

SUPPORT BY THE U.S. GEOLOGICAL SURVEY FOR ADJUDICATIONS, COMPACTS, AND TREATIES

By Alberto Condes de la Torre

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UNITED STATES DEPARTMENT OF THE INTERIOR
JAMES G. WATT, Secretary

GEOLOGICAL SURVEY
Dallas L. Peck, Director

For additional information write to:

Chief Hydrologist
U.S. Geological Survey
405 National Center
Reston, Virginia 22092

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ABSTRACT

The U.S. Geological Survey supports interstate compacts, treaties, and court decrees by providing hydrologic data and analysis needed in their administration and by providing Federal representation on compact commissions. As part of this program, in fiscal year 1982 the Geological Survey operated 171 streamflow stations, 3 sediment stations, and 13 water-quality stations, and conducted ground-water studies at a cost of \$1,014,000. Funding for Federal representation to 10 interstate compacts is presently budgeted at \$56,000.

INTRODUCTION

Collection of hydrologic data is required by some Supreme Court and other court decrees, treaties, or compacts concerned with the management and apportionment of water resources. These documents call for the Federal Government, often the Secretary of the Interior or the Director of the U.S. Geological Survey in particular, to provide impartial hydrologic data to meet the needs of the affected parties. In such instances the responsibility to provide scientifically reliable hydrologic information is typically assigned to the Water Resources Division of the U.S. Geological Survey. The purpose of this report is to describe the nature and extent of the support provided by the Geological Survey and to consolidate in one document information related to the empowering adjudications and compacts.

The hydrologic information which is collected, analyzed, and published in support of adjudications and compacts includes streamflow, ground-water, and water-quality data. Streamflow quantity is the most common element required. Information is required on maximum and minimum flows, the frequency of such flows, and the daily, monthly, and annual totals. Information required on ground water includes water use, yields, gradients, and the rate of depletion. Changes in the quality of the water are monitored by analysis of samples for selected characteristics, mainly the common ions.

Funds for these activities come from several sources. The major contributors are the Federal agencies and State governments affected by decisions on water management and water rights. This report describes only the Federal support provided for adjudications and compacts. In addition to the federally supported hydrologic data collection discussed in this report, the Geological Survey operated about 400 hydrologic gaging stations during the 1982 fiscal year in support of adjudications and compacts under the Survey's Federal-State Cooperative Water Resources Program.

Federal funds are appropriated annually to the U.S. Geological Survey by Congress to support the Collection of Basic Records Program. These funds are used to support hydrologic data collection and analysis for adjudications and compacts, the National Stream Quality Accounting Network, the Hydrologic Benchmark Network, the interests of other Federal agencies within the Interior Department, the interests of other Federal agencies outside of the Interior Department, and at selected sites of hydrologic interest to the Geological Survey. Of these activities, the needs of the adjudications and compacts are given the highest priority for funding by the Geological Survey. Hydrologic data collected for adjudications and compacts can also be used for other purposes such as to provide information for regional studies of flood recurrence, low flow frequency, and on the dependability of streamflow for water supply.

AUTHORITY

The following is an excerpt from page GS-13 of the 1983 budget justification for the Geological Survey as submitted to Congress:

. . . and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

The Geological Survey has interpreted the "administration of interstate compacts" to include the collection and analysis of hydrologic data necessary to administer a compact effectively.

The 1983 budget justification further states:

The above language first appeared in the Appropriation Act for FY 1953, P.L. 82-470 (66 Stat. 453), and has been repeated in each Act since that date. Article I, Section 10, paragraph 3 of the United States Constitution provides that, "No State shall, without the consent of Congress, lay any duty on tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit or delay." (emphasis supplied)

Thus each interstate compact must be approved by the Congress and signed by the President. The Public Law approving each interstate compact represents the authorizing legislation.

ADJUDICATIONS AND COMPACTS

Colorado River

Adjudications and compacts between States apportion or control the consumptive use of interstate waters, or establish water-quality standards for these waters, or specify measures for flood control. Presently (1982), the largest participation by the U.S. Geological Survey in support of adjudications and compacts is on the Colorado River where two compacts and one major adjudication are in effect (figure 1). These are the Colorado River Compact, the Upper Colorado River Compact, and the Supreme Court Decree, 1964, Arizona vs. California.

Colorado River Compact

The Colorado River Compact, signed on November 24, 1922, apportions the waters between the upper basin States and the lower basin States and acknowledges the obligation of delivery of water to Mexico (the United States of Mexico). The Compact established Lees Ferry, Arizona, as the point on the Colorado River where the apportioned waters between the two basins would be measured. In response to this compact, the Geological Survey operates seven gaging stations in Colorado, six gaging stations in Utah, one gaging station in Wyoming, and two gaging stations in Arizona. The cost to the U.S. Geological Survey for operating this network in the 1982 fiscal year amounted to \$149,210. These costs include collection of continuous streamflow data at all 16 gaging stations, daily sediment data at 2 of the sites in Utah, and water-quality data at 5 sites in Utah and 1 in Wyoming.

The requirement for participation of the Geological Survey in this compact is stated in Article V of the compact as follows: (Witmer, 1968)

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey, shall cooperate, ex-officio:

(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption, and use of water in the Colorado River Basin, and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lees Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

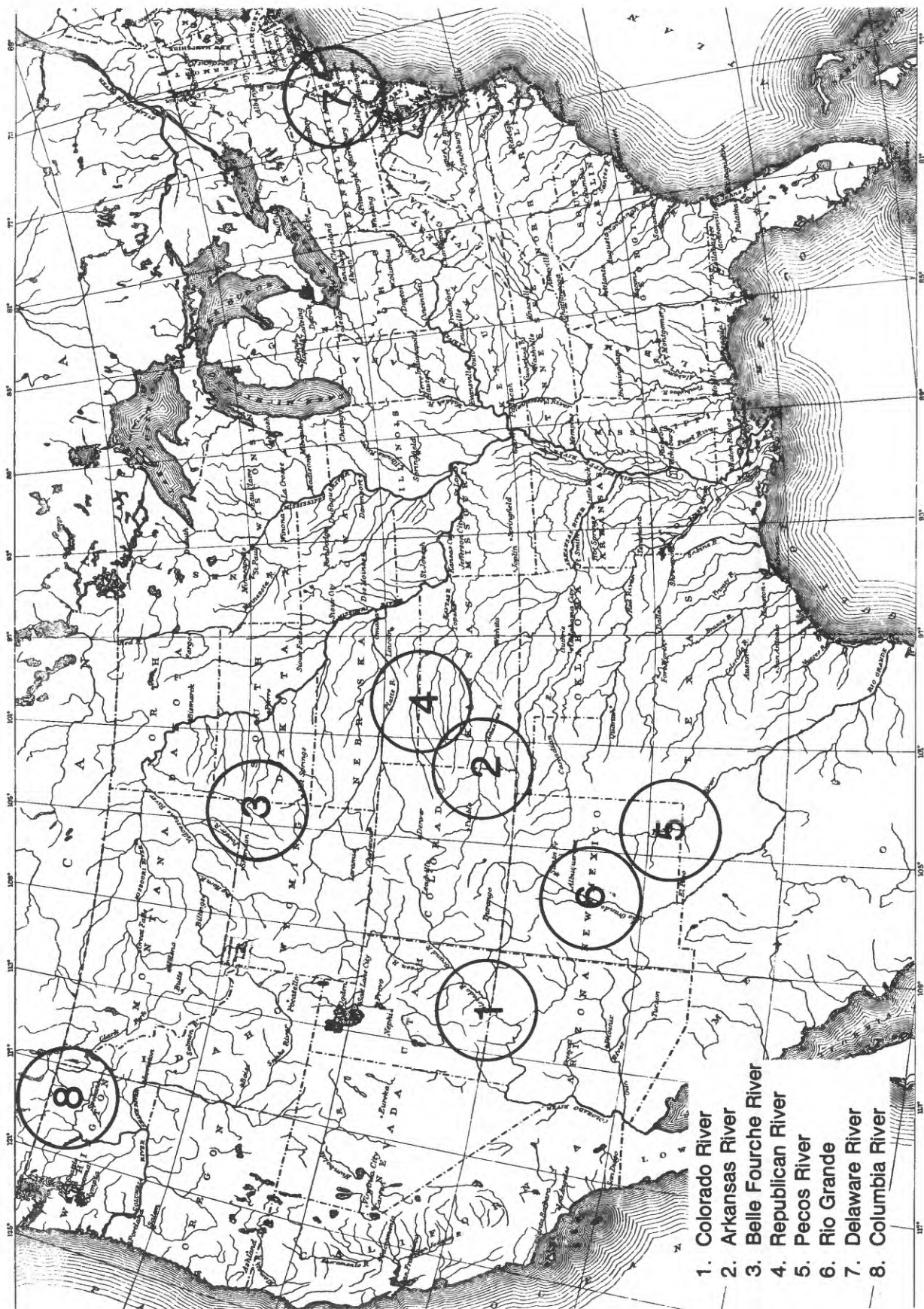


Figure 1.--Rivers for which the U.S. Geological Survey provides support in data collection and analysis for adjudications, compacts, and treaties.

Upper Colorado River Compact

The Upper Colorado River Compact, signed on October 11, 1948, apportions the waters of the Colorado River in the upper basin and defines the percentage of flow available to each State. The compact subjects itself to meeting the provisions of the Colorado River Compact.

In response to the Upper Colorado River Compact, the Geological Survey operates 28 gaging stations in Colorado, 3 gaging stations in Utah, and 4 gaging stations in Wyoming. The cost to the U.S. Geological Survey for operating this network in the 1982 fiscal year was \$156,980. These costs include collection of continuous streamflow data at all 35 sites, daily sediment data at 1 site in Wyoming, and water-quality data at 1 site in Utah and 2 sites in Wyoming.

On December 12, 1949, the Upper Colorado River Commission passed a resolution stating that the Geological Survey is recognized as the official Federal agency for collecting, publishing, and disseminating streamflow records. The resolution recommends to the President, the Secretary of the Interior, and the Congress the establishment, operation, and funding of a comprehensive program of gaging stations. This resolution was based on the fact that the Federal Government had previously initiated and prosecuted a policy for providing streamflow information on interstate streams in support of the administration of compacts.

Lower Colorado River

Supreme Court Decree, 1964, Arizona vs. California

The Supreme Court Decree, 1964, Arizona vs. California, apportions the waters of the lower Colorado River Basin to the States of California, Arizona, and Nevada in terms of consumptive use - that is, the amount of flow diverted minus the amount returned. The decree calls for identification of the users of Colorado River water, and publication of the quantity of diversion stated individually for each diverter. Also, releases through regulatory structures on the river and the deliveries of water to Mexico must be published. Because consumptive use is the standard of measure, the quantity of data required to implement the decree is increased considerably, particularly as the low heads generally associated with return flows make the data collection more complex. Also, the identification of the quantity used by each individual diverter increases the data required. Thus, the cost of collecting the data required to meet the needs of the Supreme Court Decree has become the most expensive among the current adjudications and compacts supported by the Geological Survey.

The cost to the U.S. Geological Survey for operating this network in the 1982 fiscal year was \$359,700. These costs include collection of continuous streamflow data at 86 gaging stations by Arizona and 1 gaging station by Nevada, and the collection of water-quality data at 4 sites by Arizona.

The Decree defines water drawn from the mainstream by underground pumping as consumptive use, so the withdrawal of ground water from the floodplain of the Colorado River is considered a diversion for which an accounting must be made. The Geological Survey calculated the water pumped by current meter, trajectory and orifice measurements, use of power records, monitoring the crop acreage irrigated, and by applying a water-use-per-acre factor. In the 1982 fiscal year, monitoring of this work cost \$39,000.

Studies made by the U.S. Geological Survey during the 1960's on the lower Colorado River indicated that a substantial quantity of water applied for irrigation was returning to the Colorado River as ground water. To protect their rights to Colorado River water by reducing their consumptive use, the States of California and Arizona requested credit for the irrigation water from their respective States which returns to the Colorado River as ground water. To develop a procedure for this accounting required a unique approach in that ground-water movement had to be quantified through long reaches of river adjacent to irrigated lands. No methodology was available to measure ground water in this manner, so the Geological Survey developed a technique which is acceptable to the States of California, Arizona, and Nevada, and is in the process of implementation. The cost of this program, which involves cross section modeling and measurement of hydraulic gradients in the ground-water aquifer adjacent to the river, was \$137,300 in the 1982 fiscal year. A subelement of this study on the Colorado River in the Yuma area has become operational, and in the 1982 fiscal year monitoring was performed at a cost of \$11,000.

The Supreme Court Decree is very specific about the responsibility of the Secretary of the Interior in providing the information required. Article V of the Decree reads as follows: (Hely, 1969)

V. The United States shall prepare and maintain, or provide for the preparation and maintenance of, and shall make available, annually and at such shorter intervals as the Secretary of the Interior shall deem necessary or advisable, for inspection by interested persons at all reasonable times and at a reasonable place or places, complete, detailed and accurate records of:

(A) Releases of water through regulatory structures controlled by the United States;

(B) Diversions of water from the mainstream, return flow of such water to the stream as is available for consumptive use in the United States or in satisfaction of the Mexican treaty obligation, and consumptive use of such water. These quantities shall be stated separately as to each diverter from the mainstream, each point of diversion, and each of the States of Arizona, California and Nevada;

(C) Releases of mainstream water pursuant to orders therefore but not diverted by the party ordering the same, and the quantity of such water delivered to Mexico in satisfaction of the Mexican treaty or diverted by others in satisfaction of rights decreed herein. These quantities shall be stated separately as to each diverter from the mainstream, each point of diversion, and each of the States of Arizona, California and Nevada;

(D) Deliveries to Mexico of water in satisfaction of the obligations of Part III of the Treaty of February 3, 1944, and, separately stated, water passing to Mexico in excess of treaty requirements;

(E) Diversions of water from the mainstream of the Gila and San Francisco Rivers and the consumptive use of such water, for the benefit of the Gila National Forest.

The Geological Survey publishes a provisional monthly table of diversions and returns, and the U.S. Bureau of Reclamation publishes an annual tabulation of diversions and returns to the Colorado River. Most of the hydrologic information contained in the annual report is furnished by the Geological Survey.

In summary, in the 1982 fiscal year, the Geological Survey support of compacts and adjudications in the Colorado River Basin totaled \$853,190. This was broken down as follows:

Colorado River Compact	\$149,210
Upper Colorado River Compact	\$156,980
Supreme Court Decree	\$547,000

Arkansas River

The Arkansas River Compact was signed on December 14, 1948, to apportion the waters of the Arkansas River between Colorado and Kansas. The stated purpose of the compact is to settle existing disputes and remove causes of future controversy between the two States. The compact does not address the rights of the State of New Mexico to tributary waters.

In response to the needs of the compact for hydrologic information, the Colorado District of the Geological Survey operates five gaging stations, and the Kansas District operates two gaging stations. The cost to the U.S. Geological Survey for operating the network in the 1982 fiscal year was \$26,700.

The Geological Survey is designated in Article VIII.G. of the compact to assist in the administration of the compact as follows: (Witmer, 1968)

G. (1) The Administration shall cooperate with the chief official of each State charged with the administration of water rights and with Federal agencies in the systematic determination and correlation of the facts as to the flow and diversion of the waters of the Arkansas River and as to the operation and siltation of John Martin Reservoir and other related structures. The Administration shall cooperate in the procurement, interchange, compilation and publication of all factual data bearing upon the administration of the compact without, in general, duplicating measurements, observations or publications made by State or Federal agencies. State officials shall furnish pertinent factual data to the Administration upon its request. The Administration shall, with the collaboration of the appropriate Federal and State agencies, determine as may be necessary from time to time, the location of gaging stations required for the proper administration of this compact and shall designate the official records of such stations for its official use.

(2) The Director, U.S. Geological Survey, the Commissioner of Reclamation, and the Chief of Engineers, U.S. Army, are hereby requested to collaborate with the Administration and with appropriate State officials in the systematic determination and correlation of data referred to in paragraph G(1) of this Article and in the execution of other duties of such officials which may be necessary for the proper administration of this compact.

(3) If deemed necessary for the administration of this compact, the Administration may require the installation and maintenance, at the expense of water users, of measuring devices of approved type in any ditch or group of ditches diverting water from the Arkansas River in Colorado or Kansas. The chief official of each State charged with the administration of water rights shall supervise the execution of the Administration's requirements for such installations.

Belle Fourche River

The Belle Fourche River Compact was signed on February 18, 1943, to provide for the most efficient use of the waters of the Belle Fourche River Basin and to provide for the equitable division and apportionment of the waters between the States of South Dakota and Wyoming.

In response to the needs of the compact for hydrologic information, the South Dakota District of the U.S. Geological Survey operates one streamflow gaging station. The cost to the U.S. Geological Survey for operating this station in the 1982 fiscal year was \$4,870.

Article III of the compact calls on the Geological Survey to assist in the administration of the compact as follows: (Witmer, 1968)

It shall be the duty of the two States to administer this compact through the official in each State who is now or may hereafter be charged with the duty of administering the public water supplies, and to collect and correlate through such officials the data necessary for the proper administration of the provisions of this compact. Such officials may, by unanimous action, adopt rules and regulations consistent with the provisions of this compact.

The United States Geological Survey, or whatever Federal agency may succeed to the functions and duties of that agency, insofar as this compact is concerned, shall collaborate with the officials of the States charged with the administration of this compact in the execution of the duty of such officials in the collection, correlation, and publication of information necessary for the proper administration of this compact.

Republican River

The Republican River Compact was signed on December 31, 1942, to provide for the most efficient use of waters in the Republican River Basin by equitable division of such waters, by removing causes for controversy, by promoting comity between States, by recognizing that the most efficient utilization is for beneficial consumptive use, and by promoting joint action between the States and the United States in the efficient use of water and the control of destructive floods.

In response to the needs of the compact for hydrologic information, the Kansas District of the Geological Survey operates 3 streamflow gaging stations, and the Nebraska District operates 11 gaging stations and 9 groundwater observation wells. The cost to the U.S. Geological Survey for operating the network in the 1982 fiscal year was \$73,130.

The Geological Survey is designated in Article IX of the compact to assist in the administration of the compact as follows: (Witmer, 1968)

It shall be the duty of the three States to administer this compact through the official in each State who is now or may hereafter be charged with the duty of administering the public water supplies, and to collect and correlate through such officials the data necessary for the proper administration of the provisions of this compact. Such officials may, by unanimous action, adopt rules and regulations consistent with the provisions of this compact.

The United States Geological Survey, or whatever Federal agency may succeed to the functions and duties of that agency, insofar as this compact is concerned, shall collaborate with the officials of the States charged with the administration of this compact in the execution of the duty of such officials in the collection, correlation, and publication of water facts necessary for the proper administration of this compact.

Pecos River

The Pecos River Compact was signed on December 3, 1948, for equitable division and apportionment of the use of waters of the Pecos River between the States of Texas and New Mexico, to promote interstate comity, to remove causes of present and future controversies, to protect present developments within the States, to facilitate the construction of works for the salvage of water, the more efficient use of water, and the protection of life and property from floods.

In response to the needs of the compact for hydrologic information the New Mexico District of the Geological Survey operates six streamflow gaging stations. The cost to the U.S. Geological Survey for operating these stations in the 1982 fiscal year was \$30,000.

Congressional consent to the compact was given in the Act of June 9, 1949 (63 Stat. 159).

Rio Grande

The Rio Grande Compact was signed on February 12, 1929, to remove all cause for present and future controversy between the States of Colorado, New Mexico, and Texas, with respect to the use of waters of the Rio Grande above Fort Quitman, Texas, for consideration of interstate comity, and for the purpose of effecting an equitable apportionment of such waters.

In response to the need for hydrologic data by the compact, the New Mexico District of the Geological Survey operates one gaging station under the Federal program. The cost to the U.S. Geological Survey for operating this station in the 1982 fiscal year was \$7,060.

Congress gave its consent to the compact in the Act of May 31, 1939 (53 Stat. 785).

Delaware River

The Supreme Court Decree on litigation between the States of New Jersey and New York over the use of Delaware River tributary waters in New York is stated in 283 U.S. 805. In subsequent proceedings requested by the City of New York, the Supreme Court modified the decree on June 7, 1954 (347 U.S. 995). In the disposition, the U.S. Geological Survey gaging station on the Delaware River at Montague, New Jersey, is specifically mentioned as the point where the required level of specified flows shall be monitored and recorded.

In response to the needs of the decree for hydrologic data, the New Jersey District of the Geological Survey operates two gaging stations. The cost to the U.S. Geological Survey for operating the gaging stations in the 1982 fiscal year was \$9,800.

The amended decree of June 7, 1954, also established the Delaware River Master and called for the Geological Survey's participation in Article VII as follows: (Witmer, 1968)

VII. River Master

A. Designation. Subject to the concurrence of the Director of the U.S. Geological Survey, the Chief Hydraulic Engineer of the U.S. Geological Survey, or such other engineer of the U.S. Geological Survey as shall at any time be designated by the Chief Hydraulic Engineer, is hereby designated as River Master.

B. Duties. The River Master shall either in person or through his assistants possess, exercise and perform the following duties and functions:

1. General Duties.

(a) Administer the provisions of this decree relating to yields, diversions and releases so as to have the provisions of this decree carried out with the greatest possible accuracy;

(b) Conserve the waters in the river, its tributaries and in any reservoirs maintained in the Delaware River watershed by the City of New York or any which may hereafter be developed by any of the other parties hereto;

(c) Compile and correlate all available data on the water needs of the parties hereto;

(d) Check and correlate the pertinent stream flow gagings on the Delaware River and its tributaries;

(e) Observe, record and study the effect of developments on the Delaware River and its tributaries upon water supply and other necessary, proper and desirable uses; and

(f) Make periodic reports to this Court, not less frequently than annually, and send copies thereof to the Governors of Delaware, New Jersey, New York and Pennsylvania, and to the Mayor of the City of New York.

2. Specific Duties with Respect to the Montague Release Formula. In connection with the releases of water which the City of New York is required to make under Par. III-B-1(b) of this decree, the River Master, in cooperation with the City of New York, shall, by appropriate observation and estimates, perform the following duties:

(a) Determine the average times of transit of the flow between the release works of the several reservoirs of the City and Montague and between the release works of other storage reservoirs in the watershed and Montague;

(b) Make a daily computation of what the average flow observed on the previous day at Montague would have been, except for that portion previously contributed by releases of the City or as affected by the contributing or withholding of water at other storage reservoirs, for the purpose of computing the volume of water that would have had to be released in order to have maintained precisely the basic rate on that day;

(c) Take account of all changes that can be anticipated in the flow from that portion of the watershed above Montague not under the City's control and allow for the same by making an appropriate adjustment in the computed volume of the daily release; and

(d) After taking into consideration (a), (b) and (c), direct the making of adjusted daily releases designed to maintain the flow at Montague at the applicable minimum basic rate.

C. Distribution of Costs. The compensation of, and the costs and expenses incurred by, the River Master shall be borne equally by the State of Delaware, State of New Jersey, Commonwealth of Pennsylvania, and City of New York.

D. Replacement. In the event that for any reason the Chief Hydraulic Engineer of the USGS or his designee cannot act as River Master, this Court will, on motion of any party, appoint a River Master and fix his compensation.

The River Master administers the provisions of the decree and in so doing monitors the diversions by New York City and the State of New Jersey, releases from the New York City reservoirs, and the maintenance of specified flows at the Delaware River at Montague gage site. Funding to support the activities of the River Master and his staff comes from the City of New York and the States of New Jersey, New York, Pennsylvania, and Delaware.

Columbia River

The Columbia River Basin Cooperative Development Treaty between the United States and Canada was signed on January 17, 1961, to achieve the development of water resources in the basin, common to both countries, in a manner that will make the largest contribution to the economic progress of both countries and to the welfare of their peoples. It was recognized that the greater benefit to each country can be secured by cooperative measures for hydroelectric power generation and flood control.

In response to the needs of the treaty for hydrologic information, the Montana District of the Geological Survey operates two streamflow gaging stations. The cost to the U.S. Geological Survey for operating the two stations was \$9,500. The treaty was signed by President Eisenhower and Prime Minister Diefenbaker on January 17, 1961.

Summary of Activities and Funding

A summary of the hydrologic data collection activities supported by the Federal Program of the U.S. Geological Survey for adjudications, interstate compacts, and treaties is shown in table 1.

FEDERAL REPRESENTATION ON COMPACT COMMISSIONS

In many compacts, approval of the compact by the Federal Government is subject to a Federal representative being a member of the compact commission. In most cases, the representative of the Federal Government is appointed by the President of the United States. There are 10 interstate compacts for which the Federal representative is either employed by the Geological Survey or the expenses of the representative are administered by the Geological Survey. In the 1982 fiscal year, the support provided by the Geological Survey for Federal representatives on compact commissions was \$56,000. A listing of those compacts is shown in table 2. As discussed in the previous sections of this report, the Geological Survey supports data collection and analysis under its Federal program for only the first three compacts listed.

Appendix A, attached to this report, is a three-page guide prepared by the Office of Management and Budget, dated November 1982: "Guide for Federal Representatives on Interstate Water Compact Commissions."

Appendix B, compiled by the Geological Survey in July 1980, contains key quotations regarding functions and compensation of Federal representatives for each of the compacts listed in table 2.

SUMMARY

The collection of hydrologic data required by adjudications, compacts, and treaties is typically assigned to the U.S. Geological Survey. The authority to provide hydrologic information and assistance has been provided by Congress in each appropriation act since 1953.

The Geological Survey collects and analyzes hydrologic information on streamflow at 171 sites, water quality at 13 sites, and sediment data at 3 sites in response to the needs of adjudications, compacts, and treaties. The support is provided by the Survey at a cost of \$1,014,250 for the 1982 fiscal year. The hydrologic data collection and analysis program for the Colorado River area (\$853,190) is the largest--supporting two compacts and one Supreme Court Decree.

The Federal Government is represented on many of the compact commissions. In most cases, the representative of the Federal Government is appointed by the President of the United States. During the 1982 fiscal year the U.S. Geological Survey supported a Federal representative on each of 10 compact commissions at a cost of \$56,000.

Table 1.--Hydrologic data collection activities supported by the Federal Program of the U.S. Geological Survey for adjudications, interstate compacts, and treaties in the 1982 fiscal year.

<u>Compact or Adjudication</u>	<u>No. of Streamflow Stations</u>	<u>No. of Sediment Stations</u>	<u>No. of Water- Quality Stations</u>	<u>Cost</u>
1. Colorado River Compact	16	2	6	\$149,210
2. Upper Colorado River Basin Compact	35	1	3	156,980
3. Lower Colorado River Supreme Court Decree, 1964, Arizona vs. California				
a. Monitoring of streamflow	87	-	4	359,700
b. Monitoring of ground-water use	-	-	-	39,000
c. Ground-water return flow study	-	-	-	137,300
d. Monitoring of ground-water return flows	-	-	-	11,000
4. Arkansas River Compact	7	-	-	26,700
5. Belle Fourche River Compact	1	-	-	4,870
6. Republican River Compact	14	-	-	73,130
7. Pecos River Compact	6	-	-	30,000
8. Rio Grande Compact	1	-	-	7,060

Table 1.--Continued

<u>Compact or Adjudication</u>	<u>No. of Streamflow Stations</u>	<u>No. of Sediment Stations</u>	<u>No. of Water- Quality Stations</u>	<u>Cost</u>
9. Delaware River Supreme Court Decree, 1954, New Jersey vs. New York	2	-	-	9,800
10. Columbia River Treaty	2	-	-	9,500
TOTALS	171	3	13	\$1,014,250

Table 2.---Compacts where a Federal representative is
employed and/or administered by the Geological Survey
(J.C. Kammerer, written commun., 1982)

INTERSTATE COMPACT	APPOINTED BY	WRD(Fed.Prog.) SUPPORT, FY 82 (\$1,000)	PUBLIC LAW* (P.L.--)	U.S. STATUTES AT LARGE (vol.; page)
Arkansas River Compact [1948] (Colo.-Kans.)	President	1.4	81-82 (5-31-49)	63 Stat. 145
Pecos River Compact [1948] (NM-TX)	President	2.9	81-91 (6- 9-49)	63 Stat. 159
Rio Grande Compact [1938] (CO-NM-TX)	President	1.9	76-96 (5-31-39)	53 Stat. 785
Arkansas River Basin Compact, Arkansas-Oklahoma [1970]	President	7.7	93-152 (11-13-73)	87 Stat. 569
Arkansas River Basin Compact Kansas-Oklahoma [1965]	President	17.9	Part of 89-789 (11- 7-66)	80 Stat. 1409
Bear River Compact [1955;1978] (Idaho-Utah-WY)	President	0.8	96-189 (2- 8-80) 85-348 (3-17-58)	94 Stat. 4 72 Stat. 38
Kansas-Nebraska Big Blue River Compact [1971]	President	0.7	92-308 (6- 2-72)	86 Stat. 193
Ohio River Valley Water Sanitation Compact [1939] (IL-IN-KY-NY-OH-PA-TN-WV) ["ORSANCO"]	President	7.7	76-739 (7-11-40)	54 Stat. 752

Table 2.--Continued

INTERSTATE COMPACT	APPOINTED BY	WRD(Fed.Prog.) SUPPORT, FY 82 (\$1,000)	PUBLIC LAW* (P.L.--)	U.S. STATUTES AT LARGE (vol.; page)
Sabine River Compact [1953] (TX-IA)	President	2.4	83-578 (8-10-54)	68 Stat. 690
Yellowstone River Compact [1950] (MT-ND-WY)	Director, USGS	12.6	82-231 (10-30-51)	65 Stat. 663

*Congressional consent to compact; includes text.

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Appendix A

EXECUTIVE OFFICE OF THE PRESIDENT Office of Management and Budget

Guide for Federal Representatives on Interstate Water Compact Commissions

Revised November 1972

Many problems arise in connection with administration of interstate water compacts which affect important Federal interests. This guide has been developed to assure that these problems receive adequate consideration within the executive branch. It is intended primarily to provide a uniform basis for coordinating the activities of Federal representatives serving on approved interstate water compact commissions.

Duties of the Federal Representative

The Federal representative has the duty of assuring that the complete range of Federal or national interests is considered in compact commission discussions and actions. As the President's representative on the commission, he should avoid identifying himself with any agency, program, local faction, or sectional interest. The Federal representative should maintain a completely neutral position in all matters of purely State concern. The Federal representative should actively pursue and promote the Federal (National) interest and should not become solely a referee of State or sectional disputes.

Relationships with Federal Agencies

The following Departments and agencies will normally have an interest in interstate compact activities where water is concerned:

1. Department of Agriculture
2. Department of the Army
3. Department of Commerce
4. Department of Health, Education, and Welfare
5. Department of Housing and Urban Development
6. Department of the Interior
7. Department of Justice
8. Department of Labor
9. Environmental Protection Agency
10. Federal Power Commission

The Federal representative is encouraged to consult these agencies for information and to ascertain and keep abreast of their views on compact matters, either through their Washington offices, or through their designated field officials.

Technical staff from these agencies may be detailed to work with the Federal representative on specific assignments for reasonable periods of time.

Policy Guidance

Advice on major policy matters should be requested from the Director of the Office of Management and Budget (OMB). Coordination, as necessary, with appropriate Federal agencies will be undertaken by the OMB.

Legal Advice

The Federal representatives shall refer all legal questions that may arise relating to the position or action of the United States (except those which can be resolved informally with the Justice Department or the Federal agencies concerned) to the Director of the Office of Management and Budget for advice as to the most appropriate way to secure the resolution of any such questions. If legal advice is needed from the Federal government, the Federal representative, not a state official, should secure it.

Reporting

The Federal representative should submit annually a brief report, in duplicate, to the Director of the Office of Management and Budget. The report should be submitted within 30 days after the end of the calendar year except where the compact or by-laws specify a date for the annual report of the commission, in which case the report should be made within 30 days after the commission's report.

The report should include observations on matters affecting a Federal interest that have developed or are expected to develop and should be accompanied by copies of the annual commission report. Minutes of meetings should also be furnished when appropriate. Supplemental reports on significant developments may also be submitted separately from time to time.

In the event compact amendments requiring Congressional approval are contemplated, three (3) copies of the draft amendments should be transmitted to the Director of the Office of Management and Budget as soon as they are available.

Administrative Services and Travel Expenses

If the representative is a Federal employee, administrative services, such as office space, secretarial assistance, communications, etc., and travel expenses will be furnished by his agency. If he is not a Federal employee, the Office of Management and Budget will arrange for these administrative services and travel expenses with a designated Federal agency. The provision of these services by one of the agencies is a matter of convenience to the Federal representative and has no special significance insofar as his responsibilities are concerned.

Change of Employment Status

A Federal representative who is also a Federal employee shall immediately notify the Director of the Office of Management and Budget of any significant changes in his employment status.

Appendix B

Key Quotations from 10 Interstate Compacts (regarding function and compensation of Federal representative; and references to the U.S. Geological Survey by name)

ARKANSAS RIVER BASIN COMPACT, ARKANSAS-OKLAHOMA, from Article VIII:

"The Federal Commissioner . . . shall be the Chairman and presiding officer . . . but shall not have the right to vote . . ."

"The salaries and personal expenses of each Commissioner shall be paid by the Government which he represents. All other expenses . . . incident to the administration of this Compact shall be borne equally by the two States . . ."

ARKANSAS RIVER BASIN COMPACT, KANSAS-OKLAHOMA, from Article X:

"The federal commissioner . . . shall be the presiding officer . . . but shall not have the right to vote . . ."

"The salaries and personal expenses of each commissioner shall be paid by the government which he represents. All other expenses . . . incident to the administration of this compact shall be borne equally by the two states . . ."

ARKANSAS RIVER COMPACT (Colo.-Kan.), from Article VIII:

". . . representative of the United States . . . shall . . . act as chairman . . . without vote."

"The salaries, if any, and the personal expenses of each member shall be paid by the government which he represents. All other expenses incident to the administration of the Compact which are not paid by the United States shall be borne by the States . . ."

"The Director, U.S. Geological Survey, the Commissioner of Reclamation and the Chief of Engineers, U.S. Army, are hereby requested to collaborate with the Administration and with appropriate State officials in the systematic determination and correlation of data . . ."

BEAR RIVER COMPACT (Idaho-Utah-Wyo.), from Article III (1980):

"one . . . Commissioner representing the United States . . . who shall serve as chairman, without vote."

"The compensation and expenses of each Commissioner . . . shall be paid by the government which he represents. All expenses incurred . . . in the administration of this Compact, except those paid by the United States . . ., shall be paid by the signatory States."

KANSAS-NEBRASKA BIG BLUE RIVER COMPACT, from Articles III and IV:

"The Federal member . . . shall serve as Chairman, without vote."

"Each . . . member of the [Compact] Administration shall receive such compensation and such reimbursement for travel and subsistence as are provided by the government he represents . . ."

". . . the expenses of the Administration . . . shall be divided equally between the States . . ."

OHIO RIVER VALLEY WATER SANITATION COMPACT, from Articles IV, V, and X:

"and three commissioners representing the United States Government."

"The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incident to the performance of their duties . . ."

"The Commission shall elect from its number a chairman and vice-chairman . . ."

"The [8] signatory States agree to appropriate for . . . administrative expenses their proper proportion of the annual budget . . ."

PECOS RIVER COMPACT (N. Mex.-Tex.), from Article V:

"the Commissioner representing the United States shall be the presiding officer of the Commission, but shall not have the right to vote . . ."

"The salaries and personal expenses of each Commissioner shall be paid by the government which he represents. All other expenses which are incurred by the commission incident to the administration of this Compact and which are not paid by the United States shall be borne equally by the two States."

RIO GRANDE COMPACT (Colo.-N. Mex.-Tex), from Article XII:

". . . representative of the United States . . . shall act as Chairman of the Commission without vote."

"The salaries and personal expenses of the . . . Commissioners for the three States shall be paid by their respective States, and all other expenses incident to the administration of this Compact, not borne by the United States, shall be borne equally by the three States."

NOTE: "U.S.G.S." is named only in footnotes referring to specific "U.S.G.S." gaging stations.

SABINE RIVER COMPACT (Tex.-La.), from Article VII:

"The United States member shall be ex-officio chairman of the Administration without vote and shall not be a domiciliary of or reside in either State."

"In the case of a tie vote on any of the Administration's determinations, orders, or other actions subject to arbitration, then arbitration shall be a condition precedent to any right of legal action. . . . there shall be three arbitrators . . . If the [two] arbitrators fail to select a third within ten days, then he shall be chosen by the Representative of the United States."

"The salaries, if any, and the personal expenses of each member of the Administration, shall be paid by the Government which he represents. All other expenses incident to the Administration of this Compact and which are not paid by the United States shall be borne equally by the States."

NOTE: The last paragraph of the preamble of the Compact of 1953 (Public Law 83-578, 1954), provided that the Compact Administration could not undertake the solution of problems of pollution abatement and salt water intrusion. The removal of that paragraph, on the recommendation of the Compact Administration, received the consent of Congress in July 1977, Public Law 95-71, (91 Stat. 281).

YELLOWSTONE RIVER COMPACT (Mont.-N. Dak.-Wyo.), from Article III:

"It is considered that no Commission or administrative body is necessary to administer this Compact or divide the water of the Yellowstone River Basin as between the States of Montana and North Dakota. The provisions of this Compact, as between the States of Wyoming and Montana, shall be administered by a Commission composed of one representative from the State of Wyoming and one representative from the State of Montana, to be selected by the Governors of said States as such States may choose, and one representative selected by the Director of the United States Geological Survey or whatever Federal agency may succeed to the functions and duties of that agency, to be appointed by him at the request of the States to sit with the Commission without vote, except as herein provided."

"The salaries and necessary expenses of each State representative shall be paid by the respective State; all other expenses incident to the administration of this Compact not borne by the United States shall be allocated to and borne one-half by the State of Wyoming and one-half by the State of Montana."

"The Secretary of the Army; the Secretary of the Interior; the Secretary of Agriculture; the Chairman, Federal Power Commission; the Secretary of Commerce, . . . and such other . . . officers . . . having services or data useful or necessary to the Compact Commission, shall cooperate, ex-officio, with the Commission in the execution of its duty in the collection, correlation, and publication of records and data necessary for the proper administration of the Compact . . ."

"In case of the failure of the representatives of Wyoming and Montana to unanimously agree on any matter necessary to the proper administration of this Compact, then the member selected by the Director of the United States Geological Survey shall have the right to vote upon the matters in disagreement and such points of disagreement shall then be decided by a majority vote of the representatives of the States of Wyoming and Montana and said member selected by the Director of the United States Geological Survey, each being entitled to one vote."