>\$ 62,500</u>	<u>\$(27,225)</u>
Excess (Deficit) of Revenue over Expenditures	<u>\$ 43,836</u>		<u>\$(23,836)</u>
Fund Balance at Beginning of Period	<u>\$170,904</u>		<u>---</u>
Fund Balance at End of Period	<u>\$214,740</u>		<u>\$(23,836)</u>

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.

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 taken by 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, 1970, 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.

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.

EIGHTEENTH QUARTERLY MEETING

January 29, 1970

Seattle, Washington

Chairman Holden reported the resignation of Jay R. Bingham as Executive Director of the Western States Water Council and the appointment of Thomas E. Cahill as Executive Secretary.

The Council reviewed the charters of all three standing committees to coordinate a more workable program.

A report was given concerning the position paper on the Reservation Doctrine (see page 11). Plans were formulated for the presentation of the position paper, to the public members of the Public Land Law Review Commission.

A statement relative to the National Water Commission was approved by the Council for presentation to the Commission on February 5, 1970, at Phoenix, Arizona. See page 14.

The Executive Committee was directed to implement whatever action it deems necessary in lending aid to the states in presenting a position in opposition to the application of the acreage limitation under the National Reclamation Act to non-reclamation projects.

The Westwide Reconnaissance Investigation authorized by the Colorado River Basin Project Act (P. L. 90-537), was discussed. The Water Resources Committee was directed to meet and coordinate the activities of the eleven Western States.

PRESENTATIONS:

Cleo Mowers, Publisher of the Lethbridge Herald, Lethbridge, Alberta, Canada — *Canadian Attitude on Water Exports*.

V. Raudsepp, Deputy Minister of Water Resources, Department of Land, Forests and Water Resources, Victoria, B. C. — *Water Planning and Development in British Columbia*.

Mills Cox, Chairman, Texas Water Development Board — *Toledo Bend Dam and Reservoir Dedication*.

NINETEENTH QUARTERLY MEETING

April 23, 1970

Albuquerque, New Mexico

A resolution regarding the adjudication of United States' Water Rights in accordance with state law was approved. See page 12.

Bills or legislation pending in the Congress dealing with environmental legislation were referred to the Water Resources Committee for study and recommendation to the Council.

Chairman Holden announced the appointment of Floyd A. Bishop of Wyoming as Secretary-Treasurer of the Council, succeeding Donel J. Lane, who resigned to accept the position of Chairman of the Pacific Northwest River Basins Commission.

Mr. Holden also announced the appointment of Dale Walker of New Mexico as Chairman of the Water Policy and Legislative Committee to succeed Geraldine B. Tyson, who resigned as a member of the Western States Water Council to accept the position of Administrative Assistant on the staff of the Council.

A resolution relative to the Water Resources Planning Act of 1965 was adopted for presentation to the Western Governors' Conference for their consideration. See page 19.

The budget for the fiscal year 1971, in the amount of \$125,000, was adopted. The state assessment was set at \$7500 for each member state.

A resolution regarding modernization of the 160-acre limitation of federal reclamation law was adopted for presentation to the Western Governors' Conference for their consideration. See page 18.

PRESENTATIONS:

Gilbert G. Stamm, Assistant Commissioner, U.S. Bureau of Reclamation — *Progress Report — Western United States Water Plan*.

Donel J. Lane, Chairman, Pacific Northwest River Basins Commission — *Progress Report*.

Mrs. Paul Rudnick, League of Women Voters — *Valuation of Rural Benefits.*

TWENTIETH QUARTERLY MEETING

July 17, 1970
Glacier National Park, Montana

The Council unanimously re-elected Mr. William S. Holden (Idaho) as Chairman and Mr. William R. Gianelli (California) as Vice-chairman for the next fiscal year.

The report of the Water Policy and Legislative Committee indicated the committee had undertaken the task of preparing a position paper to submit to the Council for approval on three items.

1. Implementation of the Public Land Law Review Commission's recommendations for solution of the problems raised by the Reservation Doctrine.

2. A strong position on the acreage limitation recommendations of the Public Land Law Review Commission Report.

3. A position on the new pollution control amendments expanding federal jurisdiction and enforcement.

Mr. Thomas E. Cahill, Executive Secretary, reported that the brief which he had prepared for the Eagle County Case, presently before the United States Supreme Court, had been joined by the States of Colorado, Oregon, Nevada, Idaho, Montana and Alaska. Six other states have also written amicus curiae briefs and they have been presented, which means that a representation of twelve western states has now joined on the side of Colorado in urging the proper interpretation of the McCarran Amendment.

Mr. Holden advised that the Water Resources Committee had submitted answers to five questions referred to the Council by the Bureau of Reclamation in connection with the Westwide Reconnaissance Investigation. The Council unanimously approved the recommendations of the Water Resources Committee. See page 3.

PRESENTATIONS:

Lieutenant Governor Thomas L. Judge, State of Montana — *Address of Welcome.*

Mr. David D. Dominick, Commissioner, Federal Water Quality Administration (by telephone) — *Administration Position on Water Quality Amendments.*

Dr. Arleigh H. Laycock, University of Alberta, Edmonton, Alberta, Canada — *A Review and Comment on Canadian Water Export Proposals and of Studies Relating to Them.*

TWENTY-FIRST QUARTERLY MEETING

October 9, 1970
Salt Lake City, Utah

Chairman Holden announced the re-appointment of Dale Walker (New Mexico) as the Chairman of the Water Policy and Legislative Committee; Douglas G. Smith (Montana) as Chairman of the Water Resources Committee; and Floyd A. Bishop (Wyoming) as the Secretary-Treasurer of the Council.

Mr. Holden advised that the Council had been primarily concerned with the review of the Study Plan Outline for the Westwide Reconnaissance Investigations. A statement for the Council had been presented at the September 30 — October 1 Denver meeting held by the Bureau of Reclamation to discuss the July 29 Review Draft of the Study Plan Outline. See page 6.

The Council approved a resolution concerning the Reservation Doctrine. See page 13.

The Council unanimously agreed to oppose legislation which would create a three-member Indian Trust Counsel Authority as an entity largely independent of any executive control.

A subcommittee of the Water Resources Committee was appointed to work with the Bureau of Reclamation on the Westwide Study at the Denver level. The subcommittee was appointed with the understanding that they did not speak or act for the Council, they would merely assist in scoping the

Study with the understanding that they would keep the Council informed. The Council, in turn, would keep the states informed.

It was reported that an Advisory Committee to the Bureau of Reclamation was to be formed. See page 2.

The Council approved Suggested Study Procedures, as recommended by the Water Resources Committee, for submission to the Commissioner of Reclamation for use in the Westwide Planning Studies. See page 8.

PRESENTATIONS:

W. Don Maughan, Executive Director, Water Resources Council — *Water and Related Land Resource Planning Principles and Standards.*

Theodore M. Schad, Executive Director, National Water Commission — *Two-Year Status Report.*

Daniel F. Lawrence, Director, Division of Water Resources, State of Utah — *Review of Utah Water Projects and Resources.*

EXECUTIVE COMMITTEE

Members

ARIZONA

Wayne M. Akin

CALIFORNIA

William R. Gianelli

COLORADO

T. W. Ten Eyck

IDAHO

William S. Holden, Chairman

MONTANA

William A. Groff

NEVADA

Ivan P. Head

NEW MEXICO

S. E. Reynolds

OREGON

Donel J. Lane (6-65 to 4-70)
Chris L. Wheeler (4-70 to)

UTAH

Thorpe A. Waddingham

WASHINGTON

H. Maurice Ahlquist

WYOMING

Floyd A. Bishop

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 six (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.

1970 MEETINGS

March 20 Reno, Nevada
April 23 Albuquerque, New Mexico
June 3 Salt Lake City, Utah
July 16-17 Glacier National Park,
Montana
October 9 Salt Lake City, Utah

WATER POLICY AND LEGISLATIVE COMMITTEE

Members

ARIZONA
Sam F. Dick (8-68 to 2-70 deceased)
Tom Choules (4-70 to)
CALIFORNIA
Senator Gordon Cologne
COLORADO
Raphael J. Moses
IDAHO
George L. Yost
MONTANA
Clyde L. Hawks
NEVADA
Mrs. Geraldine B. Tyson (6-67 to 9-68)
Chairman (9-68 to 4-70)
Hal Smith (4-70 to)

NEW MEXICO

Dale Walker
Chairman (4-70 to)

OREGON

Eugene E. Marsh

UTAH

Dallin Jensen

WASHINGTON

Charles B. Roe, Jr. (4-70 to)

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.

1970 MEETINGS

January 28 Seattle, Washington
 March 17 Salt Lake City, Utah
 April 22 Albuquerque, New Mexico
 July 16 Great Falls, Montana
 September 11 Denver, Colorado
 October 8 Salt Lake City, Utah

WATER RESOURCES COMMITTEE

Members

ARIZONA

Wesley E. Steiner

CALIFORNIA

Theodore J. George

COLORADO

C. J. Kuiper

IDAHO

Thomas Olmstead

MONTANA

Douglas G. Smith, Chairman

NEVADA

Roland D. Westergard

NEW MEXICO

Homer C. Berry

OREGON

General L. H. Foote (6-65 to 12-70)
 Fred Gustafson (2-70 to)

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 objective 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 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 resource 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 VI (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 inter-dependence 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 agen-

cies. (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.

1970 MEETINGS

January 28 Seattle, Washington
March 16 Salt Lake City, Utah
April 21-22 . Albuquerque, New Mexico
May 26 Portland, Oregon
July 16 Great Falls, Montana
August 17 Seattle, Washington
October 8 Salt Lake City, Utah