Law of the River

The Colorado River is managed and operated under numerous compacts, federal laws, court decisions and decrees, contracts, and regulatory guidelines collectively known as the "Law of the River." This collection of documents apportions the water and regulates the use and management of the Colorado River among the seven basin states and Mexico. Following is a brief description of some of the most significant of these documents.

The Colorado River Compact of 1922 - The cornerstone of the "Law of the River", this Compact was negotiated by the seven Colorado River Basin states and the federal government in 1922. It defined the relationship between the upper basin states, where most of the river's water supply originates, and the lower basin states, where most of the water demands were developing. At the time, the upper basin states were concerned that plans for Hoover Dam and other water development projects in the lower basin would, under the Western water law doctrine of prior appropriation, deprive them of their ability to use the river's flows in the future.

The states could not agree on how the waters of the Colorado River Basin should be allocated among them, so then Secretary of Commerce, Herbert Hoover, suggested the basin be divided into an upper and lower half, with each basin having the right to develop and use 7.5 million acre-feet (maf) of river water annually. This approach reserved water for future upper basin development and allowed planning and development in the lower basin to proceed.

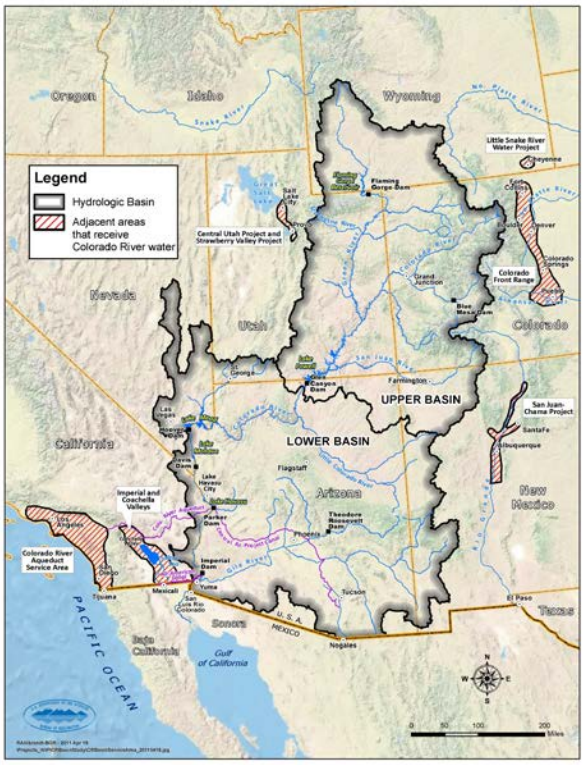


Figure 1. Map of the Colorado River hydrologic basin and areas adjacent to the hydrologic basin that receive Colorado River water.

The Boulder Canyon Project Act of 1928 – This act: (1) ratified the 1922 Compact; (2) authorized the construction of Hoover Dam and related irrigation facilities in the lower Basin; (3) apportioned the lower basin's 7.5 maf among the states of Arizona (2.8 maf), California (4.4 maf) and Nevada (0.3 maf); and (4) authorized and directed the Secretary of the Interior to function as the sole contracting authority for Colorado River water use in the lower basin, defining the Secretary's role as the Watermaster.

The Mexican Water Treaty of 1944 - Committed 1.5 maf of the river's annual flow to Mexico.

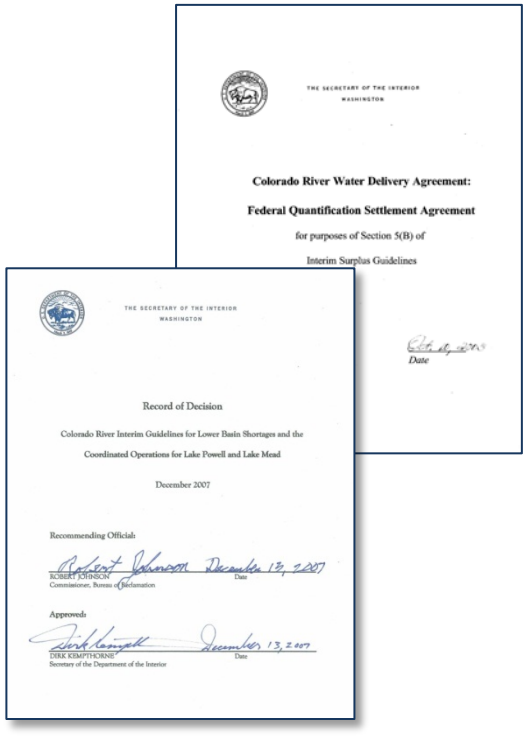
The Arizona v. California U.S. Supreme Court Decision of 1964 - In 1963, the Supreme Court issued a decision settling a 25-year-old dispute between Arizona and California. The dispute stemmed from Arizona's desire to build the Central Arizona Project to enable it to use its full Colorado River apportionment. California objected and argued that Arizona's use of water from the Gila River, a Colorado River tributary, constituted use of its Colorado River apportionment, and that it had developed a historical use of some of Arizona's apportionment, which, under the doctrine of prior appropriation, precluded Arizona from developing the project.

The Supreme Court rejected California's arguments, ruling that lower basin states have a right to appropriate and use tributary flows before the tributary co-mingles with the Colorado River, and that the doctrine of prior appropriation did not apply to apportionments in the lower basin.

In 1964, the Court issued its decree. This decree enjoined the Secretary of the Interior from delivering water outside the framework of apportionments and water contracts defined by the law and mandated the preparation of annual reports documenting the uses of water in the three lower basin states.

In 1979, the Supreme Court issued a Supplemental Decree which addressed present perfected rights referred to in the Colorado River Compact and in the Boulder Canyon Project Act. These rights are entitlements essentially established under state law, and have priority over later contract entitlements. On March 27, 2006, the Supreme Court issued a Consolidated Decree to provide a single reference to the provisions of the original 1964 decree and several subsequent decrees (1966, 1979, 1984, and 2000) that stemmed from the original ruling. This decree also reflects the settlements of the federal reserved water rights claim for the Fort Yuma Indian Reservation.

The Colorado River Basin Project Act of 1968 - This Act authorized construction of a number of water development projects in both the upper and lower basins, including the Central Arizona Project (CAP). It also made the priority of the CAP water supply subordinate to California's apportionment in times of shortage, and directed the Secretary to prepare, in consultation with the Colorado River Basin states, long-range operating criteria for the Colorado River reservoir system.


THE SECRETARY OF THE INTERIOR
WASHINGTON

Colorado River Water Delivery Agreement:
Federal Quantification Settlement Agreement
for purposes of Section 5(B) of
Interim Surplus Guidelines

Date

THE SECRETARY OF THE INTERIOR
WASHINGTON

Record of Decision
Colorado River Interim Guidelines for Lower Basin Shortages and the
Coordinated Operations for Lake Powell and Lake Mead
December 2007

Recommending Official
ROBERT JOHNSON
Commissioner, Bureau of Reclamation
Date

Approved:
DIRK KEMPTHORNE
Secretary of the Department of the Interior
Date

The Colorado River Water Delivery Agreement (CRWDA) of 2003 – Also known as the Federal Quantification Settlement Agreement, this Agreement, dated October 10, 2003, was entered into among the Secretary, the Imperial Irrigation District (IID), the Coachella Valley Water District, the Metropolitan Water District of Southern California, and the San Diego County Water Authority to help implement a series of voluntary Colorado River water transfers within the state of California. These transfer assist California in reducing its dependence on Colorado River water through, for example, the implementation of conservation measures within IID which allows for the transfer of the conserved water from IID to other entities in accordance with the terms of the CRWDA.

The Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead (Interim Guidelines) of 2007 – Implemented with a Record of Decision signed by the Secretary on December 13, 2007, the Interim Guidelines define shortage on the lower Colorado River (i.e. circumstances under which the Secretary would reduce the annual amount of water available for consumptive use from Lake Mead to the Lower Division states below 7.5 million acre-feet) , create a framework for the creation, storage, and delivery of Intentionally Created Surplus, and define the coordinated operations of Lakes Powell and Mead to provide improved operation of these two reservoirs, particularly during drought and low reservoir conditions.