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"Water is King—Here is its Kingdom."

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Published at the center of the greatest irrigated territory in America, in the heart of the Colorado desert, San Diego county, Southern California, 67 feet below the level of the sea. Under present canals, 250,000 acres: under irrigation system when completed, 400,000 acres. Adjacent to irrigated land in Arizona and land to be irrigated by the National Government from the same grand Colorado river which will make a combined body of more than a million irrigated acres.



THAT the United States Reclamation Service is moving along intelligently toward the complete nationalization of the Colorado river, is entirely apparent to anyone who takes the trouble to observe the trend of events, and that sooner or later every drop of water from the great water sheds of this stream and its tributaries will be conserved and used for the reclamation of the arid lands and creation of homes for the million, is as certain as that time will bring greater national power and importance to our country.

When the United States Reclamation Service was organized, and took up the great work of home building for which it was created, it found no greater asset turned over to its hands than the Colorado river, nor one more involved in uncertainty, and complications regarding its use and availability for irrigation.

This great stream, draining a watershed covering 225,000 square miles in the United States, comprising parts of the states of Wyoming, Utah, Nevada, Colorado and California, and the territories of New Mexico and Arizona, has the greatest annual flow of any stream in arid America.

As a consequence of its great watershed, the number of political divisions into which it is divided, and the number and importance of its tributaries, it can be readily seen what a complex problem the nationalizing of this great stream presented. The waters of all the tributaries of the Colorado river are subject to appropriation and use under the local laws and customs of the various states and territories in which they are situated, and it is safe to assume that appropriations had been made, to some extent at least, from all these upper tributaries, under these state and territorial laws, before the Reclamation Service ever took up the problem.

The Service therefore found itself confronted at the outset with the complication presented by these prior appropriations on the tributaries of the Colorado, which, of themselves, called for careful adjustment and foresight and accumen of the highest order on the part of the Reclamation Service officials, in order that exact justice be done in each case, consistent with the broad principle of subservience to the general welfare on which the national irrigation law is founded.

Aside from these features of the problem, however, they found that in its lower reaches the stream is navigable, and therefore under the control of the War Department. As a further feature of the matter, the river passes out of the United States into the Republic of Mexico, and empties its saffron flood into the Gulf of California, on alien soil, having first, however, served as an international boundary between the two Republics for about thirty miles.

Thus, it will be seen what varied and complicated features the problem of the nationalization of this great stream presented, when the work was taken up by the Reclamation Service.

It is known that progress has been made on all lines in solving these great problems, and from the headway that has been made, in less than three years

## NATIONAL CONTROL OF THE COLORADO RIVER

By J. G. Havens

that have been devoted to it, one can feel absolutely assured that this great stream will soon pass under the control of the Reclamation Service, and the far reaching plans outlined for its conservation and control be carried out, and an empire builded in our arid west from the use of its fruitful waters.

It was early realized by the Reclamation Service that the Colorado's greatest asset was being wasted in the sea, that the great floods which ran to waste in riotous destruction were the key to the situation. Without the control of these by adequate impounding dams, the water supply would be insufficient at certain seasons; the diversion works would be endangered, and probably destroyed at other seasons, and the complete and rational development of the great territory irrigable from this river could not be fully accomplished. Stream measurements had been conducted for a number of years before the passage of the National Irrigation act, and from the data thus gathered the Reclamation Service were enabled to lay out their work and push it at every point.

It was necessary to secure the adoption of laws by all the states in which the upper tributaries of the Colorado are situated, that would establish the water rights of the appropriators who were then using water from said streams and also provide the terms on which further diversions should be made.

We understand that this has been accomplished. Mr. Morris Bien, the attorney for the Reclamation Service, has prepared a State Irrigation Code that is applicable to all the irrigation states, and especially to those where it is desirable that the state and national irrigation officials work in harmony.

The second point to look after was the selection of sites for the great impounding dams and works that will, when constructed, control the floods of the Colorado and its tributaries, and make it possible to supply the dwellers along its course with abundant water at all times, and at the same time render them immune from the disastrous floods which now sweep unimpeded to the sea.

The first great site selected for this purpose is in Colorado, and is commonly known as the Kremling Reservoir site. It is estimated that at this place enough water can be caught and stored out of the spring floods each year to successfully irrigate one million acres.

However, before the Reclamation Service had made their surveys and prepared their plans for this great work for the salvation of the arid southwest, a railroad promoter had organized a company to build a railroad through this canyon, and laid claim to a right of way along the bottom of the valley that would become a vast lake if the Recla-

mation Service's plans were carried out.

Thus we find the beneficent plans of Uncle Sam for the development and upbuilding of our great southwest, combatted by the perential promoter with his puny private enterprise. The Reclamation service had to go into court to fight for the right to develop the west, against a railroad scheme which was more than likely gotten up for the purpose of working a hold-up scheme on the government.

The contest was tried before the Secretary of the Interior on the right of the Reclamation Service to have the land withdrawn from entry and sale and devoted to an impounding dam, and was decided in favor of the Reclamation Service.

Then it is presumed the railroad promoters sought to go ahead and build the road anyway in defiance to the Interior Department, but we note that on May 6 an injunction was issued by the court in Colorado restraining these parties from building the railroad. Further developments in this case will be watched with interest.

If the railroad people pursue their usual tactics of contempt for law and everything else, as they generally do, it will be interesting to see what the outcome will be. Perhaps, never in the history of the west has a contest of more momentous significance to the entire southwest been waged.

If this dam is built it will mean the complete reclamation of all the irrigable lands along the course of the Colorado river, as without this dam the floods can not be controlled, and the structures and irrigation work along the Colorado river made safe, while enough water with it can be impounded annually to irrigate a million acres more than could be otherwise supplied.

In this fight the Reclamation Service is waging a great battle for posterity, as well as for those who have already established rights to the use of the waters of the Colorado river and the sympathy of every settler and land owner who is dependant upon the utilization of the waters of the Colorado for the irrigation of his land, should be with them. The next problem the Service had to confront was the navigability of the lower Colorado river. This was established by treaty with the Republic of Mexico, and could not be changed except by the negotiation of a new treaty and the consent of the Mexican government. One of the first complications concerning the use of the waters of the lower Colorado river for irrigation, which presents itself, was the claim of the California Development Company to these waters under the laws of California.

Appropriations had been made from the navigable portion of this stream under the laws of both California and

Arizona, but as soon as the National Irrigation law was passed and the questions involved came to be investigated, it was at once apparent that these appropriations were not valid. This opinion from the United States officials was not acquiesced in by the California Development Company, but nevertheless, as a precaution in case their water appropriation under the California law should be found not to hold. The Daniels bill was introduced into Congress for the purpose of confirming the rights claimed under the California law, and transferring the ownership of the waters of the Colorado river to the California Development Company.

The outcome of the hearings and controversy over this bill was the appointment of a commission by the Secretary of the Interior to investigate the whole subject involved in the use of the waters of the lower Colorado river for irrigation, to determine the rights of present appropriators and users and of parties engaged in diverting said water and delivering it to irrigators for hire. This commission visited Imperial Valley May 31, 1904, and the work of making the investigations was carried on throughout the year.

The final conclusions of this commission were reported to Congress by the Secretary of the Interior, January 6, 1905, and briefly, were to the effect that, 1st, the Colorado river is a navigable stream and therefore under the control of the United States government. 2nd, That no rights to the ownership of these waters can be acquired under state or territorial laws or customs. 3rd, That the river should be improved and controlled under the Reclamation Service, so that its navigability could be maintained by regulating its flow. 4th, That the water thus discharged by the river in excess of that required to maintain its navigability, should be available for irrigation purposes.

The Secretary also took cognizance of the fact that water was already being diverted from the river and used for irrigation, and recommended that Congress pass laws granting to those who had already made beneficial use of any of said water in the irrigation of their lands, the perpetual right to the use of the amount of water thus beneficially used. He also recommended that any party or corporation engaged in the business of diverting water from said Colorado river and delivering it to parties for use in irrigating their lands, should have their right to continue in this work so long as they make a reasonable charge therefore and that these corporations might be permitted to extend their works by securing the approval of the Interior Department.

This report settled and stated, the attitude of the government toward the irrigation problems of the Imperial Valley, so far as a definition of the rights of the various parties are concerned. In the meantime, the Reclamation Service had taken up the consideration of the construction of a

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