Guest Editorial

Environmental Disaster IF Two Forks Is Not Built
U.S. Representative Hank Brown

The decision about the building of the Two Forks Water Project will decide where Colorado obtains its water for future growth. It can take the water from flows now lost to California and Arizona if the project is built. If additional water storage is not built, Colorado will take the water needed for growth away from agriculture.

Some of the opponents of Two Forks believe they can slow growth in Colorado by stopping the project. Tragically, their opposition is based on ignorance of Colorado's water system. There is ample water for growth. The question is where it will originate. Agriculture consumes over 90% of Colorado's water. If Two Forks is not built, growth in the metropolitan area will not stop. The water required for growth will simply be taken from Colorado's agriculture rather than from downstream states.

To replace the 98,000 acre-feet of water developed annually by Two Forks will require drying up of over 65,000 acres of irrigated land. The total value of crops taken out of production would equal $32.7 million annually, with a farm-related employment loss of 2,625 jobs.

Removing the water from large areas of irrigated farm ground will be an environmental disaster. Over 102 sections of irrigated farm land would be dried up and the aesthetics of eastern Colorado will be permanently diminished. Replacing agricultural water once it has been removed from the farm community will be very difficult.

Already, cities like Thornton and others have been forced into buying agricultural water because of the delays and costs associated with water storage. Losing our water rights is not only a potential tragedy for Colorado's economy, but an environmental danger as well. Maintaining minimum stream flows during dry years is clearly enhanced by water storage in the wet years.

Two Forks can make a very positive contribution to the environment by keeping Colorado green. Unfortunately, some of those opposed to water storage have overlooked the environmental contribution of Two Forks during dry years.

The vision and foresight of Colorado's pioneers helped change our plains from a brown, semi-arid desert to a bountiful and productive green. If we are to enhance the beauty of Colorado, we must be no less farsighted.

Congressman Hank Brown represents Colorado's Fourth Congressional District. The preceding remarks were delivered by him to the 26th Annual Convention of the Colorado Water Congress on January 29, 1987.

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Historical Water Agreement

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divided parties together in a spirit of cooperation which has long been a hallmark in this relation.

Chris Joulin, then President of the Board of the Colorado River District, observed that the agreement permits the parties to join in a program of cooperative water management which should benefit the Western Slope, the Denver Metropolitan Area, and Northeastern Colorado.

Gordon Dyekman, President of the Northern District, sees much that is positive in the agreement. According to Dyekman, "This agreement will allow former adversaries to begin working toward an amicable solution to the water supply needs of all of Colorado's water users in a unified manner."

In January 1987, the four parties to the agreement presented their joint case to the Entitlements Committee and the House Agriculture Committee. That meeting, chaired by State Senator Tillie Bishop and State Representative Scott McNichols from Denver, was attended by Mayor Federico Peña of Denver, Pascoe of the Water Board, Joulin of the Colorado River District, President Gordon Dyekman of Northern, and President William Miller of the Subdistrict, provided a memorable setting for legislators and others in attendance to witness the dawning of a new age for Colorado's water future.

Those in attendance at the meeting acknowledged that while the agreement was a long time coming, cooperative water management between the River District, Northern, the Subdistrict, and Denver is the key to providing Colorado cities and farms with drought protection. There was a pronounced feeling in the legislative presentation and resulting comments that Colorado will indeed emerge in the years ahead as a leader in the development of the state's South Platte and Colorado River entitlements.

OBJECTIVES OF THE AGREEMENT

The major objectives of the agreement are:

1. Settlement of the Remand Case.
2. Reduction of litigation and litigious behavior.
3. Provision of framework for planning and developing water resources.
5. Development of water rights cooperatively for economic benefit of the state.
8. Find a reservoir(s) on the West Slope to benefit all of the state.

These objectives and specific portions of the agreement are discussed at greater length below.

REMAND CASE

One of the keys to the agreement was the settlement of litigation over a number of water rights cases which were set to come to trial in 1987. Of these, one of the most significant was the Denver Remand Case involving numerous water rights filings on the West Slope.

The Northern and the Colorado River Districts agreed to withdraw their opposition to Denver’s filing for conditional water rights associated with the Straight Creek and Piney River Units under the Roaring Fork Basin Collection System. At the same time, Denver agreed to reduce its claims for the Eagle-Colorado Project from 5500 cfs to 3000 cfs. Denver also agreed the operation of such a project would not harm or "call out" the operation of the Subdistrict’s Windy Gap Project.

Normal in-basin agricultural and municipal water uses would also be protected by the agreement. Denver agreed its Eagle-Colorado decree would not call out or impair diversions from water uses which had been perfected at the time construction began. Denver also agreed to withdraw its opposition to reasonable diligence filings the River District had before the Court. This set of agreements alone could save the parties involved over $1 million in engineering, expert consultant, and legal fees which would have been incurred in a long, drawn-out court battle.

GREEN MOUNTAIN PUMPBACK PROJECT

The respective parties came to a conceptual agreement on a pumpback project which could bring water from Green Mountain Reservoir to Denver’s Denver Reservoir. Green Mountain Reservoir, it should be noted, was the first feature constructed in the Colorado-Big Thompson Project (C-BT), and the water in the reservoir is specifically earmarked as replacement for Colorado River water diverted east through the C-BT system and as mitigation for the Western Slope. The agreement in concept to exchange remains available to the West Slope to offset C-BT diversions and to protect Northern’s long-standing obligation to West Slope water users.

To fulfill these obligations, Denver agreed to build and maintain a reservoir on the West Slope, which would substitute for all the intended functions of Green Mountain Reservoir under Senate Document No. 4. As a result, the new reservoir would serve replacement water for C-BT diversions and serve as a compensation storage pool for Green Mountain Reservoir. That replacement reservoir would be held to provide the West Slope additional water for 25,000 acre-feet, or 15% of the yield recorded from Denver by Denver from the Green Mountain Pumpback, excluding ex changes covered by separate lease agreements.

This water supply must be available to the West Slope before Denver could pump water from Green Mountain to Dillon Reservoir for delivery to the metro area. In this manner, Denver could help to meet its future water needs, while still satisfying Northern’s obligation to the West Slope under the Conservancy District Act and Senate Document No. 4. Details of the project, as already being studied by the Colorado Water Resources and Power Development Authority, are subject to further negotiations between the United States and the four parties.

In the new agreement, Denver, for the first time, agrees to transfer a reservoir to the Green Mountain water exchange and pumpback.

ROCK CREEK RESERVOIR LEASE

Denver agreed to lease 90 percent of the water up to 15,000 acre-feet from a reservoir to be constructed by the Colorado River District at one of the two potential sites: Upper McCoy, north of the South Platte River, or Muddy Creek north of Kremmling. This water will be exchanged for water diverted from Denver by the Blue River Basin. The River District has a full range of questions on how the project will be financed, including the use of $10.2 million the District received from the Municipal Subdistrict in the Windy Gap settlement.

The term of the lease will be 25 years at a cost of $250 an acre-foot, with an option to extend the time frame. Money paid to the River District by Denver could be used to construct additional water projects for Western Colorado.

OTHER CONCERNS

Other features of the agreement include:

1. The River District, Northern, and the Subdistrict all agree not to oppose the project for Denver’s Green Mountain Project.
2. Denver and Northern agree to support the permitting of a River District Reservoir on Rock Creek or Muddy Creek from which water will be leased to Denver.
3. Denver, Northern, and the Subdistrict agreed to continue to discuss and negotiate North Denver Metro water problems to help minimize adverse economic impacts to Northern Colorado.
4. Denver and Northern will work to address minimum streamflow maintenance on the Colorado River within Grand County, and all parties agree to make a joint application to the Colorado Water Resources and Power Development Authority for a feasibility study on water supply options in the Fruiser River Valley.

The River District and Denver agreed to a 70,000 acre-foot enlargement of the proposed Jasper Reservoir, if and when the Northern District decides to construct it. That reservoir would allow Northern and the Subdistrict to more efficiently integrate the operation of the Windy Gap Project and the C-BT Project.

For the agreement to have validity, the District Court in Glenwood Springs (1) must grant conditional decrees to Denver for its Straight Creek, Piney River, and Eagle-Colorado Projects; (2) must enter a decree awarding the River District diligence on its conditional water rights which Denver had previously opposed.

CONCLUSIONS

While it has taken decades to get the parties involved to move from the courtroom to the conference table, the long process has yielded a very good final agreement. Reaching historic agreements is generally a painful and grueling experience, and this one at times was no exception. However, there was a refreshing candor and openness in the months of negotiations between the River District and the respective parties. This served as a great example, and this was a good compromise in the best sense of that term. Generally, beyond our own individual organizational interests, we felt we were all trying to do the best for the state of Colorado."

Roland Fischer, Secretary-Engineer of the Colorado River District and a principal participant in the negotiations from the outset, echoed those sentiments, and added that, "too much time, money, and effort has been expended in fighting among ourselves in courtrooms, rather than plan ning good, sound water policies in boardrooms. This agreement came about largely as the result of the attitude of the respective boards of directors. They said 'find a way ... get it done.' We did, to the benefit of the state's future water problems."

And Larry Simpson, Manager of both the Northern District and Municipal Subdistrict, summed up the feelings of those involved when he said, "Up to now the people 'partners' would never have been used to describe the relationships between these parties. If the same spirit of goodwill which characterized the negotiations is carried into the future, partnership in the management of Colorado's water resources will have occurred. For the present, we have settled legal cases which could have cost the water users on all sides a million dollars. Now we can marshal our financial, engineering, and legal resources in a common effort to develop Colorado's water resources in the best manner possible."

COLORADO WATER RIGHTS

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2 Colorado Water Rights
On March 27, 1987 the United States Senate consented, by unanimous consent, James W. Ziglar as the Assistant Secretary of the Interior for Water and Science.

At his confirmation hearing before the Senate Energy and Natural Resources Committee, Mr. Ziglar told the Committee, "I am aware of the areas of water resources development and management. I intend to focus on those measures that will enable us to complete projects in the most expeditiously and least costly manner, and to plan for the development of future water supplies in a manner consistent with environmental concerns and sound fiscal policies. I will pay close attention to the vital issues of groundwater supply and quality, as well as to the conservation and protection of our surface and groundwater resources. I believe that the United States Geological Survey and the Bureau of Reclamation are well-equipped already to play a significant role in these critical issues, and I intend to see that their respective missions are carried out." Ziglar pledged to the Committee, "I will be informed, responsive, and forthright with you. My management style is 'hands on' and goal oriented."

National Water Resources Association (NWRA) President Jeffrey L. Nelson appeared before the Committee in support of Mr. Ziglar's nomination. Nelson stated, "To us, the position of the Assistant Secretary of the Interior for Water and Science is, quite possibly, the most important in the Federal Government. The decisions and policies made by the Office of the Assistant Secretary have a direct impact on the daily lives of every citizen living in the Reclamation West. It is for this reason that we as an Association are very particular about endorsing any candidate for this important office."

He assured the Committee that, "Mr. Ziglar's philosophy and management style dictate that he will work closely with this Committee and Members of Congress to promote programs and policies that serve the common good of all citizens of this Great Nation." Mr. Nelson concluded by saying "Mr. Ziglar has gained the trust and confidence of western leaders, and we unanimously support his nomination." In addition to his statements in support of Mr. Ziglar, Nelson also took the opportunity to commend the service of Wayne Marchant as Acting Assistant Secretary. Nelson told the Committee that Marchant "served with great distinction, and we owe him a debt of gratitude for his service."

Also testifying in support of the Ziglar nomination were Senators John C. Stennis and Thad Cochran of Mississippi, Senators Dennis DeConcini and John McCain of Arizona, Mr. John M. Sayre, Immediate Past President of NWRA, and Mr. James W. Trull representing the Washington State Water Users Association and NWRA.

On April 6, 1987 James W. Ziglar officially took the Oath of Office. He was sworn in by his close personal friend, Supreme Court Justice Harry A. Blackmun.

Reprinted from the April 1987 issue of the NWRA National Water Line.
29th Annual
Colorado Water Congress
Convention
CWC OFFICERS

JOHN R. FETCHER

John R. Fetcher was elected President of the CWC at the January meeting. Fetcher, a consulting engineer and rancher, has been a well-known leader in state and local water activities for many years. He currently holds the position of Secretary-Director of the Upper Yampa Water Conservancy District in Steamboat Springs.

Fetchers holds a B.S. degree in electrical engineering and a masters degree in Business Administration & Engineering from Harvard. He was employed by the Budd Company, Philadelphia, as a technical representative in Paris from 1936-37 for the construction of stainless steel railway passenger cars for the French railways, and later as Chief Plant Engineer for that company, until 1949, when he moved to Steamboat Springs to start in the cattle business with his brother.

He served as President of the Steamboat Ski area from 1959 to 1970 and was instrumental in the successful promotion of that area. He has also served as Manager of the Mount Werner Water & Sanitation District, as a representative on the Colorado Water Quality Control Commission and as Chairman of the Colorado Water Conservation Board.

LARRY D. SIMPSON

Larry D. Simpson of Loveland, Secretary-Manager of the Northern Colorado Water Conservancy District and Municipal Subdistrict, was elected CWC Treasurer at the January annual convention of the Congress. For a four year period (1972-76), Simpson was a member of the Larimer-Weld Regional Planning Commission and then the Larimer-Weld Land Use and Transportation Committee of the Larimer-Weld COG.

Simpson has a civil engineering degree from the Colorado School of Mines. In addition, he has a Masters degree in Business Administration from California State University at Los Angeles. He has also done graduate work in engineering at the University of Southern California. Simpson is a licensed civil engineer in both California and Colorado.

Simpson is a member of the American Society of Civil Engineers, the Four States Irrigation Council, Water Resources Congress and the National Water Resources Association. Larry is married and he and his wife, Ruby, have two children (Ty and Bernice Jane). Larry also does some farming in both the Loveland and Lucerne areas.

RICHARD D. "DICK" MACRAVEY

Richard D. "Dick" MacRavey is in his eighth year as Secretary and Executive Director of the Colorado Water Congress. MacRavey is not stranger to Colorado. He served three years as Executive Director to the Larimer-Weld COG and seven years as Executive Director of the Colorado Municipal League. During his tenure with the Larimer-Weld COG, he was responsible for developing and guiding the early stages of the Larimer-Weld "208" Water Quality Management Planning effort.

In 1970, MacRavey served as Chairman of the Colorado Good Government Committee for the promotion of the State Constitutional Amendments One, Two and Three. All three amendments were approved overwhelmingly by the people of Colorado.

MacRavey is a member of the American Society of Association Executives, Colorado Society of Association Executives, Colorado Water Congress, American Water Works Association, and International City Management Association (cooperating member). MacRavey is married and he and his wife, Barbara, have six adult children (Pam, Mike, Doug, Brad, Laura and Mark). MacRavey has a bachelor of science degree from the University of Wisconsin and a master of science degree (in public administration) from the University of Colorado.

TOM GRISWOLD

Tom Griswold, Director of Utilities for the City of Aurora, was elected CWC Vice President at the 29th Annual CWC Convention. In his current position, Tom is responsible for executive management, direction and control of the City's water, wastewater, and storm drainage systems.

Griswold holds a Bachelor of Science degree in Civil & Environmental Engineering from the University of Colorado. In addition, he also holds a Bachelor of Science degree in Business from C.U.

Besides being a Registered Professional Engineer in Colorado, Tom Griswold is a member of the Metropolitan Water Providers Executive Committee and the South Platte Participation Project Steering Committee. Tom has also served as Chairman of the Metro Water Conservation, Inc. Tom is also a member of AWWA, APWA and WPCF.

RALPH CURTIS

CWC Immediate Past President Ralph Curtis, General Manager of the Rio Grande Water Conservation District in Alamosa, Colorado, is a native of the San Luis Valley and a life-long resident of Saguache. After graduation from the New Mexico Military Institute in Roswell, New Mexico, he attended the University of Colorado, receiving a B.S. degree with a major in Business Administration in 1953. Commissioned in the U.S. Army Corps of Engineers, he served two years in military service.

Returning to the San Luis Valley in 1955, he entered the family ranching operation. When the ranch was sold in 1975, he purchased farmland near Center, Colorado. In September, 1980, he assumed the responsibilities of his present position as General Manager of the Rio Grande Water Conservation District.

Ralph is a member of the Board of Supervisors of the Center Soil Conservation District and serves as President of the Colorado Association of Conservation Districts. He is a member of the Colorado Cattlemen's Association, the National Cattlemen's Association, the American Legion and the Saguache United Methodist Church.
COLORADO WATER CONGRESS

12TH ANNUAL MEMBERSHIP FORUM & WATER WORKSHOP

August 27, 28 and 29, 1987
Red Lion Inn, 1775 E. Cheyenne Mountain Road
Colorado Springs, Colorado

Thursday, August 27

8:30 a.m. - Colorado Water Congress Board of Directors' Meeting — (Room Location to be Posted), Red Lion Inn

1:00 p.m. — Golf Tournament (If interested, please contact Water Congress for more information)

Friday, August 28

8:15 a.m. — REGISTRATION (Location to be Posted), Red Lion Inn

11:10 a.m. — OH, SEE HOW THE DEER AND FISH PLAY, WHILE THE TAXPAYERS PAY — Bob McWhinnie, Chief Executive Officer, Metropolitan Water Providers

11:30 a.m. — WATER MARKETING (WITCHING) AND THE FUTURE — Craig Harrison, Harrison Resource Corporation, Fort Collins

12:00 Noon — LUNCH "ON YOUR OWN"

1:00 p.m. — SEVENTY WAYS TO LOSE YOUR WATER RIGHTS — Roger Alan Walton, Legislative and Public Affairs Consultant, Denver

1:30 p.m. — WATER CZAR: BENEVOLENT OR DESPOT? — Jack Ross, Saunders, Snyder, Ross and Dickerson, Denver

2:10 p.m. — IS STATE WATER PLANNING AN EFFORT IN DYNAMIC INACTIVITY? — Bill McDonald, Director, Colorado Water Conservation Board, Denver

2:45 p.m. — BREAK

Part II — The Opportunities

3:15 p.m. — IN SEARCH OF ECONOMIC AND ENVIRONMENTAL BALANCE — CAN IT BE DONE? — State Representative Chris Paulson, Englewood

3:30 p.m. — UNITED WE STAND — A CHALLENGE — Senator Fred Anderson, Loveland

6:00 p.m. — ADJOURNMENT TO 8:30 A.M., SATURDAY RECEPTION

Saturday, August 29


8:30 a.m. — KEYNOTE ADDRESS — The Honorable James Ziglar, Assistant Secretary of Interior for Water and Science, Washington D.C.

9:00 a.m. — ADDRESS Glenn G. Saunders, Saunders, Snyder, Ross & Dickerson, Denver

9:30 a.m. — COFFEE BREAK

9:45 a.m. — THE COLORADO WATER CONSERVATION BOARD ACT — Bill McDonald, Director, Colorado Water Conservation Board, Denver

10:15 a.m. — THE COLORADO RIVER CONSERVATION DISTRICT ACT — Rolly Fischer, Secretary-Engineer, Colorado River Water Conservation District, Glenwood Springs

10:45 a.m. — THE WATER CONSERVANCY DISTRICT — Larry D. Simpson, Manager, Northern Colorado Water Conservancy District, Loveland

12:00 Noon — ADJOURNMENT OF THE 12TH ANNUAL MEMBERSHIP FORUM & WATER WORKSHOP
COMING EVENTS

August 2-5, 1987 — NATIONAL WATER RESOURCES ASSOCIATION MEETING — Sun Valley Lodge & Inn, Sun Valley, Idaho. For more information, contact the NWRA office in Washington, D.C.: (202) 488-0610.

August 27-29, 1987 — 12TH ANNUAL COLORADO WATER CONGRESS MEMBERSHIP FORUM & WATER WORKSHOP — Red Lion Inn, 1775 East Cheyenne Mountain Road (just off I-25), Colorado Springs, Colorado. For more information, contact the CWC office in Denver: (303) 837-0812.

September 2-4, 1987 — U.S. COMMITTEE ON IRRIGATION AND DRAINAGE REGIONAL MEETING — Hotel / Motel to be announced, Denver, Colorado. For more information, contact Larry D. Stephens, USCID Executive Vice President in Denver: (303) 236-6960.

September 24-25, 1987 — 6TH ANNUAL CWC SEMINAR ON COLORADO WATER LAW — Holiday Inn Northglenn, 1-25 & 120th Avenue, Northglenn, Colorado. For more information, contact the CWC office in Denver: (303) 837-0812.

November 2-4, 1987 — NATIONAL WATER RESOURCES ASSOCIATION ANNUAL CONFERENCE — Bally’s Hotel, Reno, Nevada. For more information, contact the NWRA office in Washington, D.C.: (202) 488-0610.

December 3-4, 1987 — U.S. COMMITTEE ON IRRIGATION AND DRAINAGE NATIONAL MEETING — Las Vegas, Nevada. For more information, contact the USCID office in Denver: (303) 236-6960.

January 28-29, 1988 — COLORADO WATER CONGRESS 30TH ANNUAL CONVENTION — Holiday Inn, I-70 East and Chambers Road, Aurora, Colorado. For more information, contact the CWC office in Denver: (303) 837-0812.

COLORADO WATER CONGRESS
6TH ANNUAL WATER LAW SEMINAR

The sixth annual CWC Seminar on Colorado Water Law will be held on September 24-25, 1987 at the Holiday Inn Northglenn, 1-25 and 120th Avenue, Northglenn. The class will be limited in size and will include members of the state legislature and congressional staff members. Incidentally, the seminar has been awarded 17 CLE credits.

The registration fee will be $400 for Colorado Water Congress members and $600 for non-members of CWC. (The registration fee includes two lunches and one dinner.) The registration form — plus the preliminary program — is available upon request at the Colorado Water Congress, 1390 Logan Street, Suite 312, Denver, Colorado 80203 or phone (303) 837-0812. Motel room reservations should be secured from the Holiday Inn Northglenn, 10 East 120th Avenue, Northglenn, CO 80233 or phone (303) 452-4100.

Some observations about the Seminar from former class members are offered: A State Senator — “We would have to have spent years to gain the knowledge passed on in this seminar.”; A Consulting Engineer — “This was one of the very best seminars that I have had the privilege to attend.” and a City Official — “I thought the seminars were absolutely terrific... I learned a lot and feel like it was well worth the expense.”

CWC 1987
State Laws of Interest

The Colorado Water Congress has published a book containing all water and water related laws — plus the new liability and tort laws — of the first regular session of the 56th General Assembly. Since this book is 150+ pages in length, and paper, printing, postage and labor are significant costs, the price of the book is $50 (CWC members) and $100 (non-members). Distribution will be governed in order of requests. Readers are urged to place their order for the 1987 Colorado Water Laws Enacted of Interest to Water Users, as quickly as possible — call or write the Colorado Water Congress, 1390 Logan Street, Suite 312, Denver, CO 80203, or phone (303) 837-0812.