With respect to the development of it’s limited remaining water resources Colorado has reached the stage of last remaining opportunities, too. This condition has not been created by impending shortage of water, in future years. It has been created by social and political changes and judicial decisions beyond our control. One of the ways we are trying to protect the development of Colorado’s remaining water resources is by the construction of water storage reservoirs. As I will point out, the construction of storage reservoirs as a last chance action by itself may not be the infallible and perfect answer to protect our remaining resources. But at least, it could turn out to be an answer that can be recognized by the courts in future litigation, or in the halls of Congress, if legislation should happen to be proposed that would threaten our water resource development.

Either of these eventualities could and might happen. There are several basic physical and legal ramifications that must be considered when analyzing opportunities to protect Colorado’s remaining unused water supplies from encroachment by others. Colorado is an upstream water producing state, on the roof of the nation. Water originating in our state flows downstream in interstate river systems and is used in eighteen other states. Being slower to develop until recent years than the downstream states, Colorado has had to enter into nine major interstate water compacts and three sub-compacts in order to protect her rights to water that could otherwise be put to use and claimed in perpetuity by other states. While these compacts were intended to limit the use of waters by downstream states, these interstate agreements also placed
limitations on Colorado's use of water. As a result, on all of her major stream systems Colorado now has to be very careful in choosing which new water projects are to be constructed.

On the other hand, Colorado water leaders realize that unless facilities are constructed that can utilize the remaining water supplies within our state, there is danger in these rapidly changing times that some of the water to which Colorado is legally entitled may be physically lost to others by political changes—particularly with respect to changes in policy brought about by other sections of the country through superior, unified, political pressure on the Congress or by Court decisions that all of us know change with changing social and political pressures to meet new conditions in society as they develop from generation to generation.

We are living in a new world compared with that of only a few years ago. It is time that we all realized that time does not stand still. During the last several years, in fact, since 1968 when several billion dollars of water projects were authorized for construction, our water development program nationally, and in Colorado too, has seemed to lack purpose and direction and has been going radically down hill—mostly as the result of changes in policies emanating from Washington.

You can tell me how much this downturn in dam building, canal construction, power plant construction and related works has affected the construction industry. This is your industry. You should be concerned about it, and join the water interests in getting their program back on the track. You can not lay this type of decline at the feet of either political party either. Time has proved that the Carter "hit list" of 1977 and the inaction of the present...
have both contributed to the downfall of the construction of water storage projects. The irony of this situation is that it has occurred in spite of a number of well-documented basic facts. Such as: (1) we will always require water for the many uses it serves, (2) we can expect uses of water to increase with respect to purposes, places and time, (3) water management programs must keep pace with changing requirements and demands of a dynamic society, (4) priorities may vary from time to time, but we can safely predict that nationally, and in Colorado, water demand and water use will continue to increase regardless of what the priorities may be.

It now appears clear that the Federal Government is retrenching from its traditional role in development and management of the Nation's water resources. Please note that I said retrench rather than withdraw. There is no way that the Federal Government can purge itself of all water responsibilities, nor is there any indication or intention on the part of the Federal establishment to do so. It is also becoming more clear every day that Colorado is no longer in a position where we can wait for a crisis to occur and then fix it with band aid operations. We have to both plan and act for the future. We are doing our best through the deliberations of responsible people to resolve our instate differences over the development, use and management of water. We need your help in this endeavor. Governor Lamm has created a Water Roundtable that is on the verge of getting almost all entities, environmental, east slope, west slope, etc., together on a master water concept for the state. Under the Governor's leadership this Roundtable has all
but accomplished the impossible. Colorado is now climbing uphill to a new era of constructive state-directed water management. With the vast majority of the population on the east slope of the state and the major quantities of the unused water supply on the west slope, with its more pristine wilderness type environments, the differences of opinion in the past have been wide and vociferous. The decision should not be far distant to establish a policy under which when more water is to be diverted from the west to the east slope there will be concurrent agreement to construct water storage facilities on both slopes. In this manner the east slope will be able to use water as soon as it is needed, and the west slope will have its storage reservoirs in place and ready for use when required in the future. These efforts must not be permitted to fail.

Why are these efforts so important to Colorado’s water future? Remember that I mentioned a few moments ago that our present situation has been caused by changes in policies and the legislative process in the Congress, and in changes by court decisions. On the legislative side one has only to realize that in 1968 and 1970 a number of Colorado water projects were authorized for construction. But changes in policy by the Congress have prevented you from performing the major portions of this construction. From the judicial perspective, the court decision side, let us review some very recent history—as recent as January 17, 1983, when an opinion was filed by a Federal Judge in the United States District Court of New Mexico. This suit was initiated by the city of El Paso, Texas against the state engineer of New Mexico. El Paso had filed applications for permits to appropriate
296,000 acre feet of ground water per year from wells located in New Mexico. The New Mexico state engineer denied all 326 applications. The lawsuit was exclusively over the constitutionality of New Mexico's ground water embargo law. It was brought in court that the ground water and surface flow of the Rio Grande were interconnected—and that the draft on the ground water would reduce the amount of surface water. The court's decision went in favor of El Paso because the judge said that New Mexico ground water embargo violates the commerce clause of the United States Constitution, and for New Mexico to deny El Paso's use of the water was discriminatory, and is tantamount to economic protectionism. In part, in arriving at its decision the court found that the water was seventy times more valuable in the economy, health and welfare of Texas than it was in New Mexico. The court also found that New Mexico had no plans to use the water locally, or to transport it for use in other parts of the state that were water short.

The ramifications of this United States District Court decision could have disastrous implications for Colorado. Let us go one step further. As recently as earlier this week a news clipping from an Arizona newspaper stated that Arizona intends to soon start diverting one and six-tenths million acre feet of water per year from the Colorado River through its central Arizona Project. This intention is not new on Arizona's part. Arizona has had this in mind ever since the Central Arizona Project was authorized for construction in 1968—in spite of the fact that in the hearings on the Central Arizona Project Bill it was brought out that when Colorado and her sister upper basin states put their water to use there would be only about 500,000 to 550,000 acre feet available for Arizona. Arizona had bargained away a guarantee of four and four-tenths million
It may be only coincidental that the difference between the one and six-tenths million acre feet Arizona is entitled to take and the 550,000 acre feet to which she is entitled if all of Colorado's compact apportionment is put to use amounts to approximately the one million acre feet of unused water Colorado still has left for development. With a U.S. District Court precedent-setting decision of the kind between El Paso and New Mexico hanging over its head what chance will Colorado have to develop her remaining million acre feet of Colorado River water after Arizona has put it to use in the interests of the health and welfare of its citizens and in a state where the value of water in the economy is several times greater than it is in Colorado? This impending situation offers some real food for thought. We, in Colorado, had better not ignore it. With accelerated vigor we had better get busy and construct facilities that will make it possible to put our remaining water to use in Colorado. In doing this we, at least, will be creating a legal and physical setting that will be better in court than New Mexico had against El Paso, Texas.

We need you to construct water storage projects. You need the water people to develop plans for those projects. Why don't you, the construction fraternity, get more deeply involved in the "politics of water"? Working together we can get the job done in the best interests of Colorado!