

CAP Oral History

Pam Stevenson (Q):

This is an oral history interview for the Central Arizona Project. Today is June 21st of 2006 and we are in Phoenix, Arizona. I'm Pam Stevenson doing the interview and Bill Stevenson is our videographer and I will let you introduce yourself.

Ralph Hunsaker (A):

I'm Ralph Hunsaker

Q: Let's do a little bit of a background. When were you born and where were you born?

A: I was born in Mesa, Arizona, December 26th of 1936 and lived there through my undergraduate days. I went to the University of Arizona for undergrad and law school and graduated there in '62 and have been practicing law since.

Q: You were born here with your family. Did they come here before that?

A: Yes. My family came here in the late 1800's, early 1900's and helped settle Mesa actually. They were one of the first families over there.

Q: Were they Mormons?

A: Yes.

Q: You grew up in Mesa. What was Mesa like back then?

A: It was very small as you might imagine and it was probably around 25 or 30 thousand people. Very small, a lot of the places now that were major intersections were small farms and dirt roads then.

Q: What did your family do for a living?

A: My father worked in a combination sporting goods store and a gas station mainly. He managed that. He also delivered one time 76 products and my mom has always been a housewife.

Q: Did you have brothers and sisters?

A: I had two brothers and two sisters. I have one sister who is deceased now, but the others still live in Mesa.

Q: Where did you fall?

A: I was the oldest.

Q: You went to Mesa High School?

A: I did. I graduated from there in 1955.

Q: As a young man going to school, were you a good student?

A: That depends a lot on the year that you're talking about. I think I was probably better than average and in some years, I did fairly well, National Honor Society for a couple of semesters in high school and that kind of thing. But other times not too good.

Q: What did you want to be when you grew up?

A: I really didn't decide to go to law school until I was a sophomore in college and didn't really know what I wanted to do. I almost went into the military. I did two years of the ROTC at the University of Arizona in the Air Force. And was going to do that, except I always wanted to go to law school at that point and was getting to

that stage and they would defer you to go to law school until a certain time. But they changed the rule that said they would not defer you, you had to fulfill your military commitment first and I decided that I really would rather go to law school than military.

Q: Why did you choose the University of Arizona? You were living near ASU.

A: Well, I played a little football in high school and got a scholarship offer there as well as ASU and at that time, I thought their program suited me better in that regard. So that was the main thing.

Q: So it was because of a sports scholarship?

A: Mainly.

Q: What made you decide to go to law school?

A: You know, really I can't put my finger on anything specific. I had a brother-in-law who was a lawyer and I always admired what he did and that kind of persuaded me. And then the other thing was I thought about things like being a doctor or being a dentist and I decided that looking at the same 32 teeth all the time didn't appeal that much.

Q: So you went ahead and got your law degree and then what did you do after school?

A: Well, I went with this law firm, although it was a little different name in those days, and I've been with this firm for now going into my 44th year.

Q: What was it called back then?

A: Well, when I first started it was the firm called Cavanaugh and O'Connor and it later became a different name, O'Connor Cavanaugh, because Mr. Cavanaugh left the firm for a little while and came back and when he came back they left Jim O'Connor's name first and it became O'Connor Cavanaugh. And now it's the Cavanaugh Law Firm for various reasons.

Q: So it stayed pretty close to the same?

A: Very much.

Q: As a lawyer, what kind of law were you going to practice?

A: I really didn't have a specific area and back when I first started, in the days of the early sixties, there were a lot more generalists then there are now. And I did a little bit of a lot of different things. I did some real estate law, some domestic relations law, divorce law, some real property law, in fact. Finally it drifted then generally toward water law and did that for a number of years until I really represented state agencies and when they got legislation passed to allow them to take their legal work in-house most of them did that and so my water work tailed off.

Q: When did you first start doing water law?

A: Almost from the inception of when I got out of law school, although it really became more intense in about, I would say 1967 or so. A close friend of mine, Doug Wall, who was on the Interstate Stream Commission and is an attorney from Flagstaff, got me involved when there was a need to assist Orzell Trask who was the Chief for the Interstate Stream Commission at that time. And so I became the, I guess, the junior to the Interstate Stream Commission and then it just burgeoned from there into additional work.

Q: What was the Interstate Stream Commission?

A: It was a state agency charged primarily with dealing with the Colorado River that was the stream in Arizona that is interstate, had a lot of different laws that pertained to it, Congressional laws, and treaties. That kind of thing and they dealt primarily with the Colorado River. It later became the Arizona Water Commission and took on additional duties and is now the Department of Water Resources and has even additional duties. So they pertain to all water aspects of Arizona now.

Q: So you got involved in '67. That was before the CAP was officially authorized?

A: That is correct.

Q: You were there in that period?

A: Very much.

Q: Tell me about that. What was happening?

A: As you know, there was the real big debate the dispute between Arizona and California. And in 1963, the Arizona/California decision came out of the U.S. Supreme Court indicating that Arizona's water supply was firmed up for the amount they got 2.8 million acre-feet. And then the efforts began to get Congress to pass the CAP legislation to permit and fund the building of the Central Arizona Project. And when I first became involved, we were going back to Washington repeatedly and I assisted in whatever I could in helping to put together legal aspects of or any aspects actually of helping out the Congressional people and doing whatever I could back there.

Q: Were you involved when Sam Goddard was governor and went back to testify?

A: No, that was prior to my involvement.

Q: Stewart Udall was Secretary of the Interior at that time ...

A: He was.

Q: Was that helpful?

A: I think it was extremely helpful. There were meetings held in his office repeatedly there and he was very much in the front and spearheaded the effort to get the CAP legislation passed. Of course, we worked mainly through Mo Udall, his brother as you know, and other Congressional leaders who were instrumental in that as well.

Q: Where you involved at all with the proposal about building the dam in Parker Canyon?

A: Yes, I was. That was part of all the congressional activity that was going on at the time. Of course, the environmentalists were pretty much opposed to that and it became fairly evident that at some point it was not going to be doable. So that effort died on the bind sort to speak but in the early time that I was involved, I was helping out doing research and other activities trying to get that dam included into the legislation.

Q: Why was that important?

A: Well, it's just part of the whole operation of the river. You have additional storage capacity which gives you additional ability to capture water in times of high flow so you can then store it. And in particular, it was important to the CAP and Arizona's entitlement because Arizona was last, so to speak, among the Lower Colorado division states. And consequently the more water that was stored, the more water available to distribute, and the less chance that in low flow times or times of shortage, Arizona's supply would be cut.

Q: How did you feel when that didn't happen?

A: Obviously we were disappointed; all of us who worked on that aspect of it were disappointed by it. But we kind of knew that it was an uphill battle. And in particular was an uphill battle from the standpoint of environmentalists and so I guess I would have to say I wasn't totally surprised by the fact that it didn't get through Congress but disappointed would be certainly apropos.

Q: What about the compromise that was worked out?

A: I guess my feeling was that we in Arizona had to give up quite a little bit to get California's cooperation, California's congressional representation that was much greater than ours. Consequently, we needed their help, we needed their votes, we needed them on our side so to speak. And overall, it seemed like a relatively good compromise although Arizona did end up giving up quite a bit, when they gave the guarantee to California's supply.

Q: But the power plant, did that seem like a reasonable...some people said that that actually came out of nowhere.

A: And actually, I didn't work on that aspect of it a great deal. But yes, it did sort of come out of nowhere. I think everybody was trying to work out whatever they could in the way of compromises, give and take. So there were a lot of things that came up sort of out of thin air, so to speak.

Q: Who were the Congressional Representatives in that period?

A: Sam Steiger was there. Mo Udall was there. John Rhodes was there. I think Mo Udall and John Rhodes were probably the mainstays on the House side of things. And of course, Carl Hayden who had been in the Senate for so many years and had so much political clout, I guess you would say obviously was a real mainstay and was a real help in things. You mentioned before the interview today Roy Elson. And Roy was, of course, his right hand man at that time and Carl was still active mentally but he was getting a little bit feeble and Roy did a lot of the leg

work for him, the upfront work for him, and so on and he was very instrumental as well.

Q: What about Barry Goldwater?

A: Barry Goldwater was also involved with it a lot. I didn't work as much with his office as I did with Carl Hayden's, but he did a lot. I don't have the personal knowledge of his office like I did with Carl Hayden's, but I do know he was heavily involved and did a great job.

Q: I've heard there was a feeling that it was almost like a deadline in 1968, because Carl Hayden was really leaving the Senate and Stewart Udall was leaving the Secretary of the Interior. Did you have that feeling?

A: I think everybody had that feeling. I think everybody had a sense of urgency. I think it was kind of like everything has its time and the time can be best right now and maybe not as good as later on and it was obvious that because of the things you mentioned that there was a need of getting this legislation through and that resulted in the people in Arizona feeling like if we had to compromise somewhere that just wasn't a total give away that we ought to be in a compromising mood and I think that was true of then.

Q: What was the feeling when it was finally passed in '68?

A: Well, everybody was ecstatic to say the least. It was a great day for Arizona. It really was. It was a combination of a long, long effort when you put all of the effort together back through the litigation that was going on and then the Congressional activities that were going on. There was a long, long effort of work-- blood, sweat, and tears, so to speak--compromise, political maneuvering if you want to call it that and everybody was very, very happy and pleased.

Q: Go back and talk a little bit about the Arizona Interstate Stream Commission. Do you remember how that changed or was put together to represent Arizona?

A: Yes. Of course the Interstate Stream Commission existed before the time I became involved with it and they were members appointed to that by the governor, so that membership existed before I became involved. Rich Johnson, who was the Executive Director, I think was the title that he held, spearheaded that effort. There was also the Central Arizona Project Association (CAPA) and it had a major role in the CAP. It was a sort of a volunteer group of people, business leaders, companies that put together sort of top leaders from those companies, from those business leaders devoted not only their time but a lot of money to the effort to get the CAP recognizing that Arizona's economy and Arizona itself would grow substantially by reason of having it. So the efforts of the Arizona Interstate Stream Commission members and also the CAPA were dovetailing together and many, many people worked in that effort to get the CAP passed.

Q: Do you know who was responsible for bringing together the people who were key for that?

A: Oh gosh, John Hoops was a member of the Interstate Stream Commission. At one time, he was a farmer from the Chandler area that incidentally I knew and was a friend of my dad's when I grew up in Mesa. So John and I got along well. In fact, he just passed away not too long ago, roughly a year ago. He was in his nineties as I remember. The others right now there was...that goes back a long way.

Q: What was Phoenix and Arizona like you know politically and legally? You mentioned you grew up with some of the people. Was it a different atmosphere than today?

A: Obviously. The CAP was initially passed primarily as an agricultural type of a project. It was passed with a great emphasis upon and a lot of the water devoted to agricultural interests, irrigation. As time's gone along, a lot of that irrigation

acreage has turned into homes obviously. The economy has changed substantially and more and more water has been devoted to municipal and industrial uses verses agricultural uses. So the project itself has changed substantially and the uses of the water are changed substantially and recent Indian Water Rights settlements have even changed that use of that water to other purposes. And so yes through time, it has changed a lot.

Q: It sounds like there was more of a feeling that people knew each other more then?

A: I don't think there is any doubt about that. It was a much smaller community. People knew each other, as you say, much better. They had more interaction with one another. But I had felt all the way through the years that the leaders, those that are up front on these kinds of major developments for the states, have all put their own interests behind and tried to do what they thought was best for the state by and large. I have a lot of praise for Salt River Project for instance, Arizona Public Service for instance. They were major players in this entire thing. And they devoted a lot of man hours through their personnel to pass the CAP and seeing it was proper for their interests, but also for the state.

Q: Politically speaking, you talked about Mo Udall and John Rhodes. There were only two congressmen I believe at that time but they were both different parties.

A: They were different parties and they had their differences but on this issue I think they worked very well together. Each had a particular role to play. Mo Udall was on the House Interior Committee and a major player on that committee and consequently was able to carry a lot of weight in hearings that went on. He played a major role in presenting Arizona's view points and evidence on behalf of the state, was able to question witnesses and did a very effective job. As you know, he was trial lawyer before he became a congressman. And I thought he did a very able job in questioning witnesses. John Rhodes would, in my judgment, be more of a behind-the-scenes kind of a worker. He wasn't on the committee,

but he had a great deal of influence in the House as far as I could tell as sort of an outsider. And I think John Rhodes in his more quiet, not more quiet, but in his quiet way did a significant job to get the CAP passed.

Q: You were part of the legal team then supporting this?

A: Correct.

Q: Do you know who the major players were?

A: A major other player at the Interstate Stream Commission was Orzell Trask. There is a major law firm in town called Jennings Strauss Simon and Trask it used to be known as. Orzell and I worked close together. He was sort of my mentor because he was the senior of the two of us. He was a great gentleman. He later became a 9th Circuit Court of Appeals Judge and was on that court before he passed away. I had a great deal of admiration for him.

Q: Did you continue to work on water law?

A: I did. I continued to represent initially as I said, the Interstate Stream Commission, which became the Arizona Water Commission and after Mr. Trask was no longer there I became what they call Chief Counsel.

Q: Why did it change names?

A: There was legislation passed which permitted that entity to do more things than it had the legal authority to do and it was a broader duty than just interstate streams. It became more Arizona-wide water jurisdiction. It took over jurisdiction for instance of dam safety and things of that nature. It took over jurisdiction for wells so it wasn't just flowing streams. It became also groundwater jurisdiction. And so they changed the name to the Arizona Water Commission and then as it grew. As I indicated earlier, it then became the Arizona Department of Water Resources.

Q: Was this about the time they changed the name that Wes Steiner was brought in?

A: As my memory serves me, in fact that's exactly what did occur. Rich Johnson was ready to retire. Arizona recognized that they needed somebody that had a background in water law, a background in particular in the Arizona vs. California, the Arizona apportionment of the Colorado River apportionment. And Wes Steiner had been instrumental for California in the legislative aspects of it and I guess impressed everybody, at least he had impressed me, and so he was hired to become the Executive Director of the Arizona Water Commission.

Q: How did people feel about bringing in a Californian?

A: I think everybody that knew Wes at all felt fine about it. I think they realized that he had great experience, great knowledge, great ability, and would do a fine job. I think there were some that expressed doubts and concerns and asked questions about why we are hiring a Californian. There were some Californians that were, I guess, more vociferous in their support of California's position that had caused some to have difficulties with anybody from California but Wes was not of that ilk. I think he was able to see both sides of the coin. Those who knew him well felt that he would be able to see both sides and so the difficulties were overcome.

Q: What were some of the legal aspects that you became involved with after that? What legislation was passed?

A: Well, there were a myriad of things that I became involved with. The Environmental Impact Law was passed by Congress that became a major thing that I worked on. I did a considerable amount of research on that law and its application. There were multiple lawsuits filed against Arizona varying aspects of a lot of different things. They had to prepare Environmental Impact Statements on any projects that were going on. There were multiple projects that required those and the minute they were completed or were about to be completed there would be a lawsuit challenging the environmental impact of it, whether or not the

impact statement was sufficient, whether it had been completed with enough detail, all of those kinds of things and I represented the state in a lot of that litigation.

There were dam safety issues that were involved. In fact there's kind of a funny little story that occurred. One of the dams in eastern Arizona developed a big hole in it. It was an earthen dam. And the Southwest Forest Industries ran their train across this dam as part of the tracks. So the dam safety, Benson Scott who headed that, issued an order that they couldn't run the train anymore. Well, they sued. And we went up to Holbrook in order to show cause as to why they shouldn't be allowed to run the train across the tracks. And when we were in the hearing, in came one of their representatives up to their attorney, who is Kent Blake, and said something to him. Kent stood up and said, "Your honor there's no need to go further in this, the hole has grown larger we don't want to run our train across it." So that ended that hearing real fast, but it was all kinds of those aspects. Ultimately the groundwater legislation, a major bit of legislation concerning groundwater use was passed. And when that was first passed, there was a lot of need for legal interpretation, legal work on what it meant, and how it was to be enforced, and how it was to be implied, and those types of things.

Q: What about in the 70's when Jimmy Carter came in and decided to shut down the CAP, where you involved with that?

A: I wasn't involved very heavily with that at all.

Q: You were involved with the groundwater?

A: I was involved initially with that, yes.

Q: In what area? How?

A: Well, just mainly giving general advice to Mr. Steiner and to the Arizona Water Commission, I think it was still Water Commission at that time. And researching the new law, how is it applied, how is the court likely to interpret this aspect or that aspect, do they have to file, does anybody have to file for use of wells, and what kind of wells and what are exempted, etc.

Q: Why did they want to re-write the groundwater law?

A: Well, there was heavy use in particularly Pinal County of groundwater for irrigations purposes, for crops. They were getting a lot of land subsidence where the land would actually physically subside and get fissures or cracks in the earth. And the studies were showing that they were withdrawing water substantially in excess of that, that was being recharged and it was recognized that, that couldn't continue sometime it was going to result in their water supply being gone. And consequently, they decided there needed to be something in addition to what was out there. Initially if you wanted to drill a well, all you had to do is tell the state that you were going to do it. They couldn't stop you. You could drill it anywhere you wanted and if you got the water, you could use it as long as you put it to what's called "reasonable use." But that couldn't continue like it was or there would have been major, major problems, so the need for a groundwater code, at least a more stringent groundwater code.

Q: But that was 1980?

A: Yes, that came in about that time.

Q: There wasn't any code before that?

A: There was a code before but it was as I said it just said if you wanted to drill a well, you have to tell the state you're going to do it but the state didn't have any power to stop you or to look into it whether it was good, bad or indifferent that you drilled it. You just had to tell them. It was more of a registration type law.

Q: Were you involved in some of the lawsuits over CAP water contracts?

A: I did initially when...in 19, I think it was 1982, I could be wrong on my dates right now, but somewhere in that time frame, they had legislation which formed the entity that deals with the Central Arizona Project, the Central Arizona Water Conservation District (CAWCD). At about that same time, they passed the law that allowed the Department of Water Resources to hire their own in-house attorneys. Once that occurred, then the work they were putting out to outside counsel which was in the area I fell, outside counsel, diminished substantially. Tom Clark who was the Assistant Executive Director to Wes Steiner at the Arizona Water Commission became the Executive Director for CAWCD. So he began asking me to do work for them and I continued to do that for a number of years until they also started taking work in-house.

Q: So what were some of the issues that you were representing them on, you were representing the CAWCD?

A: They had to administer the Central Arizona Project. There were issues about what rights did certain users have. There had become issues also with the environmental impact statements that I worked on initially and that type of thing.

Q: Did you get involved with any of the construction issues or anything like that?

A: Well, yes some. I was involved, for instance, they had some trouble with the siphons. The contractors on the siphons, they had big sections of concrete falling off the siphons so there was questions about liability of the contractors and whether they had to come back in and repair or not and I was involved in that litigation.

Q: How was that resolved?

A: You know I didn't see it through to the end because they took it in-house. My understanding is it was resolved with the contractors taking care of it and in some places whole new sections of pipe were put in. So they had different alignment with new pipe in it.

Q: Were you involved at all with the alignment of the canals with the Orme Dam issues?

A: No, I was not involved in that. I knew about it, but I wasn't involved in it as an attorney.

Q: What about Indian Water Rights issues?

A: Most of the Indian Water Rights have come about since the time that CAWCD took everything in-house. So other than being involved in it peripherally and for some individual clients, I was not involved it for the CAWCD as such.

Q: In the early years, when they were allowing pumping to California and allotting the water and all that, was any consideration given to the Indians?

A: Oh yeah sure. In the initial Arizona vs. California lawsuit, the Indian tribes along the river were submitting claims for their reservations and they in fact received water rights through that court action. Then later on, they tried to reopen the Arizona vs. California case and the State of California, the major water districts in California, and water districts in Arizona were involved in that effort to reopen and I was representing the State of Arizona and we went to the United States Supreme Court twice. Once to argue whether they should even be allowed to reopen it and the court ruled that yes they could reopen it. Appointed a special master, a retired circuit court judge from Atlanta, to hear the case and we had witnesses about uses, and crop usage, and water usage, and sprinkler versus flood irrigation, and how much more efficient you could be by sprinkling, therefore you could irrigate considerably more acreage then you could before. Land use questions about

whether you could irrigate a piece of land that was one kind of soil, sandy soil that the water would go through it much faster. All these kinds of issues came up and then we went back to argue and the court ultimately ordered that the tribes would not receive any additional water because res judicata applied. It had been adjudicated and the decision of the court back in the 60's should stand.

Q: After all that.

A: After all that, the tribes on the river did not get any additional water.

Q: But at that time, weren't the people thinking about the other side the Salt River and the Gila River?

A: Oh yeah. I mean that was always there. Since 1908, there was a case called Winters that decided that whenever Congress or the Executive, through executive decisions, created a federal reserve, which an Indian Reservation is, they must have at least impliedly intended that, that land receive water. So even if there wasn't anything in the legislation or the federal executive order setting aside the Indian Reservation at least by implication, the tribes would have water or whatever, a forest service or whatever, necessary to carry out the purposes of the reserve land. And then issues became involved as to okay what was the major of that use and in Arizona vs. California said it was whatever land was practicable of irrigation. Well, when you look at like the Gila Indian Reservation, I guess most of the acreage there is practicable of irrigation, but if you did that on all the reservations in Arizona, we presented evidence to the court that the Indian tribes would probably take three to six times as much water that Arizona has. So that wasn't a practical solution to the problem. That's why the settlement of Indian Water Rights has become so crucial.

Q: I'm guessing the Salt River and the Gila River tribes could show that they were actually farming it.

A: Sure. There's all kinds of history there. They had a canal system in place and in fact the Salt River System canal in some places follows that old canal system.

Q: As you've been working on water all these many years, is there things about it that has surprised you?

A: Oh I don't know that it's surprised me so much as, you know, there are things like Indian Water Issues which are significant to this state and have to be solved. I think that's been known for quite some time. I'm not sure that it surprises me so much as it sometimes I wonder whether there's too much emphasis for lands that haven't used water forever and now they've talked about the fact that well we want to put these in to irrigation. What impact does that have on those who have already been irrigating and may be required to quit. I guess that's one of the issues that is of concern to me.

Q: You mentioned that originally when the project was started that it was considered to be for agricultural use, but you anticipate that it will be used for urban use?

A: No, I don't think anybody anticipated that this state would urbanize to the extent it has and as quickly it has. Especially in the last 20 years or so, I think it's been at an increasing rate. I think people are amazed at what's happened here. So the water issues have become more crucial, more evident, and have to be solved or there's going to be major problems.

Q: What do you see as the biggest issues today?

A: I still think solving of the Indian Water Rights claims is a major issue. As you know, there's a tentative settlement of the Gila River Indian Community claims. And I say tentative because they're still some things that have to be fulfilled that haven't yet to be fulfilled. There are still lawsuits going on that haven't been decided yet. There's two major adjudications going on, one on the Little Colorado River and one on the Gila River. And until those are decided, it's probably going to be

somewhat unknown as to what the water rights are for various people in this state. And I frankly don't see those being decided for another 10 to possibly 20 years.

Q: You mentioned some of the opponents when you were started the project and the Environmental Statements, who were the opponents that you kept seeing come up again?

A: There was fellow named Brauer, I think his first name was Dave. He headed the Sierra Club at that time. They were particularly vociferous against Marble Canyon and even Glen Canyon Dams. They were back there in Washington D.C. on a regular basis opposing this legislation. I think he and the Sierra Club were the biggest opponents. There were also other environmental interests that were aligned with them that were there fighting it as well. But Dave Brauer was probably the key figure and he did a lot of publishing, writing against these kinds of things, a lot of congressional appearances in favor of legislation for environmental issues.

Q: Locally, where there any people that were opposed to it?

A: There were, but I didn't have the involvement with them on a regular basis. I couldn't even remember names now.

Q: Looking back over all the things that you have been involved in, water particularly, what are you proud of?

A: Obviously, the passage of CAP is something that I think all people who worked on it were proud of and I think rightly so. I probably was one of the minor players in it, but I still felt pride in the fact that it did pass and that it gave this state a much brighter, in my opinion, future than otherwise it would've had. Probably saved a lot of money and time and effort fighting California through lawsuits to make the compromises that were made so I was particularly just proud of that and the efforts after that too. The resistance didn't end with the legislation or even the

building of the CAP. There have been issues through the years that are continuing to be issues between those states so it's not a matter that has gone away but the field of battle has shifted a little bit.

Q: Now Nevada wants their share too!

A: They're finding that their supply is not adequate and so they're trying to protect their interests too.

Q: It sounds like getting it built was no easy feat either that there were a lot of issues that came up.

A: Oh yeah, there were many issues there. There were still efforts, for instance, in California resisting the funding for the building of the CAP, trying still to get a little bit more for us and a little less for Arizona. That effort didn't end just at the passage, so yeah there were battles still going on.

Q: We talked to some construction people about those siphons so that was certainly not expected.

A: No. Any project that size when you have a 21-foot diameter siphon; you're talking about a huge piece of equipment. So there were issues there.

Q: Kind of inventing it as they went along?

A: That's right. That's exactly what they were doing. And as you know, they were trying to construct it out on the site out there which presented special problems.

Q: And once the water got to Tucson, they had their own problems down there.

A: Oh yeah.

Q: A lot of the water now is being used to recharge. Was that something that was considered early on?

A: That really didn't come up, at least to my knowledge, until fairly recently actually. When it became evident that there was still a lot of pressure for California to get additional water over their 5.4 million acre-feet and Arizona wasn't yet putting to use its full 2.8 million acre-feet and did not want to leave that water out there for California in effect to say okay we've been using it for a long time so you can't stop us now. And so this idea of recharging the groundwater, which was the major reason CAP came in, was because we realized that that problem existed and came about and so they started to develop techniques and efforts to recharge the groundwater.

Q: What about the water going to Mexico and the desalination plant in Yuma were involved in that?

A: Only peripherally and mainly on the issues of the Environment Impact that it would have if they put in, they were talking about putting in a big well field in down there with a several wells to do pumping of water and so forth. I became involved in the environmental impacts of that what it would do, how it would impact other users, etc., and so on but only that aspect of it.

Q: What do you see as the future of Arizona with regards to water?

A: It's always going to be an area of short water supply. There's no question about that. That has been the issue since I became involved and long before I became involved and I guess long after I'll be gone. So I think that's always going to be an issue. There's going to be continued pressures among users as to who gets what and how it's distributed, etc. That will always be there for the foreseeable future, as I just indicated, I think these current stream adjudications that are going on are going to be there for a number of years. People are trying very hard to expedite those. But as you do that, you find that you always have to be concerned about

whether people's rights are being protected and a certain amount of time for due process is required to give people their say and to collect and present evidence on any issue that comes about. There are special proceedings going on that have grown out of the main proceeding and it's just developed into a "donnybrook" I guess is the best way to put it in the competing interest for water. And those competing interests are going to be there a long, long time and we will have, I'm sure, different philosophies and thoughts and ideas and uses that maybe nobody envisioned now, but 20 or 30 years from now will be on the table for negotiation or for legislation or for litigation.

Q: What advice would you have today for the people running Central Arizona Project?

A: Oh gosh, I don't know if I'm qualified to really give advice there. I guess my one thought is I worked as I said with Tom Clark and I always thought Tom was sort of easy going, had an ability to bring interest together to keep it on a low key as opposed to put up your dukes and let's settle this issue. I think the best advice I could give is for everybody to keep that sort of an approach to it and everybody try to see the other guy's viewpoint. Because there's always at least two viewpoints. I think that's necessary and equal and the more you can keep it out of the courts the better off you are. Even though I'm a lawyer, I still think it's better to resolve your differences by agreement then go battle it in court.

Q: Did you ever think as a young man and entering the legal field that water would be such a crucial part of it?

A: I did not. I guess I became more interested in it in law school partly because water law was on the bar exam then. So you had to take water and mining law in law school and almost nobody does that anymore but I did because of that. I also was interested in it because my grandfather always had a dairy. And I grew up kind of on a dairy really that was my interest and so on. And they were always concerned about water rights and so I was exposed to it as a young person. So I

always knew that water was an area that was of concern in Arizona from the time I could really kind of first remember it. And so yes, I had an interest in it. And I mentioned John Hoops earlier was a friend of ours, a farmer. And I knew that he was on the Arizona Water Commission the he had a great interest in water. I knew some of the people on the Salt River Projects boards and so forth. So that was an area of interest. So when this opportunity came to me in 1967, I became associated with the Interstate Stream Commission. If they had not taken it all in house, I would have loved to have stay in it and kept at it more than I am now.

Q: You could've gone in-house?

A: I could've but they didn't hire me.

Q: You say they don't study water law today? It seems as big as an issue as ever.

A: More of an issue, but it's not on the bar examination anymore so fewer people take the course as a result of that. At least that is my understanding that fewer people take it because they're not tested on it on the bar examination like they were back in the sixties.

Q: What advice would you give to young people today who are trying to decide what to do with their lives?

A: I tell my grandkids that they probably won't know exactly what they want to do until they get a little further along in their schooling; therefore, it's good to get good grades all along. I guess my advice would be to keep your grades up. Stay current with the issues of your state where you could make an impact and a difference.

Q: Do you think what you've done has made a difference?

A: I think it's made some difference, yes. I don't illusion myself to think that I was a major player like the Rhodes and the Udalls, but I certainly think I had some impact.

Q: Still at it?

A: Still at it to a degree. I think I'm in my 44th year practicing law. Well, any issue like water in Arizona is the life blood of any civilization but especially in a water short area. So it's going to be a major topic and issue forever.

Q: Do you think we can sustain this rate of growth?

A: You know, I don't personally think so but I'd have to say before I sound totally against that. When you take land out of irrigation and put it into people, you're using less water to do that then to irrigate that same acreage. Consequently in effect, you create a water supply for other lands that can be developed into homes. But there is a finite supply of water out there unless we've learned somehow to make clouds better than we have and create rain better then we have. We're in a water short area. We're in a desert area. My personal belief is that city planners and state planners and people involved with those issues have to recognize that and at some point say, sure growth is good for our economy, people are good for our economy, jobs are good for our economy, but those jobs and people can't be here unless we have water.

-- End of Interview --