

## “Silver Fox of the Rockies”

Delphus E. Carpenter and Western Water Compacts

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April 2018

### What did you get out of this book?

This book has the history of how the western water compacts came about, primarily the concept of negotiated agreements between states rather than endless litigation. Delphus E. Carpenter, a Union Colony native, and son of Union Colony pioneers was born in 1877. He was raised in Greeley, worked on the family farm, attended schools in Greeley, and attended law school at the University of Denver. From these humble beginnings he became recognized as a leader in western water law and the father of the Colorado River Compact. Carpenter was extremely knowledgeable of the United States Constitution and he used the compact clause of the Constitution and applied it to interstate water rights. The foresight of Carpenter’s work in the late 1910’s and the 1920’s is impressive as elements such as urban growth, agricultural development, flood control, electrical power generation, and local economic conditions just to name a few were all considered in developing agreement between states. It took persistence, patience, developing trust, negotiating skills, and of course a lengthy period of time to complete the work on the Colorado River Compact.

### Would you recommend it to class members?

I strongly recommend this book to anyone who wants to get the history not only of the Colorado River Compact, but on some of the early concepts of western water law and development of water law in Colorado. The book reads like a novel as it brings out personal issues that Carpenter experienced in his career and personal life. Delph Carpenter was involved in so much as the Interstate River Commissioner for the State of Colorado that remembering all that he was part of takes some additional memory capacity, but shows how dedicated Carpenter was to his work and belief in protecting water for the State of Colorado.

### What key points would you like to discuss with the class?

States’ Rights vs. Federal Intervention. Delph Carpenter was a strong believer in States’ Rights and how it would be best for the states to control their own resources without the over reach of the federal government. The idea on a compact between states came about in the wake of a battle over Laramie River water between Colorado and Wyoming. Carpenter thought there could be better ways than litigation to settle and use resources of a river basin used by many states. He felt the federal government would take away most of the local control the states should manage.

It takes dedication, persistence, negotiation, and lengthy periods of time to get agreement between states, or various entities, in water related matters. The work on the Colorado River Compact started in the early 1920’s between seven states, was ratified by six of those states in 1928, and the final state to ratify it was in 1944. It seems that it takes time to get agreement on water related matters. Leadership

is important in these situations and using time is one method to accomplish this. Short periods of intense negotiation followed by time for people to reflect and think about them eventually brought people together to agreement. The risk is that economic or environmental conditions can change so that there will need to be further negotiation. Carpenter was noted for being very respectful of people he dealt with, but doggedly dedicated to his position and was willing to continue to work to bring others around to his points. He did also realize the need for compromise when necessary.

Developing relationships with others in working on any agreement, especially related to water in the west, is very important. Carpenter worked for years to get to know and develop trust between most of the people that were involved in not only the Colorado River Compact, but on numerous other compacts that he worked on. Sometimes the relationships did not work out and continued work on a compact or agreement did not continue, but in cases where the parties got to the point of trusting the others they were able to work out agreements. This was not without a lot of effort, but it did produce results. Some of the people Carpenter developed relationships with were Herbert Hoover, governors of many states, elected representatives, and local experts involved in and knowledgeable of water resources and local conditions.

In summary, Delphus Carpenter was ahead of his time in how he approached negotiation for water matters in developing compacts rather than continued litigation. I feel that we can use lessons from how these were created in our current situations to work together. As leaders we can accomplish many things as we develop relationships and collaborate with others.