

The State of Nevada expressed official interest in the development of the Colorado River as early as 1869, soon after acquiring from Congress the area that became the southernmost portion of the state. The river formed the eastern boundary of the new addition. That year the Legislature passed a resolution instructing the senators and requesting the representative in Congress to seek a federal appropriation for making the Colorado ("the natural channel for the commerce of the greater portion of the country lying between the Rocky and Sierra Nevada Mountains") navigable "to the mouth of the Los [sic] Vegas, or to the town of Callville."

In 1883 a similar resolution called for federal funding for improving navigability between Fort Yuma, California, and a point thirty miles above the confluence of the Colorado and Virgin rivers. The resolution asserted that improved river transportation would benefit the state's mining and agricultural interests. Foreseeing the need for federal and interstate involvement in such an endeavor, the lawmakers asked the governor to send copies of the resolution to the Secretary of the Interior and the governors of California, Arizona, and Utah, "requesting their hearty support and earnest co-operation in obtaining said appropriation...."

In the early twentieth century, interest in river development increased considerably. The emphasis shifted from improving navigability to the Colorado's potential for reclamation (that is, irrigation for agriculture) and for supplying cheap electrical power for southern Nevada and other areas within the river's basin. In 1916, Wyoming and the U. S. Reclamation Service (renamed the Bureau of Reclamation in 1923) conducted a joint investigation of the Green River, a major tributary of the Colorado, to determine possible uses by the state. This prompted other states with lands in the Colorado Basin to study the benefits of harnessing and diverting the river. Another development spurring them to action was the Federal Water Power Commission's granting to the Southern California Edison Company a permit to develop power on the river in areas adjacent to Nevada and Arizona.

To look after Nevada's interests in and rights to the waters of the Colorado, Governor Emmet D. Boyle, in 1920, appointed a Commission on Colorado River Development. It consisted of seven citizens and State Engineer James G. Scrugham, who served as chairman. Boyle created the Commission "to safeguard the interests of Nevada in all of the extensive negotiations under way and imminent, looking to the utilization of this stream." The Governor made this "informal committee of Nevada citizens" responsible for: gathering information on plans being considered for water storage and the generating of electrical power at Boulder Canyon "or such other suitable sites;" proposing appropriate legislation; and assisting the state, the Reclamation Service, and "other public or private enterprises" that were considering projects along Nevada's portion of the river. The Commission was also instructed to cooperate with the other Colorado Basin states in order to reach agreement on the use of the river for reclamation and electrical energy.



Figure 1: Nevada Members of the Colorado River Commission, 1938. Courtesy of Nevada State Archives. PLAN-0136

At its first meeting, on November 9, 1920, the Commission drew up a brief report on the benefits for Nevada that could come from developing the Colorado, including irrigation, flood control, and electrical power. In the latter area, the report was optimistic about electricity for public and private use, the electrification of the Los Angeles & Salt Lake Railroad, and power for the mines of southern and eastern Nevada. The Commission "believed that the population of Clark County would be multiplied several times by such activity [and] that the city of Las Vegas would become an important business center...." A month later the Commission drafted a proposal for a bill to give itself a statutory basis.

Early in the legislative session of 1921 a Senate concurrent resolution noted that "the proposed irrigation and power developments on the Colorado River have reached a point where it is essential that the relative rights of the interested States be definitely established." The resolution called for the

establishment of a committee--three members each from the Assembly and Senate--to investigate the relevant legal and engineering questions, and to make recommendations regarding Nevada's participation with the United States and the other states of the Colorado Basin in negotiations and agreements "respecting the further utilization and disposition of the waters of the Colorado River" and its tributaries.

The resolution became moot later in the session when the Legislature adopted a measure that was almost identical to the draft the Colorado River Development Commission had advanced in 1920. The act provided for a commission consisting of the State Engineer and three members appointed by the Governor. Its principal duties were: "to collect and arrange all data and information connected with the Colorado River and its tributaries which may affect or be of interest to the State of Nevada," and to present such information to the Governor; to represent the state in interstate and other meetings held to consider reclamation projects pertaining to the Colorado and its tributaries, and for considering state and federal rights relating to these projects; to offer the state's "friendly cooperation" to water conservation and electrical power enterprises; to negotiate with other states and the federal government for settling and defining rights to the Colorado and its tributaries; and to recommend legislation to the Governor. The statute empowered the Commission to conduct hearings and "take testimony whenever it shall deem it necessary in carrying out the provisions of this act." The members of the Commission were to receive no compensation other than for expenses. The Legislature appropriated \$5000 for implementing the provisions of the law.

Other acts passed in 1921 declared the Nevada portions of the Colorado and Virgin Rivers to be navigable streams "for purposes of fixing ownership of the banks and bed[s] thereof, and that title to the lands below the high-water mark[s] is held by the State of Nevada."

Meanwhile, officials of the states in the basin were discussing among themselves the possibilities of interstate cooperation for allocating and using the waters of the Colorado. From this evolved a plan for an interstate compact, as allowed by the United States Constitution (Art. I, §10, par. 3). First, congressional authorization was necessary. On August 19, 1921, Congress passed the requisite legislation, permitting Nevada, Arizona, California, Colorado, New Mexico, Utah, and Wyoming to form a compact. The act also provided for federal representation in the negotiating of the compact. It further required that the representatives of the states and the federal government report to Congress on their proceedings and agreements.

In 1922 Congress began considering the first Swing-Johnson (or Boulder Canyon) bill. The bill proposed the construction of a high dam on the Colorado, mostly for the benefit of agriculture in California's Imperial Valley. This raised additional fears that California, supported by the Reclamation Service, would acquire a disproportionate share of the water. The apprehension made an interstate accord more urgent.

As authorized by the federal law of 1921, representatives of the seven states, met in Santa Fe, New Mexico, in 1922. The federal representative was Secretary of Commerce Herbert Hoover, who, at preliminary meetings held in Washington, D.C., had been elected permanent chairman of the seven-state Colorado River Commission. Their deliberations resulted in the Colorado River Compact, agreed to on November 24. James G. Scrugham, Nevada's representative, played a leading role in the negotiations.

The compact divided the Colorado Basin into upper and lower regions. The Lower Basin embraced the river and its tributaries in Nevada, California, and Arizona. Each region was allotted 7.5 million acre-feet a year. An additional one million acre-feet was apportioned to the lower basin states, the water to come from their own tributaries to the Colorado. Allowance was made for Mexico to receive water also.

A joint resolution of the Legislature of Nevada, January 27, 1923, gave the state's approval to the compact. An act passed in February re-created the Colorado River Development Commission. The only significant changes were to make the Governor, rather than the State Engineer, a member, along with four others appointed by him. A month later came an act increasing the membership to five plus the Governor. In 1929 the Legislature reduced the Commission to the Governor and two other members. In

the Commission's early years it received modest funding for its operations; its members continued to receive compensation for expenses but no salary.

The Colorado River Compact stated that it would become effective once the legislatures of all seven states approved it. By 1925 all of the states of the basin had ratified the Compact except Arizona. Rather than wait until Arizona fell into line (it did not do so until 1944), the Nevada Legislature that year waived the provision regarding unanimous ratification, and stated that the Compact would become "binding and obligatory" upon Nevada once six of the signatory states had ratified it. A proviso stated that this legislation would not be in force until California, Colorado, New Mexico, Utah, and Wyoming enacted similar measures.

Congress passed the fourth Swing-Johnson bill (the Boulder Canyon Project Act) in 1928, and President Calvin Coolidge signed it into law. This legislation approved the Colorado River Compact and authorized the Secretary of the Interior to build and operate a dam on the Colorado at either Boulder Canyon or Black Canyon (the latter site was eventually chosen). It was to provide water stabilization, water storage, flood control, general river regulation, irrigation, silt control, electrical power, and a domestic water supply. A proclamation issued by President Herbert Hoover in 1929 announced that both the six-state ratification of the Colorado River Compact and the Boulder Canyon Project Act were in effect.

The act provided for an advisory board for the Secretary of the Interior, to be composed of one delegate from each of the states of the Colorado Basin. Accordingly, the Nevada Legislature, in 1929, authorized the appointment of a commissioner to represent the state on the advisory board. In the following year Governor Fred Balzar named Thomas F. Cole "Special Advisor to the Nevada Colorado River Commission."

In 1935, as Boulder Dam neared completion, the Legislature revamped the Commission. The new act changed the agency's name to the Colorado River Commission, provided for more generous funding, increased its membership to five (the governor, who was to serve as chairman, and four appointees), imposed stricter qualifications for the appointed commissioners, and spelled out the Commission's responsibilities in greater detail. Among its duties were to: gather information on the Colorado River system as it affected Nevada; represent Nevada in interstate conferences relating to reclamation and power projects; "render friendly cooperation" to other states and agencies, as well as to private industry, in efforts to conserve and use the river system's waters; negotiate and enter into compacts with other states and the federal government for Nevada's share of the water and power; "report to the governor such measures and legislative action as may be deemed necessary to secure to the people of Nevada all possible benefits" from the river system and the power generated by Boulder Dam; and safeguard Nevada's rights to water and power coming from the Colorado River. For the first several years the State Engineer was one of the appointed members the Commission, serving also as its secretary.

The statute also gave the Commission responsibility for administering the distribution of Nevada's share of the electrical power. Revenue derived from the sale, lease, or use of the water and power was to be turned over to the State Treasurer, who was to deposit it in the Colorado River Commission Fund. All actions of the Commission were subject to the approval of the Governor. An amendment adopted in 1943 removed a provision prohibiting any "person, firm, association, or corporation" from holding more than 10 percent of Nevada's power allocation." The change was perhaps to satisfy the enormous wartime energy needs of the Basic Magnesium plant at Henderson. Also passed in 1935 in anticipation of the completion of Boulder Dam was an act providing for the creation of municipal power districts throughout the state. The dam, later named Hoover Dam, began operations in 1936. Subsequently the Bureau of Reclamation built other structures along the Colorado River system: Davis, Parker, and Glen Canyon dams. The Boulder Canyon Project Adjustment Act of 1940 superseded the original legislation of 1928. The new law, which had been introduced by Congressman James G. Scrugham, provided for lower rates for power generated at the dam.

The Committee of Sixteen, consisting of two representatives from each of the seven states of the Colorado Basin and two representatives of the Hoover dam power contractors ("power allottees"), met regularly from 1938 to 1945 and dealt with problems and disputes between the signatory states of the



Figure 2: Members of the Colorado River Commission, 1938. Courtesy of Nevada State Archives. PLAN-0137

Colorado River Compact. The Committee also conducted negotiations with the Secretary of the Interior and recommended legislation. The Committee of Fourteen was composed of two representatives of the seven states. The representatives from Nevada to both of these semi-official committees were members of the Colorado River Commission. The Colorado River Water Users Association, which held its first meeting in 1945 at Las Vegas, supplanted the Committees of Fourteen and Sixteen.

A Nevada Legislative measure of 1947 authorized the Commission to conduct a survey in order "to collect and arrange all data and information pertaining to the development and use of power from all sources, and to determine the economic feasibility of the extension of power to the various mining, industrial, and agricultural areas of the state." The Commission and the Federal Power Commission published a

report on the survey in 1949. Other legislation of 1947 authorized the Commission to acquire the property of Basic Magnesium from the federal government, and to lease or sell it to private persons or corporations and, beginning in 1951, to public corporations as well. The Commission assumed control of the property in 1948.

In the first years of its existence the Commission's principal place of business was Carson City. Increasing activity in Clark County led to the establishment of a Las Vegas office in 1938. The Commission employed a Resident Engineer, stationing him in Las Vegas. This position evolved into the post of Chief Engineer. From 1944 to 1964, A. J. Shaver held the post. A statute of 1951 allowed the Commission to select its own principal place of business. It first chose Henderson; since 1954 Las Vegas has housed the main offices.

The Commission became "in effect a Nevada Power Authority, without such official title" when the Legislature, in 1947, gave it the responsibility of dealing with "all matters covering the purchase and sale of power for use by the State from sources other than the Colorado River." Accordingly, the Legislature created the Nevada State Power Fund, which was to receive revenue from the sale, lease, or use of water and power from the other sources. Two such sources were the Shasta Power Plant in northern California, with which the Commission contracted in 1952, and the power obtained the following year through an interchange agreement with the Arizona Power authority.

The other two lower-basin signatory states of the Colorado River Compact became embroiled in a suit, Arizona v. California, regarding water allocation. Recognizing that Nevada's interests were also at stake, the Legislature in 1953 authorized the Attorney General to intervene. To assist the state's attorneys in the litigation, that year the Legislature also approved the hiring of additional engineers by the Commission. The United States Supreme Court finally settled the matter in 1963, largely in Arizona's favor. The court allowed Nevada a net consumptive use of 300,000 acre-feet per year of Colorado mainstream water, and held that Arizona and Nevada were entitled to exclusive use of their tributaries. According to historian Norris Hundley, "Essentially what [the Arizona v. California decision] all meant was that henceforth Congress, not state law, could determine priorities to Colorado River water within each lower-basin state." Perhaps in anticipation of the increased litigation, the Legislature, in 1951, designated the Attorney General and his assistants as the Commission's legal advisors. Later amendments provided Deputy Attorneys General specifically for the Commission, who were to "conduct actions, proceedings and hearings," as well as to advise the Commission. They are required to maintain an office in Clark County. Legislation of 1957 and 1959 empowered the Commission, in the name of the state, to acquire the federal lands in Eldorado Valley and Fort Mohave Valley (both in Clark County) and to form plans for their development and disposal. The state completed the purchase of the Fort Mohave area's 15,000 acres by 1989. The Commission sold or optioned 4000 acres to a utility company, three private developers, and the Boy Scouts. Later, 2000 acres were turned over to the Division of State Lands for the development of a state park. The remaining 9000 acres have yet to be disposed of or developed. The Commission finally

obtained the 105,000 acres of the Eldorado Valley lands in 1995, and promptly sold virtually all of it to Boulder City. In 1997 the Legislature repealed the Eldorado Valley Development Law of 1957 and expanded the list of lands that the Commission could acquire pursuant to the Fort Mohave Valley Development Law of 1959.

A 1963 statute created the Colorado River Commission Research and Development Fund (redesignated "Account" in 1991) for defraying costs for engineering studies, analyses, negotiations, and other activities of the Commission. That year the Commission accepted responsibility for the operation and maintenance of the Southern Nevada Water Supply Project, which was to be constructed by the Bureau of Reclamation. This facility (later called the Robert B. Griffith Project) and the Alfred Merritt Smith Water Treatment Facility, constructed by the Colorado River Commission, became components of the Southern Nevada Water System, which began operations in 1971. The water treatment facility was named in honor of the longtime member and secretary of the Commission, who was also the State Engineer. In 1995 the Legislature transferred the System from the Commission to the Southern Nevada Water Authority.

In 1968 staff of the Commission began participating in the search for a solution for the Las Vegas Wash-Lake Mead pollution problem, and the Commission established the Inter-Agency Water Pollution Control Task Force, which was to investigate and report upon the matter. The Legislature, in 1971, named the Las Vegas Valley Water District as the agency responsible for dealing with the pollution, and required that a representative of the Commission be a member of the water district's Professional and Technical Advisory Board.

Legislation of the 1960s through the 1990s brought several structural and personnel changes for the Commission. An act of 1963 removed the Governor as a member of the Commission, replacing him with the Director of the Department of Conservation and Natural Resources. This lasted only to 1967, when the governor was given the power to appoint all five members, and the Director no longer served. Until 1965 the members of the Commission had selected one of their own to be secretary; that year a law stated that the secretary need not be a commissioner. Two years later the Legislature required that the secretary not be a member of the Commission. A statute of 1971 prohibited the secretary from having any other employment.

In 1973 the Commission became a part of the Department of Conservation and Natural Resources, with the designation Division of Colorado River Resources. It then consisted of an Administrator (appointed by the Director of the Department), the Colorado River Advisory Commission, and "any other necessary personnel." The Division was transferred to the new state Department of Energy in 1977. An act of 1981 specified that the Governor was to appoint four members of the Advisory Commission, each of whom had to reside in a county served by the Division. A fifth commissioner, also appointed by the Governor, was to represent the state at large, but had to reside in a county that did not receive electrical power generated by the Colorado River or its tributaries. That same legislative session abolished the Advisory Commission, re-created the Colorado River Commission, made it independent of any department of state government, and authorized the Commission to appoint a Director. The law also created the post of Deputy Director.

The Commission's membership was increased to seven in 1993, four of whom were gubernatorial appointees, the other three to be selected by the Board of Directors of the Southern Nevada Water Authority (SNWA). The governor was to choose the chairman from among his appointees. SNWA, created by 1991 through a cooperative agreement, has seven members representing the cities of Boulder City, Henderson, Las Vegas, and North Las Vegas, the Big Bend and Las Vegas Valley water districts, and the Clark County Sanitation District. Its function is to address water management, conservation, and allocation concerns in the southern part of the state, and to operate the Southern Nevada Water System and other regional water facilities. Accordingly, in 1995 the Legislature transferred to SNWA many of the Commission's powers and functions.

The Commission became involved with wider environmental concerns in 1996, when it joined with the Bureau of Reclamation, the U. S. Fish and Wildlife Service, various Indian tribes, and agencies of Arizona and California to form the Lower Colorado River Multi-Species Conservation Program Steering

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Committee. The organization's primary purpose is to develop a habitat program for listed and endangered species.

In addition to Hoover Dam, the Colorado River Commission receives hydropower and energy from Parker and Davis dams, the Colorado River Storage Project, and the Salt Lake City Area Integrated Project. Funding for the Commission's activities has come principally from revenue from power and water contractors.

Currently, the Commission states that its mission is "to acquire, manage and protect all of Nevada's water and hydropower resources from the Colorado River for Southern Nevada [and to] seek new resources in a manner that will provide for future generations and continued quality growth. The commission also acquires, develops and disposes of federal land in the Eldorado Valley and Fort Mohave Valley in accordance with state and federal laws and regulations."

General Records Inclusive dates: 1920-1992. 5 cu. ft.

These files appertain to many of the activities of the Colorado River Commission of Nevada (CRCN), from its inception as an informal body created by Governor Emmet D. Boyle. The records include incoming and outgoing correspondence, minutes of CRCN meetings, maps, proceedings and minutes of interstate and regional organizations, tentative and final forms of the Colorado River Compact of 1922, state and federal legislation, proposed legislation, memoranda, reports, contracts, leases, legal documents, statements of estimated generation charges, work programs, notices of meetings, finance files, and land files.

The correspondence is with, among others: power companies, water districts, federal agencies, the Colorado River agencies of other states, members of Congress, and officials of the other states of the Colorado Basin.

Major topics dealt with in the records are hydroelectric power, irrigation, hydro-chemical production, flood control, the Central Arizona Project, the Basic Magnesium Project, and domestic water storage, treatment, and distribution.

Nevada state agencies represented in the files are: the State Planning Board, State Engineer, Department of Highways, Office of the Attorney General, Department of Conservation and Natural Resources, and the Public Service Commission.

Federal agencies with which the CRCN has been involved include the Bureau of Reclamation, Federal Power Commission, Rural Electrification Administration, Defense Plant Corporation, and the U. S. Geological Survey.

Among the major private and public entities receiving water or power from the CRCN are the Southern California Edison Company, Basic Magnesium, Southern Nevada Power Company, and the Metropolitan Water District of Southern California.

Non-governmental or quasi-governmental organizations with which the CRCN has been associated include: the (interstate) Colorado River Commission, Committee of Fourteen, Committee of Sixteen, Colorado River Users' Association, National Reclamation Association, Upper Colorado River Basin Committee, and the Columbia Basin Inter-Agency Committee.

The legal materials largely pertain to Nevada's activities as a rôle in the U. S. Supreme Court case Arizona v. California (1963) and litigation associated with the acquisition of lands in the Fort Mohave Valley.

The microfilmed materials are of operation and maintenance files, contract files, old contract correspondence, pre-design reports, Power Division files, minutes of officially scheduled and special meetings; other microfilm pertains to bonds (general obligation, improvement, facilities and refunding, water improvement).

Because the governor was for many years a member of the Commission, and the Office of the Attorney General has furnished legal counsel to the Commission, most of the records concerning the CRCN are in files of the governors and attorneys general and are not included in the records described here. Also, several files involving the CRCN are among the records of the State Planning Board, and the records of the Office of the Secretary of State contain records relating to contracts entered into by the Commission, 1960-1990.

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Related Records in the Herbert Hoover Presidential Library

Delph E. Carpenter Papers, 1922-1945 (3 linear feet). Carpenter, a Colorado lawyer, was an important member of the interstate Colorado River Commission.

Herbert Hoover Papers. Commerce Period, 1921-1928. Colorado River Commission, 1921-1954 (33 linear feet). While Secretary of Commerce, Hoover was chairman of the Interstate Colorado River Commission.