

RELEASE FEBRUARY 15, 1949

FROM:

SENATOR ERNEST W. MCFARLAND
ROOM 404 SENATE OFFICE BUILDING

WASHINGTON, D. C., Feb. 15 ---- Arizona's big Colorado River water-use plan --- the Central Arizona Project --- was back in the running today in an exciting race for Congressional passage.

Budget Director Frank Pace/^{Jr.}wrote to Senator Joseph C. O'Mahoney, Chairman of the Senate Committee on Interior and Insular Affairs, that if Congress should decide Arizona is entitled to Colorado River water she claims, the President would consider legislation authorizing the Central Arizona Project.

This was construed by Senator Ernest W. McFarland of Arizona as a "significant victory" for the Arizona forces, which have contended all along that Congress should make the decision and that Congress has jurisdiction over the water problem.

California, to the contrary, maintains the U. S. Supreme Court should decide. Arizona says that the Court has decided, long ago and on two separate occasions, and that any effort to take the subject before the Supreme Court again is simply a delaying tactic.

Arizonans believe that California is trying to stall Arizona on the use of her own Colorado River water until California can get that water declared surplus and use it in speculative development of the East and West Mesas overlying the Imperial Valley.

In the Pace letter to Senator O'Mahoney, the budget chief said that "if Congress, as a matter of national policy, makes a determination that there is a water supply available for the Central Arizona Project, and passes legislation authorizing the Project, the President will consider all factors involved in any legislation and will inform the Congress of his views respecting the specific provisions of this legislation to authorize construction of

the Project."

The Pace letter was construed by Senator McFarland as a "badly needed clarification" of the situation.

"This means that we are now working on the Central Arizona Project Bill and not on any report," Senator McFarland said.

"Arizona has maintained that Congress has the jurisdiction to determine the merits of the water dispute, and this backs us up," Senator McFarland added.

Senator McFarland and Senator Carl Hayden of Arizona visited President Truman Wednesday to discuss the Central Arizona Project. With Congressmen John R. Murdock and Harold A. Patten, they make up an Arizona delegation which is unitedly endeavoring to obtain passage of Central Arizona Project authorization legislation.

The Central Arizona Project, Senator McFarland explained, would lift water out of the Colorado River at Lake Havasu to an elevation which would allow it to flow by gravity to lands already developed in Central Arizona.

He added that the water Arizona would use for the Central Arizona Project, plus that used in all other Arizona projects, remains well within the legal limit of Arizona's use of Colorado River water.

"The Central Arizona Project is sound from both engineering and economic standpoints and would be paid for well within the life of the project," Senator McFarland said. "It does not involve any land speculation, nor does it involve our coveting a single drop of water to which any other state is entitled."

The full text of Mr. Pace's letter to Senator O'Mahoney is:

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET

My dear Senator O'Hahoney:

Members of the Congress have raised a question as to the interpretation to be placed upon the last clause of the last sentence of my letter of February 4, 1949 addressed to the Secretary of the Interior advising him of the relationship to the program of the President of the Central Arizona Project. The clause referred to reads as follows: "*** and that he (the President) again recommends that measures be taken to bring about prompt settlement of the waterrights controversy."

During the last Congress in connection with consideration of S. J. Res. 145 and H. J. Res. 227, this office advised the Attorney General that it would be in accord with the program of the President to resolve the water-rights controversy by waiving immunity of the United States to suit and by granting permission to the states to bring such actions as they might desire, if the Congress felt it to be necessary to take such action. This advice was transmitted to the Congress by the Attorney General. Similar advice was also transmitted by the Secretary of the Interior, together with specific suggestions as to a form of a resolution which the Congress might consider.

In order that there may be no misunderstanding of the President's position, I shall be grateful if you will advise the members of your committee that the President has not at any time indicated that suit in the Supreme Court is the only method of resolving the water-rights controversy which is acceptable to him. On the contrary, the letters addressed to the Congress last year, as indicated above, stated specifically that enactment of the resolution authorizing suit would be acceptable to the President" *** if the Congress feels that it is necessary to take such action in order to compose differences among the states with reference to the waters of the Colorado River ***".

The project report and materials relating to the positions of the several states affected are now before your Committee for consideration. If the Congress, as a matter of national policy, makes a determination that there is a water supply available for the Central Arizona Project, the President will consider all factors involved in any legislation to authorize the project and will inform the Congress of his views respecting the specific provisions of this legislation.

Sincerely yours,

(signed) Frank Pace, Jr.

Director

Honorable Joseph C. O'Hahoney,
Chairman, Committee on Interior and
Insular Affairs,
United States Senate,
Washington 25, D. C.