February 21, 2018 @ Home of Earl Zarbin

P: Phil Fortnam

Q: Kelli Ramirez

A: Earl Zarbin

Intro:

P : S o I'm going to do one thing here just to sync this up, and so if you would, this is a recorded tape, state his name and a verbal uh photo release and we will have him sign it also.

Q: I already had him sign it. Okay okay.

P: We already did. We really don't need it, but it can't hurt.

Q: Okay, so can you, I want you to say your name and that we have permission to use your video. Can you just say, my name is Earl Zarbin and you have permission to use this video?

A: Well, I can say my name is Earl Zarbin and I'm supposed to say something about the video.

Q: That we have permission to use the video.

A: Oh and you have permission to video this.

Q: Perfect. So, when I ask you questions, um, if you can answer, so, like my first question is, please tell us your name and age if you can say my name is Earl, like almost repeat the question back to me. Do you understand what I'm saying?

A: Yes, right.

Q: So incase, I'm taken out of it, we have just the sound bite from you.

A: Oh okay. You want to hear my whole name?

P: Real quickly just roll into it.

Q: I am. So can you tell me your name and age?

A: My name is Earl Arthur Zarbin and my age is 89. And one more thing, I was born on January 3, 1929 in Chicago, Illinois.

Q: Nice, what brought you to Arizona?

A: What brought me to Arizona? The University of Arizona, and the reason for it is this. I had gotten out of the Army, US Army. I enlisted in 1948, was discharged in May of 1950, forty-five days later I believe the Korean war broke out. But, anyway, I was working as a furniture delivery man and I was the bottom man carrying a four or five-hundred pound stove up three or four flights of stairs and suddenly I started experiencing pain in the chest. How I ended up going to the hospital (I don't recall) and my parents came and the doctor who examined me told my parents that I had pericarditis, which is nothing more than the inflammation of the sack surrounding the heart, if I remember all this correctly. And he said to my parents, who were divorced. "Why don't you to send this kid to college because he shouldn't be lugging things around anymore." Well at that time I'm twenty-one years old. I applied to go to the University of Texas, UCLA and the University of Arizona, and the first one I heard from, from was the U of A. So that's where I went and I showed up there January of 1951 at age 22.

P: Wow

Q: So explain to me, tell me about your professional role in Arizona's water.

A: My professional role in Arizona water became while…came while I was a reporter and editor for the *Arizona Republic*. I was dissatisfied, and this is in the 1970s, with the work that some of our water reporters were doing. For instance, we had one reporter who was more interested in being able to say that a couple of people had done something nasty instead of reporting what the news is and I didn't think this was the right approach and as a consequence, on my own, I went out and I did the reporting I thought he should have done. But not only that, by the time the 1970s had rolled around, especially when you got into, let's say post the era that Don Bolles was murdered, and that was June 1976, water was just one of these subjects which was becoming more and more intense. There was a newspaper article in the paper a day or two ago, got it in there, um I'll show it I'll show it to you later, in fact I'll let you take it with you. It's just on the business page and it says something about a bunch of people coming in, it's going to be immigrants and then others into Arizona and you can read the story there and there's not a single thing about water. And the first thing I asked myself, given the way our population has grown, is where is the water going to come from. That's about how it was in the 1970s as well. We had a reporter at the Republic by the name of Ben Avery. The same guy that the firing rifle range is named after. And he was…

P: Hold on one second again – audio is - are you near radio towers here or anything?

A: …and Avery was deep into that stuff and knew the history of the CAP and so forth. But the reason I got into trying to do more about it was because I felt the fair reporting was inadequate and whenever I could, I tried to go out do reporting even though I was working as an assistant city editor and before that a photo editor.

Q: So you were assigned in the water beat originally?

A: No, oh no no no no. And when I was I was doing it three days a week and editing two nights a week.

Q: Wow. You just loved water.

A: Yeah well, I don't know that I loved it. I have learned a lot about it because of what I had started doing in the early 1970s. Should I tell you this?

Q: Yeah let's hear it.

A: Okay. When I was in the Army and I'm 19 years old, I decided I was going to be a fiction writer. And of course I'm a total failure as a fiction writer, but nonetheless, that's what I had in mind and I tried to do it. Then when I get there I was only the age 22, I studied a little journalism at the University of Arizona, because I want to be a writer and how are you going to be a writer if you don't write. And besides English classes, there's journalism. I didn't know anything about journalism. But still I tried. Didn't help my fiction a bit, anyway. I ended up going to work for the Arizona Daily Star, in their library in 1953. About September or October, '53 or '54, yeah, '53 – and about October of '53 I got my chance to be a reporter and about the first six months, it's mainly just handouts and obituaries, but finally the city editor said, "yeah, you can make it here. You can do it."

So, I then I got all these challenging assignments (like rate it) and writing the daily weather story and when it rained in Tucson, people went nuts. I didn't understand it having being from Chicago where there's a lake out there and it's wet pretty much. It just seemed amazing to me that whenever it rained, these people went crazy. Well, one day, probably in '54, if I remember correctly – or early '55, not only did it rain, we had such an excess of water that we had for the first time since I had been to Tucson, water running in the Santa Cruz River. I'm writing the weather story, so I write a story and mention there's water in the river, turn the story in, city editor calls me up to his desk and he says, "how much water is flowing on the river." I say, "Don't know, there's just water," I say "Where am I supposed to find out." He says, "Call the weather bureau." So, that's what I did, I called the weather bureau and they told me there were x number of cubic feet of water per second in the river. I went over and told that to the city editor, sixteen, twenty-

thousand cubic feet or whatever it is and I have no idea how much water is a cubic foot of water. And unless you can put it in terms that people are going to understand, why even write it. So, we took whatever the number was and we converted it to gallons. And that is what started me on water. A few years later, when I end up here in Phoenix, went to work for the *Arizona Republic* in March of 1958, I ended up writing weather stories. Now of course, in the Phoenix area we have the Salt River and it gets a little more (water) or it used to, and still may, a little more water than the Santa Cruz River down in Tucson. So that when you had a water story here to talk about, you were really talking about a flow of water, a big one. Like you could get a 160,000, 200,000 cubic feet of water, also known as the second foot, in this river. So that kind of interested me. Because you were writing the weather stories, you gotta know all this stuff. And then subtly, as you are doing whatever you are doing and you are writing about the Salt River Project or any other thing, you hear other terms that don't make sense to you. One, for example, is miner's inch. You ever hear of the miner's inch?

Q: I actually have. I can't define it, but I have heard it. Patrick Dent told me.

A: Yeah, okay, yeah a miner's inch, even today as we sit here, when water districts are delivering water, they're not delivering it by the gallon or by– they may deliver it by the cubic foot, but if it's Salt River Project, they're delivering water on the basis of fifty miner's inch per second. Oh, okay, you have to break fifty miner's inch down and that's one cubic and one-quarter cubic foot per second. In other words, five quarters, but one of the quarter could be feet. And that's because, in Arizona, legally, one cubic foot is forty miner's inches. In other states, it may be fifty inches or even in one state, I think it's sixty miner's inches.

Q: Wow.

A: Anyway, one miner's inch of water flowing through a one-inch hole at a depth of four inches is 11.2 gallons of water per second.

Q: You've never forgotten that, have you?

A: No, No not second – per minute. 11.2. No, you don't forget it. It's like the same thing you have to learn about how many – if you talk about an acre-foot of water - how many feet in an acre, 43,560. If you talk about a foot of water on top of one acre how many gallons?

Q: 325,851

A: Exactly.

Q: That I do know.

A: Yeah and then how do you calculate the cubic foot? Why you divide the number of feet in an acre into the number of feet on top of it and you come up with something like 7.48 gallons in one cubic foot of water.

Q: Went to math school too!

A: (laughs) Well, I didn't learn that – you, you just learn this because you gotta understand it. Anyway, this all has to do with what I'm doing. Anyway, I'm still trying to be a fiction writer at the same time I'm doing this. We have a group of women here in the valley who had in the 1950s, and before I got here, and the 1960s – they're anxious to stop development on Camelback Mountain and by that I mean they did not want any houses penetrating the 1600 foot level. Here in Phoenix, we are at elevation 1100 feet. The top of Camelback Mountain is a 2800 feet and the ladies did not want a thing going on them. By the 1960s, end of the mid '60s, they created what's known as the Save Camelback Mountain Foundation or something like that. And the goal was to raise a million and a half dollars to buy private land on the mountain. I think they got Barry Goldwater who had - who was former US Senator, who had lost the Presidential election, and I guess he's being a nice guy, and he became the President into the organization.

Anyway, during the midst of all this, we had a banker here in town by the name of Frank Cullen Brophy. And Mr. Brophy descended of the Arizona's down in the Bisbee area and what have you. And he proposed that when it came to Camelback Mountain, that we blow off the top of the mountain. You know, dynamite it off, open up a restaurant, get there by operating a funicular railroad, and the funicular railroad because he knew the women gardeners would not know what that is. And then across the top of Camelback, we put a nice red neon sign. And of course he's joking, but the ladies take him seriously. And with Goldwater as their foundation President, they raised about $400,000, (they wanted) a million and a half and I come up with an idea that what needs to be done is that we need to write a satire about these garden ladies and what they've done. I say in what they done, they tried to get the county commissions, city, (state and) federal governments to prohibit and ban all development above the 1600 foot level and I wanted to satirize it so I wrote this book that I gave the title, *Gracias, thank you.* And I'm not gonna explain…well, maybe I should a little bit. Gracias goes back into the conquistadors who conquer Mexico. And he's an Aztec. And he, during a battle saves the life of the man to whom he's a slave. And the slave owner wants to say thank you to this man and turn him loose for saving his life so he calls him Gracias so that's the name of the book. And I'm trying to write this satire, and my fiction is just terrible, but I decided that maybe I could improve it by seeing what I could find of the history of the Salt River Valley. Written histories, zilch. And I said to myself, the only place that I might find something is in the newspapers. So, in the old newspapers, that which is on microfilm, so that's what I started doing. I started going through the microfilm. And this began 1970, 1971, and back in those days, the microfilm readers, you could not just punch in and get something printed out. Yeah, you would turn them, turn them.

Q: I remember it well.

A: Yeah, okay, but there were no printouts. So what I did, I began on my lunch hour going into the library at the Republic and Gazette, looking in at the old

newspapers. And they had a bunch of them, not only from Phoenix but from Prescott and maybe another place or two. I don't know but I went through an awful lot of this. And because there was no way to print this stuff out, I sat there and typed so I typed single space 4600 pages of notes and at home, I created an index of what I was typing and all of this material is now in the State Archives. And this so I could learn about water and while I was learning about this, and what was going on, I knew there was history here that we hadn't told anybody. And that's why I ended up writing the Roosevelt Dam book because I thought that was the most important story. And then I finally ended up getting out another book about the canals. Because it took the canals before we had the dam and all of that is part of the story. Well, despite my research, my fiction didn't improve, and that's the way it is. And - and this I mentioned to you earlier, before we turned on the machine, my first book about Roosevelt Dam wasn't published until I was age fifty-five. But that's why. Cause I wanted to be a fiction writer and I failed.

Q: But water worked out for you.

A: Yeah

Q: Tell me what fascinates you about water.

A: Without it you can't live. That's number one. But it's just, for a newspaper person, when you understand that without water, you just don't have the civilization. It's gotta be of interest to you. And then, when you get these occasional floods that came down the Salt River when the Verde, the Verde and the Salt and you can reach these tremendous –these tremendous flows of river – flows 200,000 CFS cubic feet per second, 300,000, 1890 or 1891 one it was there. Wow. Spreads out across more than a mile or more probably more like seven or eight miles. It's just in itself a fascinating thing and you know it's fascinating because when you get river in the water – what do you think people here do? They get up and they go down to look at it but that doesn't stop people from building things in the river. Like Arizona Public Service put up a bunch of towers. And where do you think these

towers went when we got the floods in 1978, I think that was either '79, here - why they collapsed, some of them do. Water is just the thing but it's not only a thing, it's what people do with the water and what do they do here in the Salt River Valley. When the people started settling here in 1867, they had the Hohokam canals as the predecessors. But, they also had laws enacted by the US Congress even though we're not even officially a territory I guess until sometime in 1864, but people are moving in. They're up in the Prescott area primarily, then we come down to the Salt River Valley. And I think it's 1877, March second or third of that year when Congress passes what's known as the Desert Land Act. And before the Desert Land Act, we had three other Acts and under each of these, you could enter that as an individual could enter as much as a 160 acres of land. You didn't have to enter that much land or try to get it. You could take it probably, I think, probably something like, something as small as forty acres, but I'm not sure. The cost for the land was priced to $1.25 cents per acre. If it was 80 acres or less, the price was at $2.25. And then there were other requirements, well, in 1877 with the Desert Land Act, the amount of land that any one individual could get or take was one square mile or 640 acres. In other words, if you're going whole hog, you were getting four times as much as if you just take a 160.

Now, if you're an individual, you could enter each, enter land on each of the various acts, including the Desert Land Act and you got 640 plus 480, and you could actually get that much land. Well, since the Salt and Verde rivers are not constant flowing but they generally did have water in them throughout the year, but there was never enough water even with the, before the Desert Land Act, to irrigate all the land. And then suddenly with this new act and the looseness to the way it's written you had people immediately speculating on the land. Now the only way you could get this land is if you took water to it and irrigated it. What does that do, this had by the way, doesn't apply just to Arizona, this is applying to the 17 western states and territories. And you be getting to get this excessive demand. Well, what -what do people do? They conjure up things which change the whole character. Initially, the people who were irrigating here are working together and they're just forming informal organizations or small companies. But

then when you start offering 640 acres, not only do you want to enter the land, you want to find other people who will enter it for you, including your relatives. The demand for water gets higher and higher. There's conflict and ultimately what do you end up with – you end up with the National Irrigation Act or National Reclamation Act of June 17, 1902. And out of this, grows the push to construct water storage dams. Not only here on the Salt River, but on the Gila River. And that's how we got started because then, not only are you dealing with the little people, but you start dealing with corporations. And everybody knows immediately when you say corporation, how greedy these are. Corporations are still people, but this is what the impotence that you get and you get people like Alexander John Chandler in the 1890s and William John Murphy in the 1880s on the north side of the river. And they become part of cabals to acquire lots of land. And down on the south side in the 1880s no-no, 1890s, Chandler ends up with about 18,000 acres and up on the north side, W.J. Murphy ends up with about 16,000 acres, but his Arizona Canal Company, or Arizona Improvement Company, probably ends up with 55,000 or 56,000 acres of land. Well, you're fighting about who's going to get the water first and well, you end up in court. And you ultimately, you end up building more dams once you get them going or once they're shown. And that's what happened here. But I didn't know how to tell it.

Q: Well, tell me if there is one story or experience, as a water reporter, what stands out in your mind.

A: One experience as a water reporter – I don't know. I, well.

Q: So when CAP was authorized, did you cover that?

A: Oh no, no, no, – that's Ben Avery. And when the CAP, CAP was authorized in 1968, and Avery was the water guy besides being the legislature writer- and very, very active man, and he knew all about it. And I became sort of friendly with him and he introduced me or helped me understand a lot of the stuff. Well, the water story that interests me of course, and it's not just one story it's a whole story of this valley

from the nineteen – well, actually beginning with the Colorado River Compact, which goes back to 1922. And you have to, well, there was congressional authorization in 1928, the Boulder Canyon Project Act which went to splitting up the water on the Colorado River among seven basin states and Mexico ultimately. And that's the one story that has so affected us today, but as a reporter, you end up just covering parts of it, and there's no one story that stands out for you. At least not for me. There's one thing that stands out for me when I was working for the Central Arizona Project. However,

Q: What's that?

A: And, that cubic foot of water someone in the control center, I can't remember the gentlemen's name. I fashioned myself a cubic foot out of cardboard, just to hold it up when I was in the position where I was giving water talks and explaining to people when we visited places – or if I'm at a booth somewhere, what a cubic foot would look like. It's hard to visualize and some genius there in the control center, he's a mechanic or an artist of some type and he creates this plastic cubic foot of water so that this enabled me to take it with me, wherever I went. I have a grandson who told me a week or two ago, that he was in one of those classes where I had this cubic foot and people poured water into it. What I would do is take this cubic foot, every place, every talk. I'd also bring ten gallons of water (in plastic bottles) and I would ask the people how many of gallons of water are going to be poured into here to get a cubic foot. And these are all volunteers now in the audience, whether they're school children or they're adults. And it's a thrill, they just…they guess all sorts of things and it's…to see their faces to realize here's a real cubic foot and here's the real water and this is what they're getting. It's almost 7 and a half gallons - that was a real charge. Because you're involving the people in it and they're really learning it because it's there.

Q: So it's seven gallons that goes into a cubic foot

A: Pardon me.

Q: Seven gallons?

A: Well, it's 7.48 but even it out, it's about 7 1/2 gallons.

Q: That's a lot.

A: Yeah well, yeah but – but think of school kids, think of adults actually pouring water into it

Q: Uhm hmm

A: And It's a thrill in a way, you know you get to learn something and you get to actually see it.

Q: Hands-on always is. Tell me about your transition into a book author and what made you compelled to write about water.

A: Well, I just thought it was so interesting that the history of the valley, and when I talk about the history of the valley, you might as well, be talking about the history of everywhere. Because nowhere exists without water. And if we have a story here in this Valley, that story is broken down a thousand times because we have a lot of irrigation districts, not just the Salt River Project. And it's like it is today; who's going to suffer if we don't have enough water? I've heard people guess that the rural areas are the ones who are really going to suffer. So the water that you do have, us civilized people, is going to try to share this water on an equitable basis. Now what that means is, I'm hung up on the 14th Amendment to the US Constitution which provides for quote, the equal protection of the laws, unquote. That's what motivates me. But the water, it was just history and as a child, I did like history. It's just that I thought it was all boring as all get-out. So when I tried to write this stuff, I didn't know how to write history. So I just sat down and started from scratch. But don't forget, by the time I started doing this is when I'm probably 51, 52, 53 years old. I've been a newspaperman for nearly half my life. I've edited a tremendous

amount of things and you hope that you are telling the stories of which will be of interest to people. But there's one thing about all of it that matters, and that's accuracy. You don't want to get something wrong. Well, you really don't want to do it in life, anyway, but if you do it in print when you're a journalist or a book author and make errors, it's on you whether you or the editor did it. You know, here I am because I made my own mistakes too.

Q: That's true. So since you retired, what events in the water community have surprised you.

A: Well, depends upon what you mean by retired. If you mean retired as a journalist, I'll go there okay. I started working, one of the things that I did when I started going through the old newspapers was I knew in the early 1970s that *the Arizona Republic* was going to celebrate its hundredth birthday in 1990s. So when I started gathering information about the canals and what people were doing, I also started gathering information about the *Arizona Republic*. My goal in doing this was simply to say to myself, "you know, someday there might be an opportunity to write a history book." And I'd, on the side, I just took notes so that I would understand the foundation of it. And luckily, I did get to write it. While I'm writing this book in 1988, and about that time in the fall, the *Arizona Republic* or Phoenix Newspapers offers a bunch of us who have been there at least twenty years and are age 55 or older the opportunity to take an earlier retirement. You really don't know what to do. At least, I didn't because I was at that time working *on The Arizona Republic's* history. So I took it. My last day at the Republic was on the thirty first of December, 1988. And I'm not sure when it was that Thomas C. Clark, the General Manager of the Central Arizona Project, had called – telephoned me. I had first met Tom Clark when he was working, I think as the Associate Director of Water Resources, under a guy by the name of Wesley Steiner who came over here from California. And I don't know Tom Clark, when I started doing – writing water stories for the *Arizona Republic* was like the rest of these people. My understanding about water was always so uncertain that when I did write about it, I want it to be accurate. So what I would do, well, let me put it to you this way,

most stories about water that are written are not spot news. Which means that you have time to write a story and then if you are willing, to share it with the experts, ask them to go over it and to make sure that what you are about to say is correct. And I had a habit of doing that because I want it to be accurate and it's easy to make errors. I get this call from Tom Clark and he says to me, how would you like to come to work part-time for the CAP, and I says sure, but I said only when I'm finished writing the *Arizona Republics*' history. What was I supposed to do for the CAP. Help Jim MacIntyre, who was the PR guy, but he was more than the PR guy, public relations, he was also a fella who gave talks, and did things like that. So I went to work October 1, 1989. My job was to work with Jim MacIntyre, but Jim really didn't have anything for me to do, because he was handling it all. But, I had something that I saw that I could do, in, because in 1989 we're not so far away from the 50th anniversary of the founding of the Central Arizona Project Association. And we're not so far away from the 25th anniversary of the start of the Central Arizona Water Conservation District. I was told to attend every board meeting wherever the board went, I should follow. It didn't make any difference whether I wrote anything or not. It was a learning process for me as well. And I told Jim, at the time, that we had these couple of things coming up, and I was going to go research as part of my work. And he says sure. So while I'm doing that, I'm also following him around. He's giving talks, he takes people out to pumping plants, he's showing them around and so forth and this is what I did for about eight years, and in the interim, the couple little articles that I wrote were produced in 1995 as a booklet. *A Miracle Of Unity,* I think was article about the founding of the CAWCD and the other one was I think was just the founding of the Central Arizona Project Association. But when these were printed, I was upset with MacIntyre because he did not include the footnotes. And this, by the way, about two weeks ago, caused Tom McCann to send me a note asking where I had gotten all of this information, and I told him I'm going to guess that when MacIntyre left the CAP, that he left the original articles in the CAWCD library. And I said, as it turned out, he did. And not only did he do that, virtually, I gather, from what Tom McCann told me, that virtually all of the papers that constituted all of this *Miracle of Unity,* were found in the same locale.

Q: That's impressive

A: Yeah but you know yeah but you know when you have no footnotes to tell you where these things are, and of course the nice thing is that is that the footnotes did tell you where they are. And CAWCD happened to have them all but anyway but just over time, you just learn so much and you're just so happy to learn it and it worked out. Anyway, when Jim gave up, wherever he went, Crystal thought, Crystal Thompson that is, thought that perhaps I might be able to replace him. So there was scheduled talk out a Lake Pleasant. I went out there and Crystal went out there and she sat while I gave a talk about the foundation of this CAP and afterward she told me, well, you certainly know the history of the CAP. And with that, I worked for the next seven and a half years doing what I did. When Jim came aboard, I mean when Philip came aboard, that's what I was doing. He came aboard in 2000 right? Yeah. See I got a memory. I asked him there yesterday.

Q: You do have a really good memory.

A: I asked him yesterday cause I thought it might have been around 2001. Somewhere around there. But anyway, this was such a wonderful job if you even want to call it that because here you are informing people about what all of this stuff means. And that's what - that's what, I don't know I just loved doing it, just to understand it and to know it a little bit and to be able to help people find their way through all of this, it's just a wonderful thing.

Q: So why do you think all of Arizona should know more about water?

A: (chuckles) I think that's pretty obvious, I think our population keeps growing and there may not be enough water out there. Don't forget you hear people all the time say hey if we pump all that water out of the ground, how are you gonna replace it. Oh yeah – everything costs so much money. Although I read something the other day which said the cost of desalinization is gonna be such that the cost

will be like nothing. And this is part of the technology I guess as we do things. The only cost is where are we gonna pipe it in from. Are we gonna pipe it in from the Pacific ocean, the Gulf of California or...

We are already recycling water no different than the astronauts. They recycle it too. But if you take all the groundwater out, unless it's in a basin, or unless you're putting water in a basin for all the water that we recharged, if it's in a riverbed, I think it ought to be flowing downstream. It's not gonna be left where you put it in, is it? So, that's why water is important and that's why, as I said, that's why I wrote this book (Let the Record Show…*Gila River Indian Reservation Water Rights and the Central Arizona Project*). Because sure, Indians should have water. All of us should have water and we need to use it and distribute in a way, the best we can. So that we are sharing and sharing, alike in a sense that we are all surviving because we are in it together. And when you create laws that don't permit this or favors one group at the expense of another, I think you're just acting in an immoral fashion.

Q: So what do you see happening in the world of water in Arizona in the next ten to twenty years?

A: I have no idea. I – my guess, and I say this in this book - my guess about the water is because Indian tribes have gotten water that they don't immediately need or have no use for it all except to lease in that other people have and these leases run from 98 to I think 100 years. Although law says that, I believe the Gila River Indian Community and the Tohono O'odham tribes can, at any time, write new contracts for the leased water. Because of the potential of shortages on the Colorado River, and all of us should know that the Colorado River over, can't think of the right word, we agreed that all of us should have more water than there really is.

Q: Over-allocated

A: Yeah, is over-allocated, yeah that's what I'm trying to say, yeah. So that we've got this continuing problem. I've suspected maybe it might be 50 years, 60 years or some problematic years which causes the need for the Indian tribes to, try to work out new leases with the cities and with the state itself, whoever is leasing this water. I see it in an entirely different way. My view is, is that we ought to go to the US Congress and ask the Congress to undo the 1963 decision of the US Supreme court which approved Arizona getting its 2.8 million acre-feet, but then imposed other things which took away from the 17 western states their water rights. And this, in my understanding of the situation, was something that the federal government had been trying to do since the beginning. The Interior Department especially, I suppose and Justice Departments and that is what did they do – they made the Interior Secretary the Water Master over Arizona, California, and Nevada. What did they give them the right to do – to distribute water of these three states. What else did the court do? It arbitrarily, without any authority, took 2.8-acre-feet of Arizona's, no, no, no, no. Not 2.8 million feet, that's Arizona's allotment. They took 28 percent of Arizona's Colorado River water over a short period of time and gave it to four Indian reservations, and (at least) these two, which had no residents. These reservations were along the river. Then the Interior Department, as is explained in this book, got the idea that it was going to use the unused portion of Arizona's water to help satisfy Indian water claims in Arizona. When I was attending the CAP board meetings before I got to this talking business, I used to listen to Sam Goddard, former Governor of Arizona say, or complain, that the Interior Department, the Federal Government, was using Arizona's water as money. He complained about it all the time and that's exactly what it was doing. Except the money is taken from people who pay property taxes or the people who are paying property taxes or water bills, whoever the City of Phoenix, Scottsdale whoever it is who is leasing water from other tribes. I don't know what the future will be. Except, I can't, I really can't imagine that having the population we have and with as many as ten million or more people anticipated, by mid-century, that the people are suddenly get up and disappear. They're going to have to, I imagine, somehow bring in additional water. Whether you truck it in or whether you pipe it in. just

Q: This very first one

P: uh when I was working around the audio there, and change the microphones

{sidebar conversation between Kelli and P:}

Q: Okay, P: missed one of the questions so I'm going to ask it again. Cause the audio messed up. So I'm gonna what was your professional role in Arizona water. I know I already asked you, but I'm asking again.

A: My professional role?

Q: Uh huh

A: You mean, this goes all the way back to when I'm to when I was a newspaperman down in Tucson.

Q: Yes

A: Okay. I'm down in Tucson, I'm a Chicago kid. I'm working as a reporter at the *Arizona Daily Star* and it rains and people get all excited. Why – why rain that's just a common thing. Well, at least in the Chicago area. Oh, it really didn't mean much to me and it still doesn't. Except, one day, probably 1954, there's water flowing in the Santa Cruz River which runs through Tucson, runs down - or runs up, if you will, from Mexico through the United States. Not actually, but, you know they're south, we're north. Anyway, I end up, I'm writing weather stories and I end up writing a story and mention in there that there's water flowing in the Santa Cruz River. And I put this in the story and the city editor, whose name was Frank Johnson, calls me over, he says, well, how much water is in the river. I says, "I don't know." And he says, "find out." So I said, "where." He says, "call the weather bureau." So, I called the weather bureau and they told me it's x number of cubic

feet of water per second and I had no idea what a cubic foot of water was. And I had to learn. And you don't want me to go through all that stuff again do you.

Q: You're good

A: Okay, thank you.

Q: Hey is there anything else you think I've forgotten

A: That's how I began, but – but the real change is when you come from a town like Tucson to a place like Salt River Valley and you find that you have water generally all year in the river that is up until it's diverted away or put in storage or both. And then you've got an entirely different situation.

Q: What do you think, anything else you can think of?

A: And – and if you ever need me to repeat any of this stuff, as long as I'm breathing, I'm happy to come or you could come back here and share my time with you to help in any way that I can.

Q: You know Earl, we're having a um, we're celebrating fifty years, the 50th anniversary of the signing of the Colorado River Basin Project Act – was signed in 1968.

A: Yeah well, that comes up in uh, that's not this year, is it? Ooh is it yeah.

Q: Fifty years, September

A: Okay, Oh it is, it is really?

Q: It is

A: Yeah, I was trying to think of the birthdays, and I wasn't thinking of the Boulder Canyon Project Act of 1928. Yeah – I was thinking of as I mentioned earlier, the birthdays of the water conservation district and well, of course, the CAPA Association that's probably gone.

Q: I think it is, I don't know that it's gone, but I don't think it's very active.

A: Yeah, I don't think it would be doing much.

P: Did anything strike you as particularly for the fifteen-second or

Q: I think he gave a lot of good

P: Yeah

Q: Fifteen second stuff. You're a great storyteller and a great question answerer.

A: Oh well, thank you – I

Q: It's true

A: I – there's one story I want to mention though

Q: Okay well, tell me a story, Earl.

A: Oh okay well, This is serious business.

Q: It all is – it's water

A: This is one question that has never been fully answered for me is why after what the Supreme Court did in 1968, there was no effort in Congress to change the law. I mean this decision, which took away from the 17 western states, the right to

distribute their own water is really an immense thing and that's how the federal government gets away with telling you how much water we can take in Arizona from the Colorado River: first, the supreme court itself takes that 28 percent and then later another 23 percent goes. Well, the big question to me is why Arizona and California made no effort to restore what the court had taken away. For Arizona, I think there was only one reason why. And that's because Senator Carl Hayden, who is an old man, wants the CAP as his legacy. So that, perhaps, the entire Arizona Congressionals delegation, two Senators and three Representatives, at that time, plus the fact that California had 38 members in the House of Representatives. I think that tends to explain why, at that time, they did not make any effort to undo what this out-of-control court had done and when I say out-of-control court, I don't, you don't have to quote me, you can go back and read the dissenting decisions. And a couple of them (Supreme Court Justices) take apart the majority, I mean the dissenting supreme court justices. Well, why haven't these states done anything since then. I haven't got the answer to that question and I still don't understand why. Cause if you look at the way the national reclamation act is written, plus all the provisions in the Boulder Canyon Project Act, which state in the clearest language possible, that nothing in this act changes section eight of the National Reclamation Act, which provides for the states to continue doing what they're doing, and yet, never has there been any action. Well, if it were me, and you'll have to permit my lunacy to prevail here, I would still go to that Congress and say, "Gentlemen, ladies, you have a responsibility to restore federalism to our Constitution and our way of life. And I'd really like to know the answers, but I, of course, I'm not going to get them.

Q: Sometimes there are no answers

A: Pardon me

Q: Sometimes there are no answers none that make sense

A: Well, in this case, I think there are answers. But they're hidden from us.

Q: That's probably true.

A: For example, if I went to the Salt River Project as I did trying to get answers to questions which are involved in this book (Let the Record show…) here, they just brush me off – client privilege. You know, that's the whole thing – they can get away with it and just as a solitary person with an interest, but not the resources to challenge them in court – what do you do.

Q: Yeah, nod, and smile.

A: You – you're helpless.

Q: Yep, it's true. Anything else you can think of.

P: I think we're good, Earl.

A: Okay

P: Thank you very much for your time.

Q: How easy was that?

A: I don't know.