
QUESTION AND ANSWER

HANDBOOK

ABOUT THE

COLUMBIA INTERSTATE

COMPACT



COMPACT HANDBOOK

Questions and Answers about the Columbia Interstate Compact

What is a Compact?

A compact is a formal, legally binding agreement among several states to settle certain specific problems, to do certain specific things, and to assist in the prevention of future disputes. A compact lets a group of states join together to act as a group for their mutual benefit and still maintain their sovereignty as states.

What must be done before a Compact takes effect?

The terms of the compact must be agreed to by representatives of all states concerned. The compact must be ratified by the legislatures of the participating states. It is then submitted to Congress for action on granting final consent, including action on the states' recommendations as to the extent to which federal activities and interests will be governed by the compact.

Is the idea of an Interstate Compact something new?

No. Provision for compacts between or among states is made in Section 10, Article I of the United States Constitution. Compacts are in effect among many states covering a wide variety of problems. Compacts have been and are being used widely to solve water allocation problems of the West.

Was the proposal for a Columbia Interstate Compact made recently to meet a particular situation?

No. A compact covering water resource development in the Columbia River Basin has been recognized as needed and desirable for many years and was first proposed in 1911. In 1928 Congress actually granted consent to Idaho, Montana, Oregon and Washington to negotiate such a compact. Negotiation of the present compact has been underway since 1950. Other interstate compacts are now in existence in the Basin, such as that on the Snake River between Idaho and Wyoming and the Columbia Fisheries Compact between Oregon and Washington.

When did negotiations on the present Compact start?

The present compact was first proposed at a meeting of Pacific Northwest governors in 1943. The first meeting in the present series was held in July, 1950. Congress granted consent to the negotiations and provided for a federal representative in an act passed July 15, 1952. The negotiating commissions of the various states have met regularly since that time. All Commission meetings have been open to the public and the press.

How are the negotiating commissions named?

The method of appointment varies from state to state. The commissions are all appointed by the state they represent in accordance with the law of that state. The federal representative is appointed by the President of the United States.

Who wrote the Compact?

The Columbia Interstate Compact represents the work of the entire Columbia Interstate Compact Commission, which is made up of representatives of each of the seven states. Expert, unbiased and independent technical help was employed to prepare in legal language the original draft early in 1954. That draft has been revised and rewritten under the guidance of the state engineers of the participating states, and by independent lawyers, farmers and businessmen from all parts of the Basin who are members of the Commission. All provisions of the Compact have been fully debated and considered in open meetings and advice from all interests has been solicited in every action.

What states are participating in the Compact?

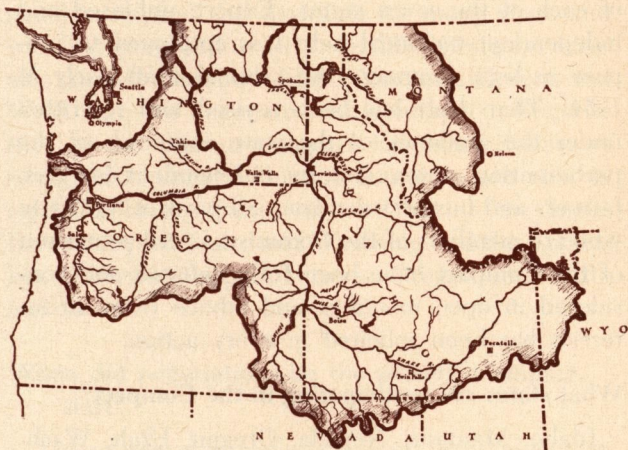
Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

How is the negotiating commission financed?

The negotiating commission is financed entirely by state funds appropriated by the legislature of each state. Expenses of operation of the central office and of carrying on the functions of the commission are supplied by the various states on a pro-rata basis. The total budget for this purpose is set at \$40,000 for a biennium. Each state pays the travel expenses of its own commissioners. The expenses of the representative of the United States and of his advisors are paid by the federal government. The executive secretary and secretary-treasurer are bonded. Regular financial reports are made to the states concerned. All of the Commission's records are open to public inspection.

What is the actual area concerned?

COLUMBIA RIVER BASIN



As the map shows, the area includes all of the Columbia River System and its drainage area within the United States—219,000 square miles.

Why do these states feel they need a Compact?

Industrial growth, population increase, agricultural expansion and economic welfare follow natural boundaries such as river basins more closely than state lines. This has been particularly true in the Columbia River Basin because of dependence on the river system for water for irrigation, hydroelectric power, transportation, fisheries and recreation. Any action in one part of the basin is bound to have an effect in another part. Farm products produced

on irrigated lands upstream flow to markets through downstream ports, power generated downstream means new industries and new markets throughout the basin—these are only two examples.

Growth on a basin-wide basis has made it apparent that some set of “ground rules” is needed to cover the various and sometimes conflicting claims to the use of water in the entire area, that some central planning program for long range development is essential and that some agency is needed that can represent and speak for the basin as a whole in the development of that program. No such rules, program nor agency now exist.

How does the Compact propose to meet these problems?

In summary, to be discussed more in detail under later questions, the compact meets these problems by the following basic provisions:

1. Establishing a Columbia Interstate Compact Commission to plan and review plans for water resource developments with the primary criteria of —“Do these plans contribute to the greatest economically justifiable development of the Basin?”
2. Settling questions of interstate water rights and at the same time protecting water rights of each state, and coordinating the river use for hydroelectric power production with use for reclamation by irrigation by assuring that water for irrigation and other consumptive uses in the upstream area will be available, notwithstanding existing and prospective developments of hydroelectric projects, whether privately or publicly financed.

3. Stimulating construction of hydroelectric projects in vital storage areas by local participation in the fair and equitable benefits from these projects.

4. Providing for united, uniform consideration of problems of pollution control and fish, wildlife and recreation conservation.

How would the Columbia Interstate Compact Commission be named and how would it function?

The members of the Columbia Interstate Compact Commission would be named by the states represented as provided by the law of each state.

Idaho, Montana, Oregon and Washington would each have two members; Nevada, Utah and Wyoming would each have one member; and the United States would have one non-voting member who would act as chairman.

Each state representative would have one vote. Eight affirmative votes would be required to carry any action of the Commission.

The Commission would be authorized to employ such staff as necessary.

How would the Columbia Interstate Compact Commission be financed?

The Commission would be financed entirely by state funds. All of its budgets would be submitted to state legislatures for action. A sum of not less than \$65,000 would be provided for the first two years of operation. The compensation and expenses of the federal representative would be paid by the federal government.

Compensation and expenses of state Commissioners would be provided and paid by each state, separate from funds provided for Commission activity.

What is the scope of the Commission's powers?

The Commission is limited to recommendatory action within the field of water resource development in the Columbia River Basin.

The Commission is authorized to collect all information it requires, to review all plans for water resource projects, which involve federal financing or licensing, (above a certain size to exclude minor works) and to prepare plans of its own and recommend their adoption. Its recommendations would be addressed to the proper licensing or authorizing body—in most cases the Federal Power Commission or the Congress.

The Commission would be authorized to cooperate with any other agency or organization in developing and putting into effect plans for coordinated and integrated operation of water storage facilities for flood control and electric power development.

The Commission is authorized to work with the International Joint Commission, Canada and British Columbia in seeking answers to international problems.

Why is the Commission limited to recommendatory powers?

There are now in existence sufficient licensing and regulating agencies to provide all needed controls and other agencies, both public and private, to finance and construct projects. The Commission

is established to stimulate water resource development, to conduct basin-wide planning, to reconcile interstate problems and to advise licensing and authorizing bodies on a desirable course of action.

Will a Commission with primarily recommendatory powers be effective?

As an agency reflecting the thinking of the people of the Columbia Basin, and, as an agency authorized to speak for the seven states concerned, the Commission will carry a tremendous amount of prestige and weight in influencing opinion and action. The combined legislative delegations of the seven states represent a strong bloc in the Congress. The Commission will also be effective in promoting cooperation by reconciling and coordinating the plans of all agencies, public and private, that propose works requiring federal financing or federal licensing.

Does the provision for review by the Commission impose another layer of "red tape" in getting a project approved?

No. The compact provisions would remove many barriers that now exist and would facilitate action. Any application now submitted must be reviewed and reported on by the governors and other agencies of all seven states individually, as well as other official and semi-official agencies. The Commission would make one report for the entire area, while providing any dissenting state an opportunity to have its views included. The Commission would be required to make its report and recommendations within 90 days of receipt of an application on any particular project.

What is the so-called "reservation of power" provision of the Compact?

The power allocation article was agreed upon after careful consideration of all phases of this problem. It is based on the double-barrelled premise that continued availability of low cost hydroelectric power is essential to the economic development of the Pacific Northwest and that future power development will depend to a large measure on development of upstream water storage and use of this storage on a basin-wide coordinated basis. The use of power revenues for the development of land is recognized under general powers of the Commission.

The compact recognizes the principle that there should be fair and equitable distribution of hydroelectric power among all parts of the member states.

In order to remove certain fears which have resulted in barriers to project construction, the compact establishes the following formula for assuring any state in which a project is built this fair and equitable share of the power produced:

1. That there shall be available within the state or states in which a project is built the prime power and energy that could be developed at that project were it operated on an isolated basis.
2. Recommendation of the reservation to the state or states in which a project is built of whatever the Commission would determine to be a fair and equitable share of additional power and energy for that project that would result from coordinated release of water through existing and downstream projects

and the coordinated operation of all projects, provided, that the Commission finds any such reservation practicable.

Does this power reservation apply only to one group of states?

No. It applies equally to any state or part of the basin.

What factors must the Commission consider in determining whether a reservation is to be made and if it is, how large it shall be?

The Commission is specifically charged with taking into account any water depletion made by the state for which a reservation is being considered plus any other factors it deems proper. These latter factors might include, among other things, financing problems, markets both present and potential, population and alternate sources of power.

If power is covered by a reservation does it remain unused until desired?

No. Each recommendation for reservation will provide for use elsewhere until need is shown and reasonable notice of withdrawal given. The terms of this withdrawal may be specified in the original recommendation.

Does the Compact favor either public or private power?

No. There is no differentiation anywhere in the compact between public or private power. The sole basis of judgment here as elsewhere in the compact

is what action is best for the development of the basin as a whole.

Does the Compact recognize the importance of Columbia River hydroelectric power to areas of the states concerned which lie outside the Basin?

Yes. The compact calls for "fair and equitable apportionment and allocation among the member states of hydroelectric power developed in the Columbia Basin."

It also recognizes the need for the integrated operation of all power developments, both those within the basin "or interconnected with such facilities."

How does the Compact propose to safeguard water rights for irrigation and other beneficial consumptive uses?

The compact guarantees to the upstream area of the basin the right without limitation to establish, under state laws, rights to the use of water for irrigation and other consumptive uses until the year 2000. These rights will be superior to power rights and other nonconsumptive uses established at projects located wholly or partly in downstream states. This date of 2000 may be extended to 2050 by unanimous action of the states.

This protection of consumptive use rights will extend indefinitely even though the compact be terminated or the formula of consumptive use rights be not extended. The compact assumes that states would either extend the formula or apportion the then remaining waters by a supplemental compact.

If this is not done, the remaining waters would be subject to the doctrine of "equitable apportionment."

What is the upstream area of the Basin?

All of the United States portion of the Columbia River Basin lying East of the summit of the Cascade mountains.

At what projects will nonconsumptive use rights be subordinated by this provision?

At any project located on an interstate stream and lying wholly or partly in Oregon or Washington.

Will this subordination of water rights require any change in existing law?

As of the present time, the principal downstream projects making nonconsumptive uses of water (such as power production and navigation) are federal projects. The compact provides that the formula of superiority of irrigation and other consumptive use rights shall apply to existing and future federal projects. To accomplish this will require certain changes in federal law. The compact is on the condition that it shall become effective when the Congress consents to those changes in the federal law.

The formula of superiority of existing and future uses for irrigation applies equally to other power developments that are located wholly or partly in the downstream portion of the basin. The compact, when ratified by the states, will become part of the law of the ratifying states, making this formula applicable to the power developments that are dependent on state law for the measure of their water rights.

Does this subordination of water rights affect a stream which is wholly within one state?

No. Such streams are specifically excluded from the provisions of the compact and the water laws of the particular states will continue in full effect.

Will this use of water for irrigation seriously reduce present or potential power production?

If all of the 4,000,000 acres of potentially irrigable land in the Columbia River Basin were receiving water, in addition to the 3,500,000 now irrigated, during an average year the flow of the Columbia River at Bonneville would be reduced by only 6.8 per cent. If the entire 7,500,000 acres had been receiving water during the three lowest years of record, prime power at The Dalles dam would have been reduced by less than 6 per cent; a small price to pay for the wealth from an additional 3,000,000 to 4,000,000 acres of irrigated land.

Does the Compact recognize the need for pollution control?

Yes. The compact charges the Commission with the responsibility of keeping constant watch on pollution of interstate streams and of studies and planning aimed at preventing such pollution. The Commission is authorized to investigate any reported instance of pollution of an interstate stream and to recommend proper action under existing laws.

Are commercial and sports fish values recognized and protected under the Compact?

Yes. In making any plans or in reviewing plans

for any development, the Commission is required to consider all fish, wildlife and recreational values and incorporate proper recommendations for their protection.

When can the Compact become effective?

The compact must be ratified by Idaho, Montana, Oregon and Washington and consented to by Congress. Nevada, Utah and Wyoming may enter when the compact is effective upon ratification by their legislatures.

The compact was ratified by Idaho, Nevada and Utah in 1955. No final action was taken by the legislatures of Montana, Oregon, Washington and Wyoming. The compact can be ratified by the states at their next legislative sessions and must then be submitted to Congress.

What is the alternative if the Compact is not ratified?

The compact will help remove much of the confusion that exists over water resource development, provide a means for settling disputes and reconciling varying points of view, remove major barriers to continued development and retain control of the Columbia River Basin in the hands of the people and states of that Basin. If agreement is not reached on an Interstate Compact, either the present condition will continue or stringent controls may be imposed by the Congress.

Where can I get further information on the Compact?

By contacting one of your state commissioners, listed on the back cover, or by writing the Columbia Interstate Compact Commission, 320 Symons Building, Spokane 4, Washington.

COLUMBIA INTERSTATE COMPACT COMMISSION ORGANIZATION

July 1, 1955

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Vice Chairman: L. A. Colby, Missoula, Montana.
Secretary-Treasurer: Mark R. Kulp, Boise, Idaho.
Executive Secretary: H. Calvert Anderson, 320 Symons Building, Spokane 4, Washington.

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United States

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