Toward a Cooperative Water Policy on a National Scale
A conservative look
by Under-Secretary Ann McLaughlin, U.S. Department of Interior

Washington, D.C. - as columnist James J. Kilpatrick noted recently, "is a great place for doing, acting, achieving, moving and shaking...the city is constantly meeting, voting, hearing, deciding, confirming, passing, rejecting, sustaining, overriding, conviving, quarreling, plotting, confronting and joining. Washington," he concluded, "is perfect for all these things. But it is not much of a place for thinking." For that reason I wish to thank you for giving me the opportunity to get away and think about the key role of water issues as they shape our nation's activities and our response to them.

I need not dwell upon how important water is to our daily life. Secretary Hodel noted a number of intriguing statistics: water usage at your April meeting. It takes 120 gallons of water to produce a ton of steel; the water necessary to raise one steer is enough to float a destroyer. Rather I want to touch briefly on the nature of the water issues we face, the approach we feel best addresses these issues, the specific actions we, in the Department of Interior, are taking responsive to these issues, and speculate for a minute or two on the future.

This Administration clearly recognizes that water is a developing challenge for us all. The President, when he asked Don Hodel to serve as Secretary of the Interior, outlined four goals for the natural resource programs of the Department. One of these goals is increasing the supply of quality water resources. Yet we are not, as Secretary Hodel mentioned to you in April, in the midst of a quality water supply crisis. The lower 48 states have a long-term renewable supply of water of 1,400 billion gallons per day - more than three times the present rate of freshwater withdrawal nationally and about 14 times the national consumptive use of water. The nature of the challenge to us is not quantity per se, but the distribution, distribution systems, and for the contamination of that supply.

How, then, do we best address this challenge? A review of water issues across the country quickly leads one to an appreciation of their diversity, complexity and regional or local nature. The states have adopted two different systems to best meet their individual water needs. The Riparian Doctrine of water law - the use of water based on the distribution of relatively scarce water - is generally used in the water-affluent East. In the arid West, Appropriative Rights - the first person to put the water to beneficial use gains the right to use the water in perpetuity - predominate. With the exception of certain federally-declared rights which apply throughout the United States for such areas as National Parks and Indian Reservations, the Federal Government does not allocate water.

...and are taking the initiative in NWRA to meet this new challenge. Last year in Phoenix the board of directors established commercial, financial, and municipal caucuses with voting representation on the board. We are confident that this commitment to a closer relationship to the commercial, financial, and municipal communities is mutually beneficial and can only serve to strengthen the Association. Creative financing, value engineering, and innovative commercial products and ideas will be the key to future development.

The municipal caucus has been slower in developing, yet it holds the greatest promise for expanding the scope of the Association's activities within and outside of the Western United States. We have every expectation that with leadership and direction, the municipal caucus gradually will become a strong and integral part of NWRA.

During this convention, the Association's board of directors will review and act on a proposal to merge the Groundwater Management District's Association (GMDA) into the National Water Resources Association. Your comments will be welcome. The protection of our nation's groundwater supplies, both the quality and quantity, has become one of the most critical water issues facing state and local governments. The Congress and Administration are now re-examining the federal role in groundwater protection. Our Association has been a strong and effective voice for surface water interests in the past, and we will continue to be so. With dedication and imagination, we are pleased to have federal interest in the protection of groundwater. We have been mindful of these changes and progress.

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I am pleased, as your President, to report that the state of the Association is strong and getting stronger. This year has been a year of change for our association and for water resource development. C.F. Kettering once said, "The world hates change, yet it is the only thing that has brought progress." Our association is changing as is the manner in which our country addresses its water problems. With dedication and a renewed commitment to our goals and objectives, NWRA will continue to grow and progress through these changing times.

In June, after almost a decade, Pat O'Meara retired as our Executive Vice President. During his tenure, Pat served us loyally. His hard work and dedication helped NWRA grow and enhanced our reputation and credibility with the Congress and the Administration. It has been a good ten years, year of change and progress.

To replace Pat, the board of directors selected Tom Donnelly, a water resources engineer with several years congressional staff and federal agency experience. We are pleased to have Tom with us. He has already displayed a thorough knowledge of resource development and also has displayed an immense amount of administrative ability.

We have entered a new era in water resources development, an era which will require a greater commitment of non-federal resources and funding. This commitment will require the best efforts of both the public and private sector and will require innovation and imagination. We are seeing a greater emphasis on water quality and conservation, as well as, an increased federal interest in the protection of groundwater. We have been mindful of these changes/I need not dwell upon how important water is to our daily life. Secretary Hodel noted a number of intriguing statistics: water usage at your April meeting. It takes 120 gallons of water to produce a ton of steel; the water necessary to raise one steer is enough to float a destroyer. Rather I want to touch briefly on the nature of the water issues we face, the approach we feel best addresses these issues, the specific actions we, in the Department of Interior, are taking responsive to these issues, and speculate for a minute or two on the future.

Indeed, when someone asks "Do we need a national water policy?" the answer is yes.
McLaughlin: The Federal Role in Water

Continued from page 1

policy?...my first response is to ask them to define the term. Certainly, there can be no question that managing our water resources in terms of quantity and quality alike should rank near the very top of federal priorities. And I am determined to do whatever I can to see that this happens. Yet with so many disputing the quantity available, and with so many conflicting definitions of quality to choose from, it is sometimes difficult to conceive what the best national policy might entail. In addition, any federal effort in this area must recognize — both logically and historically — state primacy in the development and implementation of water law.

But the complex nature of water issues and water law, the poor federal record on allocation and price intervention, the dispersion of water programs throughout the federal government and the existence of conflicting programmatic mandates within agencies and among agencies does not mean we, at the federal level, have no role to play. We cannot assume that what worked yesterday will continue to work tomorrow. Past water policies were based on sparse western populations — expanding federal and state tax receipts — cheap labor for constructing a national infrastructure and constraints of environmental, political and economic origin.

To address this reality, let me propose that our grade — and will.

We, in the Administration, recognize the complex nature of water issues, the challenges they present, and the need for us to adapt to changing circumstances. We feel our approach, to work in partnership with the states and all interested parties, on a national scale will.

Colorado Water Congress 28th Annual Convention
Thursday & Friday, February 27 & 28, 1986
Holiday Inn — Denver, Northglenn
10 East 120th Avenue (I-25 & 120th)
Northglenn, Colorado

District, Orem, Utah.

Arizona's Up-Front Funding of Plan Six Features of the Central Arizona Project — Larry Larner, Deputy Director, Arizona Department of Water Resources, Phoenix, Arizona.

Critical Water Issues.

Continued from page 1

President's government and the existence of conflicting programmatic needs — infrastructure deterioration — groundwater depletion — and the poor federal record on allocation and price intervention, the dispersion of water programs throughout the federal government and the existence of conflicting programmatic mandates within agencies and among agencies does not mean we, at the federal level, have no role to play. We cannot understand our considerable federal expertise and experience with water issues to states, regions and localities.

We, in the Administration, recognize the complex nature of water issues, the challenges they present, and the need for us to adapt to changing circumstances. We feel our approach, to work in partnership with the states and all interested parties, on a national scale will most effectively meet these challenges. We are confident that we can improve our grade — and will.

Water nurtures life in all its many forms. How you and I choose to nurture water will go far toward determining the future quality of life in America. Understanding that, who among us dares to remain aloof? And, having thrown ourselves into action, who among us dares to fail? 0

Friday, February 28, 1986

7:00 a.m. Legislative Breakfast — Addressing the delegates will be — Senator Wayne Allard of Loveland; Senator Timlan "Tillie" Bishop of Grand Junction; Senator Jim Rizzuto of La Junta; Representative Chris Paulson of Englewood; Representative Bob Shoemaker of Canon City; and Representative Walt Younglund of New Raymer.

8:45 a.m. General Session

8:45 a.m. Keynote Speaker on "Agriculture and Water" — Keith Probst, President of the Colorado Farm Bureau.


9:40 a.m. "Washington Report" — Thomas F. Donnelly, Executive Vice President, National Water Resources Association, Denver, D.C.


12:00 noon The Wayne N. Aspinall Memorial Luncheon — "The Future of Colorado’s Water Resources" — The Hon. John Vanderhoff, Former Governor of Colorado and Co-Chairman of the Alliance For Colorado’s Future. The Sixth "Wayne N. Aspinall Water Leader of the Year Award" will be presented at this luncheon.

1:45 p.m. Colorado Water Congress Business Meeting

— Election of Board of Directors
— President’s Report
— NWRA Report
— Treasurer’s Report
— Consideration of Amendments to the CWCA Articles of Incorporation
— Consideration of 1986 Resolutions

7:00 p.m. 8:30 p.m.

Resolutions Committee Meeting
Board of Directors’ Meeting

2:50 p.m.

Jim Zigler
Elden C. Laird
John Vaudshott
Attorney General Duane Woodard
Tom Donnelly

Wednesday, February 26, 1986

7:00 p.m. 8:30 p.m.

2:30 p.m.

Owner Liability, Liability Insurance & Liability & Tort Legislation; (2) Financing Development; (3) Engineering Developments; and (4) Water Conservation.

General Session Panel on "The Insurance Crisis — Why?". The panelists are: Jerry McDermott of McDermott, Hansen, Anderson & Associates, Denver, and President of the Colorado Trial Lawyers Association; William G. Irig of Ireland, Stapleton, Pryor and Pascoe, P.C., Denver, and representing the National Association of Independent Insurers; and Glenn G. Saunders of Saunders, Snyder, Ross and Dickinson, P.C., Denver.


1:45 p.m. General Session

Colorado’s Water Needs — Bill McDonald, Director, Colorado Water Conservation Board; and Uli Kappus, Executive Director, Colorado Water Resources & Power Development Authority, or of Aurora.

"Texas Voters Fund Water Projects By a Two to One Margin in 1985" — Dr. I.M. Rice, Executive Vice President, Trinity Improvement Association, Irving, Texas.

"Utah Voters Fund Central Utah Project by a 73% to 27% Margin in 1985" — Elden C. Laird, Assistant General Manager, Central Utah Water Conservancy
Continued from page 1

network and link to Congress and the Administration, which
of more effectively dealing with the entire scope of water
mechanism needed to continually monitor groundwater
NWRA and GMDA might provide a mutually beneficial
Chairmen James McClure and Robert
D.
Subcommittee Chairmen Robert Roe, Tom Bevill and
forum for over
Park
Sayre: Change and a "New Era" in Water Resources Development
From these perceptions, an affiliation or merger between
NWRA and GMDA might have a mutually beneficial
chairman and representative of its members. GMDA
has ample expertise on some technical issues, problems, issues, and
answers; however, it lacks the effective coordination
mechanism needed to continually monitor groundwater related
issues and respond to them in a timely manner to the
decision makers in Washington.

Our association-sponsored seminars continue to be pro-
ductive and highly informative. This April in Washington,
D.C., NWRA sponsored its second federal water seminar.
It was an unqualified success. Such distinguished speakers
as Interior Secretary Donald P. Hodel, Senate Committee
Chairman James McClure and Robert Stafford and House
Subcommittee Chairmen Robert Roe, Tom Bevill and
George Miller provided a comprehensive policy and issues
forum for over 100 of our members.

By all accounts, this year’s Western Water Seminar in
Park City, Utah was the most substantive and best attended
in some years. Over 160 registrants heard speakers from
the public and private sector discuss the planning and finan-
cing of water projects, alternative financing techniques, and
emerging issues in groundwater protection. In addition, administration officials and key congressional staff
heard the attendees on the current status and important features
of legislation and regulatory initiatives affecting water
resources development. The financial and planning aspects
of the program were arranged by Irn Zifgar, Financial/Cus-
Caucus Director and many members of the financial and
commercial caucuses participated in the program. Again,
on behalf of the membership of NWRA, I thank those indi-
viduals and companies that contributed their valuable time
and resources to the success of this year’s Western Water
Seminar. I encourage more of you to attend these excellent
seminars. Bring your wives and families and enjoy our social
functions and the resort atmosphere.

At the national and state level our jobs have become more
difficult than ever. A huge federal deficit and continued
pressure from environmental and preservation activists
threaten the projects and programs we support and need for
continued growth and economic development in the West. As
an example, the Garrison Diversion Unit in North Dakota
continues to face obstacles in Congress. No sooner had the
congressionally mandated Garrison Commission completed
its report, a report to which the Audubon Society pledged
its support, than it came under attack in Washington by the
environmental community. The O’Neil Unit and the
reauthorization of the Small Reclamation Projects Act face
the same stiff environmental pressure.

In spite of these setbacks, this year has had its share of
successes. The Clean Water Act, the Endangered Species Act, and the Safe Drinking Water Act reauthorizations
have passed both houses of Congress with important NWRA spon-
sored amendments intact. The Clean Water Act reauthori-
sation bill passed in the Senate on March 19. The Endangered Species Act is in conference and the Safe
Drinking Water Act will go to conference soon. They should
be on the President’s desk before the session is over.

After over ten years of continued pressure from NWRA
and many water organizations, it appears that the stalemate
over cost sharing and the water projects development has
been broken. Although this is a major milestone, the work
on this issue is not done. Secretary Dawson will go into
this subject in more detail and I don’t want to “steal his
thunder.”

Many challenges lie ahead. We are truly entering a “new era” in water resources development. Our ardent congres-
sional supporters of the past, these men and women who
grew up in the dust bowls of the 20’s and 30’s, who knew
the importance of water development conservation and man-
agement, have, for the most part, left the halls of Congress.
They have been replaced by a new generation of leaders
that has come to take for granted the benefits and progress
achieved under the various federal and state water
programs. In the years ahead we should seek and support
to actively support our friends in Congress and educate
our foes.

I have heard me speak of change and a “new era” in water
resources development. This “new era” and these changes
being on changes in the traditional roles and respon-
dibilities of state and local governments, the private sector,
and the federal government. With added financial commit-
tment must come a greater role in the planning and develop-
ment of projects as well as a greater input into the policy
and regulations that govern these programs. We must
become a partner, a partner that must have a greater voice
in the decision — making process than has been afforded
us in the past. It’s as simple as the “golden rule” — who he
puts up the gold makes the rules — and now we are being
told to put up more of the gold.

In addition, we can not and must not tolerate the delays we
have experienced in the past due to endless environmental
challenges to projects which have been determined to be
economically and environmentally sound by our elected offi-
cials. These delays have cost the American taxpayer billions
of dollars over the last fifteen years.

In closing, I would ask all of you to join me in a renewed
commitment to the goals and objectives that are the cor-
nerstones of our association, the national Water Resources
Association. Participate actively in the work of our commit-
tees, help the association in our recruitment efforts and con-
tinue to support the association financially.

John M. Sayre is a partner at Davis, Graham & Stubbs, Denver. Mr. Sayre is the 1984-86 President of the National
Water Resources Association (NWRA) and delivered the
“State of the Association” address at the NWRA 54th Annual

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February 27-28, 1986 — COLORADO WATER CONGRESS 28th ANNUAL CONVENTION — Holiday Inn Northglenn, I-25 & 120th Avenue, Northglenn, Colorado. For more information, contact the CWC office in Denver: (303) 837-0812.

April 10-11, 1986 — WESTERN STATES WATER COUNCIL QUARTERLY MEETING — Executive Tower Inn, Denver, Colorado. For more information, contact the WSWC office in Salt Lake City: (801) 521-2800.

June 13-14, 1986 — COLORADO WATER CONGRESS 5th ANNUAL LEADERSHIP WORKSHOP — The Charter at Beaver Creek, Avon, Colorado. For more information, contact the CWC office in Denver: (303) 837-0812.

Personalities/C. Dale Duvall
C. Dale Duvall, a financial manager and administrator with an extensive background in the construction industry, is the new Commissioner of the Bureau of Reclamation.

Duvall, who has been vice president and treasurer of the Overseas Private Investment Corporation (OPIC) since June, 1981, directs the bureau that oversees western water resources development. He replaces Acting Commissioner Clifford I. Burrell, who returns to his position as Regional Director of the Reclamation Bureau’s Upper Colorado Region. Before joining OPIC, Duvall served as White House Liaison for the Community Services Administration, where he was responsible for all operations and program administration from January to June of 1981. From July to November of 1981, he was the Western States regional political director of the Reagan-Bush Committee. Following the Presi-
dential election in 1980, Duvall served as a transition team leader for the Office of the President-elect.

A certified public accountant, he was a partner, then managing partner, of Morris Lee and Company, a Spokane, Washington, accounting firm between December 1965 and December 1980. There he specialized in serving the construction-engineering industry.

Calendar of COMING EVENTS

Colorado Water Rights
1985 Membership Report

This report is intended to bring the membership up-to-date with Colorado Water Congress developments and activities for calendar year 1985. No organization, it should be noted, will have a meaningful impact on issues of concern, unless its membership is involved and asserting itself. Also, special thanks is expressed to the members of the General Assembly and the Executive Branch for their help in listening to CWC’s concerns and acted in a positive and helpful manner.

In terms of significant involvements, CWC’s contributions were:
1. Thirteen out of 16 water bills introduced in the State Legislature and supported by CWC were enacted into law.
2. Killed all six water bills opposed by CWC.
3. Continue a major effort to address the issues in the U.S. Fish & Wildlife Service Upper Plateau Study and Colorado River Studies.
4. Continue to pursue a liability insurance program for dam and reservoir owners.
5. Intervened in Sierra Club v. Block.
6. Sought and was granted party status before the State Engineer in the matter of the rules and regulations applying exclusively to the withdrawal of ground water from the Dwayne, Denver, Arapahoe and Laramie-Fox Hills aquifers in the Denver Basin.
7. Sought and was granted party status before the Water Quality Control Commission in the matter of adoption of provisional basic standards for suburface water.
8. Sought and was granted party status before the State Engineers in the matter of the adoption of the Statewide nontributary ground water rules.

The new water laws and regulations supported by CWC were:
- SB 3 — concerning judicial proceedings commenced against non-regulatory operators to secure compliance with the directions of the State Engineer.
- SB 5 — concerning ground water, and making an appropriation in connection therewith.
- SB 35 — concerning state assistance to political subdivisions for water treatment facilities, and providing such assistance for the construction, acquisition, or improvement of domestic wastewater treatment works and potable water treatment facilities.
- SB 83 — concerning conforming the “Colorado Water Quality Control Act” to the requirements of the Federal “Clean Water Act.”
- SB 127 — concerning fees set and collected by the State Engineer, and providing for the creation of cash funds in relation thereto, and making an appropriation in connection therewith.
- SB 141 — concerning criteria for the judicially appointed Boards of Directors of water conservancy districts, and including criteria for their appointment, removal, meetings, and records.
- HB 1042 — concerning projects funded by the Colorado Water Conservation Board construction fund, and relating to the activities of the Colorado Water Conservation Board in connection therewith.
- HB 1088 — concerning the water resources of the State.

HB 1173 — concerning the Laramie-Fox Hills Formation.
HB 1322 — concerning designated ground water.
HB 1377 — concerning the liability of reservoir owners.

Senate Joint Memorial 2 — urging the Government of the United States to resolve questions regarding endangered species in the Platte River Basin and the Colorado River Basin in a manner which fully respects interstate water compacts, equitable apportionment decrees, and the water rights systems of the respective states.

None of the aforementioned bills or events bill enactment would have been possible without — as already pointed out — dedicated involvement of CWC members. This involvement is translated into the following statistics as they relate to a phenomenal number of CWC Board and Committee meetings:

Board of Directors — 21/3/85, 2/4/85, 6/22/85, 8/22/85 and 12/9/85.

Management & Budget Committee — 1/31/85, 3/9/85, 4/16/85, 5/21/85, 7/22/85, 8/14/85, 9/17/85, 10/15/85, 11/1/85, and 11/22/85.

CWC Official Business Meeting — 2/14/85.


Water Quality Section of the State Affairs Committee — 9/16/85, 9/30/85, 10/7/85 and 10/31/85.

Groundwater Section of the State Affairs Committee — 9/26/85, 10/7/85, 10/15/85, 10/21/85 and 10/31/85.

Surface Water Section of the State Affairs Committee — 10/7/85, 10/21/85, and 10/31/85.

Federal Affairs Committee — 2/22/85, and 6/10/85.

CWC Resolutions Committee — 1/15/85 and 2/14/85.

CWC Nominating Committee — 1/6/85.

Aspinall Award Committee — 1/6/85.

CWC Litigation Advisory Committee — 12/6/85 and several conference call meetings.


CWC Committee on Liability Insurance — numerous meetings.

CWC Special Committee on Water Conservation (SB 95) — 2/7/85.


CWC’s Fish & Wildlife Special Project Principal’s Meetings — 2/4/85.

CWC Fish & Wildlife Special Project Political Committee — 1/9/85, 1/15/85, 2/4/85.

CWC Fish & Wildlife Special Project Legal Committee — 1/9/85, 1/15/85, 1/21/85.

CWC Fish & Wildlife Special Project Technical Committee & Technical Subcommittees — 1/9/85, 1/16/85.


CWC & Gravel Association Special Joint Committee — 10/28/85.

Special Committee on SB 83 with EPA — 2/10/85, 3/6/85 (with Lee Thomas, EPA Administrator).


Finally, in regard to CWC’s financial status at the end of 1985, the board is happy to report that CWC is operating in the “black” for the sixth straight year. Again, your two-member staff is, indeed, proud and honored to be associated with such an outstanding and dedicated group of people as the CWC membership.

Dick MacRae, Executive Director

BORESEN SCHOLARSHIP

The late Ed Borensen, CWC President in 1983, has been honored by the CWC Board of Directors with the establishment of a scholarship in his name to the annual CWC Colorado Water Law Seminar. (This year’s seminar will be held September 4 and 5, 1986 at The Holiday Inn Northglenn, I-25 & 12th Avenue, Northglenn, Colorado.)

The recipient of this annual scholarship should be an active member of the agriculture community who desires to provide leadership on behalf of agriculture in water matters.

ASSPINALL AWARD

The nomination form for the 1987 “Wayne N. Aspinall Water Leader of the Year Award” is available upon request at the offices of the Colorado Water Congress, 150 Logan Street, Suite 312, Denver, Colorado 80203 or phone (303) 877-0362. Nominations, incidentally, must be received by January 1, 1987.

Colorado Water Congress
1390 Logan Street, Room 312
Denver, Colorado 80203

William Reiley
Colorado W.R.R.I.
Colorado State University
 Ft. Collins, CO 80523

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