Dedicated to the candidates of Colorado...

"Politics is the practical exercise of the art of self-government, and somebody must attend to it if we are to have self-government; somebody must study it, and learn the art, and exercise patience and sympathy and skill to bring the multitude of opinions and wishes of self-governing people into such order that some prevailing opinion may be expressed and peaceably accepted. Otherwise, confusion will result either in dictatorship or anarchy. The principal ground of reproach against any American Citizen should be that he is not a politician. Everyone ought to be, as Lincoln was."

- Elihu Root

Speech presenting statue of Lincoln to the British people July 28, 1920

## Candidates
### “Talk on Water”

### SENATOR
- Congressman Hank Brown
  - "I believe that those who wish to represent this state should be willing to stand up and be counted on whether or not they will protect our water rights." — Page 4

- Josie Heath
  - "We must regain control of water decisions in Colorado, because in no way in the long-run can the federal government make those decisions that really affect our lives in a way that is most important to us." — Page 4

### GOVERNOR
- Governor Roy Romer
  - "I know that with water, the problems are difficult, and the solutions, to the extent they exist, take patience, hard work and a blend of foresight with recognition of the benefits and limits of our current allocation system." — Page 5

- John Andrews
  - "I believe that Colorado, in using its precious water has been very well-served by staying as close to a free-market in water as we possibly could stay. We’ve got over a century of Colorado water law that we would tamper with only out of peril." — Page 5

### ATTORNEY GENERAL
- Gale Norton
  - "We must be ever mindful, with 18 downstream states coveting our water, that there are 18 states with the motive and political clout to stop Colorado’s water development under any pretext. Thus, the state must play a leadership role — rather than leaving the problem to be fought by individual water users." — Page 6

- Attorney General Daune Woodward
  - "This may be the most significant water case (Forest Service case in Greeley Water Court) ever tried in Colorado, and it has implications for all the Western States." — Page 6

### CONGRESSIONAL DISTRICT 3
- Congressman Ben Nighthorse Campbell
  - "It was a tremendous effort, a community effort, and it was — I think, a real turning-point in how we deal with water in the west because we found a way to protect our rights through the negotiating process, rather than a confrontational, fight-it-out-in-court process; which we had done up until that time." — Page 10

- Bob Ellis
  - "Every area and every community of Colorado depends upon water for stability and future economic growth. Prominent to that is sound legislation to protect Colorado water and the best future uses of Colorado water." — Page 10

### CONGRESSIONAL DISTRICT 4
- Wayne Allard
  - "Water is the backbone of the economic welfare of the State of Colorado that started with mining and domestic use. It moves on to agriculture, manufacturing, and now recreation is becoming more and more important. We have to balance those broad needs and categories." — Page 11

- Dick Bond
  - "Another principle: I am in favor of additional storage for water. Water is a finite resource in Colorado. We need to have the same kind of plan that we would for any other kind of finite resource." — Page 11

33rd Annual CWC Convention
January 17-18, 1991
Holiday Inn, Northglenn
Dick Martin, 78, was 1982 president of the Colorado Water Congress. Martin was also a former Chairman of Club 20, the Colorado Mountain College Board of Trustees; the Garfield County Republican Party and the Garfield County Airport Authority and County Planning Commission.

Glenn G. Saunders, 84, passed away on May 1, 1990.

Two "Water Greats" have passed away this year — Dick Martin and Glenn G. Saunders.

Mr. Saunders was the second recipient of the prestigious "Wayne N. Aspinall Water Leader of the Year Award." (The above picture was taken at the time Mr. Saunders received the Aspinall Award.) Mr. Saunders was considered to be the "Dean" of the Colorado Water Bar. He had been a member of the Colorado Bar for over 60 years. His list of achievements and honors would take several pages.

The Water Community will, indeed, miss these two "Greats."

**DANIEL L. LAW**

The Colorado Water Resources and Power Development Authority announces the appointment of Daniel L. Law as Executive Director effective June 1, 1990.

Mr. Law joined the Authority in October of 1984 and has served as Associate Director since July of 1985. A graduate of Colorado State University with a degree in civil engineering and a registered professional engineer in Colorado, he has been involved with a variety of water supply and water quality activities over the past 16 years. As Associate Director, Mr. Law directed the development and implementation of the Authority's financing programs for the Water Pollution Control Revolving Fund and Small Water Resources Projects.

**Calendar of COMING EVENTS**

October 17, 1990 - CWC WORKSHOP ON STATE & FEDERAL WATER QUALITY DEVELOPMENTS — Holiday Inn Northglenn, 1-25 & 120th Avenue, Northglenn. For more information, contact the CWC office in Denver: (303) 837-0812.

October 24, 1990 - CWC WORKSHOP ON MANAGING HAZARDOUS WASTE LIABILITIES & RESPONSIBILITIES — Holiday Inn Northglenn, 1-25 & 120th Avenue, Northglenn. For more information, contact the CWC office in Denver: (303) 837-0812.

October 29 - November 2, 1990 - NWRA ANNUAL CONFERENCE — Mirage Golden Nugget Hotel, Las Vegas, Nevada. For more information, contact the NWRA Office in Denver, Colorado 80203. Phone (303) 837-0812.


November 13, 1990 - CWC WORKSHOP: PUBLIC SPEAKING FOR THE PROFESSIONAL — CWC Conference Room, Suite 312, 1390 Logan Street, Denver. For more information, contact the CWC office in Denver: (303) 837-0812.

November 14, 1990 - CWC WORKSHOP ON FEDERAL ENVIRONMENTAL LAWS IMPACTING WATER INTERESTS — CWC Conference Room, Suite 312, 1390 Logan Street, Denver. For more information, contact the CWC office in Denver: (303) 837-0812.

January 17-18, 1991 — 33RD ANNUAL COLORADO WATER CONGRESS CONVENTION — Holiday Inn Northglenn, 1-25 and 120th, Northglenn. For more information, contact the CWC office in Denver: (303) 837-0812.

November 4-8, 1991 - NWRA ANNUAL CONFERENCE — Doubletree Hotel, Monterey, California. For more information, contact the NWRA Office in Washington, D.C. (202) 488-0610.


**COLORADO WATER RIGHTS**

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**In Memory of Martin and Saunders**

(Dick Martin and Glenn G. Saunders)
Federal Appellate Court Vacates Judge Kane's Wilderness Water Rights Decision

by Greg Hobbs

On August 10, 1990, the United States Court of Appeals for the Tenth Circuit in Sierra Club v. Judge John Kane's Wilderness Water Rights Decision of November 25, 1985, which had been entered in the Federal District Court for Colorado, declaring the existence of implied federal reserved water rights in the State's twenty-four wilderness areas. As a result, there is no precedential decision of any court in the United States which holds that the designation of wilderness by Congress is sufficient to create the implied federal reserved water rights, in absence of their express creation by Congress through a particular wilderness bill.

The Appeals Court held that Sierra Club's lawsuit was "speculative and hypothetical." The Court said there must be a "showing of harm with the necessary degree of magnitude or inimiceness" to justify a judicial consideration of whether such rights do or do not exist.

Between the passage of the Wilderness Act in 1964 and the filing of Sierra Club's complaint in 1984, 2.8 million acres of wilderness were designated in the United States (National Forest land in the State) was designated as wilderness. Since the Sierra Club filed the lawsuit, Colorado wilderness bills have failed because of existing controversy. Pre-1984 wilderness legislation did not expressly create or disclaim the existence of federal reserved water rights. Boundaries and access issues were the main factors in negotiating the terms of particular wilderness bills. When there was a perceived need to assure that a specific water project could proceed into the contemplated wilderness area, senior water rights retained orchts contained in the Wilderness Act, particular legislation included provisions protecting the project. In other instances, boundaries were adjusted to (1) either exclude land compatible with the project where water facilities was to be constructed, or (2) include the lands, so that Presidential access authorization would be required before the project could proceed.

Wilderness designation attained a whole new level of complexity and political controversy in light of Sierra Club's court case. Judge Kane's rulings that implied reserved water rights are created by wilderness designation. It became generally known that Sierra Club's aim was to establish through Congress, the Courts, or both, the proposition that all water flowing into, under, or through a wilderness area is needed, in the form of a federal preemptive property right, for the protection of water for the wilderness.

In Colorado, State officials, farmers, cities, and businesses were disturbed by the unparalleled dimensions of such a proposition. The Governor and the Colorado Attorney General opposed the court's decision. As a result, the Governor in a letter to the Department of the Interior, said that he objected to any measure which might cause the Forest Service to claim implied reserved water rights for the State. He also stated that the imposition of a federal preemptive right would not be consistent with the water laws of the State.

First, wilderness designation was declared to be a "supplemental" purpose of National Forest reservations. Since the designation of implied reserved water rights is judicially created in order to prevent the entire defeat of a "primary" purpose of a federal land reservation (such as recreation), one of the Court's decisions was the language negated the implication that a federal reserved water right was intended by wilderness designation.

Second, the president of the United States was authorized to allow construction of new water facilities in designated wilderness areas, if he or she determined that their construction was in the public interest. This provision countered the implication that Congress intended to reserve the water in wilderness areas, because Presidential access permission would be meaningless if subsequent appropriations or changes of water rights had no water left to them.

Third, Congress provided that Congress made no claim of exemption from State water laws. Since State laws have allocation mechanisms for appropriating yet unappropriated water, and for granting changes of existing water rights, this provision operated to extinguish the implied creation of water rights outside of State systems.

As a result of this fundamental compromise, and other compromises in the Act (such as that which allows live stock grazing in wilderness areas), the next two decades produced the preservation of a large amount of wilderness acreage in the Western States.

The Tenth Circuit opinion directly questions Sierra Club's rationale in seeking to disallow the National Forest Service's claim of implied reserved water rights for the State. The Court held that Sierra Club's lawsuit was "hypothetic" and "speculative". The court denied the Sierra Club's motion for reconsideration of the ruling that the existence of implied federal reserved water rights was not a barrier to the construction of new water projects.

Thus, this Tenth Circuit Court, "Based on these considerations, we conclude that there is simply no showing of harm with the necessary degree of magnitude or inimiceness that would justify a finding that the Forest Service's conduct (i.e., its refusal to claim and adjudicate implied federal reserved water rights for wilderness areas in Colorado) is inconsistent with its duty to preserve the wilderness characteristics of the wilderness areas" (parenthetical added).

The Tenth Circuit decision underscores that the Courts, particularly Federal and State appellate courts, are reluctant to declare the existence of implied federal reserved water rights. Such claims are recognized only as a means to prevent the entire defeat of a federal land reserva-

When facts show that the primary intent of Congress cannot be achieved through other means and the reservation will be rendered useless without the water rights. In absence of such a showing, the historical deference of Congress and the Courts to State water law should be observed. As a general principle, the water compromise contained in the 1964 Wilderness Act was well-considered and is sound.

As the legislative debate continues to unfold over whether proposed wilderness areas in Colorado need the added protection of reserved water rights, the type of analysis employed by the United States Court of Appeals in General is germane: the burden should be on those who assert the necessity of federal reserved water rights to show why - and in what quantity - water ought to be preempted from the State system for wilderness purposes.

The extraordinary step of preempting State water laws should not occur unless there is a compelling need and harm is shown to a particular wilderness area. The quantity of water reserved should be specified in light of future water needs of the State. The effect upon use of Colorado water compact and equitable apportionment entitlements would be scru-pulously examined.

Greg Hobbs, a partner of Davis, Graham & Stubbs, Denver, represented the Colorado Water Congress in the Sierra Club v. Verterigation.
Mr. Heath, let me thank you for joining in this discussion this afternoon. I think this debate is in the best spirit of our democracy. I think it is a credit to your campaign that you are willing to join in this discussion and I look forward to a positive exchange.

Ladies and Gentlemen, we are here to discuss what I think is the most important issue Colorado faces in terms of its future. It is very much an environmental issue, I suspect sometimes that our friends that have moved in to the state from elsewhere don’t quite always recognize the water they often bring with them an understanding of water where they come from. That is certainly natural — that is not unnatural or unusual. The problem, of course, comes about when they use that background in making decisions about the State of Colorado itself. We are unique. There is an important reason for us to have different laws in Colorado, and to have control over our own water. Water is the key and the lifeblood to Colorado’s economy. It is the key to the future of this state.

We need to be concerned about the way our water is used and jealously guard the water rights that are left to us under the Interstate compact. Ironically, while we enjoy a great deal of water coming into the state from the snowfall and rain, a major portion of our water has been claimed by other states.

Even today, the Central Arizona Project goes ahead with federal financing, with as a significant portion of the deliverable water, water that does not belong to Arizona. Today, the City of Los Angeles takes from the Colorado River, an enormous amount of water. Only a portion of which, belongs to them. The fact is some of Colorado’s water rights have been left to other states — the downstream states. A significant portion of our water is lost because the state is not able to turn it to a beneficial use. This room is filled with experts who understand that problem.

The challenge for Colorado is to make sure that our water is used for the benefit of the state. It is a challenge not only to maximize the beneficial use — but it’s a challenge to preserve that water right that is left to us. There are those who may, through ignorance, be willing to endanger the million-acre feet of water that belongs to Colorado that now flows out of the Colorado River drainage basin. Water that we do not now use.

In the South Platte drainage area, we have about a third of the million-acre feet that goes unused. That is water that is being long-term stored at this point. So our challenge as we talk about water rights for Colorado, and their use in the future, is first of all to look into Colorado herself and the question of whether or not we will forfeit Colorado water rights. That is, the primary issue that we need to address.

This state has had great leadership in water: Senator Gordon Allott, a leader on the Republican side, fought for Colorado’s ability to save its water rights. The drainage basin that he came from, is one that is fully appropriated. The Arkansas Valley is a river that is closed to being fully appropriated, some say, over-appropriated. Along with Senator Allott, came the leadership of Congressman Wayne Aspinall, the Democratic Chairman of the Interior Committee. Together they made an enormous contribution.

The authorizing legislation for the Central Arizona Project is pretty basic and simple. It meant that if Arizona was to use some of Colorado’s water rights, that they would be committed also to build the five Colorado projects, along with the Central Arizona Project. That indeed is what was to be done. But this project developed a great state. And I appreciate and respect the leadership and courage of the men and women who built the system and made it work for Colorado.

But the system now faces important challenges. They are challenges we cannot and should not fight.

I want to talk today about those challenges, and about some adaptations and some new ways to look at our water system as we address those challenges.

Let me start by saying to you that for the past eight years I have served as a local elected official, and I believe passionately in local control. I believe that, if elected, I would be the only member of the Colorado delegation, on either side of the aisle, who comes from that strong and long-term base of local government.

And I can tell you that the issues facing water have a lot to do with local control. Over the last ten years, I have been on the local level to see how water is used. I’ve got to believe, and you’ve got to practice it.

In water and in many other areas there has to be a real working partnership, and I want to be a part of that partnership.

Most of you, I believe, share that idea that the best decisions are made at the local level. And, unfortunately, this government that in rhetoric and philosophy has been controlled by people who say that they believe it, has continued to move away from letting there be local decisions we want to stop.

There now is greater federal involvement in water issues in Colorado than there has ever been. And I do not mean the old style government, which frankly neither you or I as of us had a benefit in that the federal government wrote the rules about how water was used.
The Gubernatorial Candidates

I am not going to make any unrealistic promises. And, I don’t think you are going to see much that is different from what you have heard me say in the past.

I would like to talk a little bit about my observations concerning water in Colorado, and my definition of the current issues and my perspective of those issues.

There is no audience in the state more knowledgeable about water than this one. It is not necessary to restate the underlying principles of water rights and water allocation in Colorado. However, because so many persons argue for changes in the entire water system, I think we must constantly remind ourselves of the underlying principles, against which all proposals for change, "reform" or fine tuning must be measured.

The underlying principles of Colorado Water Law are not complicated, although they frequently are not well understood by the public:

1. Water is a scarce commodity in Colorado;
2. This commodity is allocated in the first instances under the prior appropriation doctrine, and reallocated thereafter by the free market;
3. Modernization of our system is the accepted means for the development and distribution of the resource;
4. Injury to other water rights - as determined by a judge - is the test for any specified change to water rights along a stream or river;
5. Our water rights allocation system was designed with development, not the environment, in mind.

Some changes in state and federal law have moved us in the direction of environmental protection, but the underlying system responds to economic and not environmental concerns.

As we enter the 90s, we get into some of these "squared" and "bitter" arguments - even "wars" - that we face in Colorado over the precious commodity of water.

I started out like some of you, not a Coloradan by birth, but a Coloradan by choice. My folks brought my brother, sisters and myself here in '55. We had lived near the Mississippi - that's a nice place to visit but you wouldn't want to live there. I guess now they're even asking, "Who the heck would even want to visit there?" But I worry that it could come to be said of Colorado.

That's not just fantasy. We see that 50,000 more Coloradans gave up on the state and moved away to feed their families and find work than those who moved into the state just in the last four years. We see Colorado ranking near the bottom in its attractiveness for basic manufacturing jobs. That ranking came just the other day - Colorado very near the bottom as a place to run basic manufacturing.

And all the Cherry Creek malls, Grand Prix races and baseball stadiums in the world will hardly find dollars for consumers to spend on them if we don't have basic manufacturing jobs in Colorado. All of the new international airports that Denver can build would mean little if Denver's future growth is constrained by inadequate water supplies.

I certainly associate with the warning of Congressman Brown that conservation of water can only gain us a little time. The same can be said of energy and oil. It can't solve the long-run problem of having enough.

The long-run problem of having enough relates to keeping what is ours. We must make sure that the law is in good order for economic growth and the betterment of our lives - so we can move forward as we would wish.

This afternoon, I want to stand with you and think aloud and reflect, very honestly, on some of the principles and convictions that shape my approach to governing Colorado - to see if I can apply these to some of the urgent water questions this state faces.

I believe that market systems have made America the wealthiest nation in the world and have also helped to pre-

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The Attorney General Candidates

Colorado's water resources are one of the most important items on the Attorney General's agenda for the next four years — and into the next century. To defend Colorado's rights, the state's chief lawyer must understand water policy and must efficiently manage natural resources legal issues.

My major concern is the lack of a visionary, long-term plan for protecting Colorado's water rights from external threats. Looking toward the 21st Century, it is imperative that Colorado become proactive — not reactive — to the challenges facing its water rights. Colorado faces I.D.'s downstream states on its various stream systems, all of whom have one goal: to ensure that as much water leaves Colorado as possible.

The federal government continues to make it as difficult as possible for water users in Colorado to use their appropriations whether through water rights, reserved rights, wetlands policy, endangered species, or section 404 permit regulations and policy. The only way to defend the rights of the people of Colorado is to anticipate the next attack, fight vigorously for favorable legislation and regulations, and work with the General Assembly, Senators, and Congressmen for Colorado.

The state of Kansas continues to litigate with us on matters pertaining to the Arkansas River. The state of Nebraska is poised to re-litigate matters in Nebraska vs. Wyoming pertaining to the Platte River. Nebraska has also been vocal in the permit process for the Two Forks Dam, ostensibly to protect the whooping cranes, but perhaps with a less noble hidden agenda.

The Attorney General's role is to work with the Governor, the legislature, and agency heads to identify the issues and develop strategy. The Attorney General needs to see that the limited legal resource of the state is devoted to the most significant issues facing the state and not squandered on petty issues, unimportant cases, and ego stimulation. As water users, we need to resolve our internal differences so that we do not create opportunity for external attack. This is the kind of leadership and consensus-building that has been missing from the Attorney General's office — and which I will bring to the job when I am elected in November.

I bring a breadth of experience in the natural resources arena, including 12 years as a staff lawyer for the U.S. Office of Water Rights. During the early years of my legal career, I worked with Mountain States Legal Foundation addressing issues uniquely important to the West and its people. Much of our initial work was focused on how Easterners could adopt policies with so little understanding of our Western resources and attitudes. A few years later, I had the opportunity to observe the opportunity for federal acquiescence at close range. I was selected to serve as Associate Solicitor of Interior, in charge of all attorneys across the country for the National Park Service and the U.S. Fish and Wildlife Service.

As a Coloradan arriving in Washington, one of the first issues I tackled was water policy, including wilderness reserved water rights. I spearheaded the first comprehensive legislative history of the Wilderness Act. As a result of my staff's research, I concluded that Congress in 1964, when it enacted the Wilderness Act, did not intend to remove water and water rights from state jurisdiction and control. The original Wilderness Act was never intended to deprive the states of these resources. This created new legal rights and positions.

The recent decision of the 10th Circuit Court of Appeals in Sierra Club v. Yeater, which rejected Sierra Club's claim that the United States is obligated to set aside claims for wilderness water rights in order to protect the very nature of the wilderness, does provide a reprieve from immediate litigation. Nevertheless, the state of Colorado needs to continue its vigilance on this issue, since the court left the issue open for future resolution.

It is important that wilderness areas maintain their character and integrity for future generations as well as for current wilderness users. But it is vital that this not be accomplished at the expense of the public interest in use.

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Gale Norton, a Republican, is a practicing attorney from Denver and a candidate for Colorado Attorney General.

As Colorado's Attorney General, it is my responsibility to execute this state's legal water policies as set by our Constitution, statutes and Supreme Court decisions. Competing and new demands for water within states, growing environmental concerns about the quality of our surface and ground water, attempts by neighboring states to obtain a greater share of water, and the myriad federal statutes and regulations which operate to remove water resource planning decisions from the state to the federal level make the functions of the Office of Attorney General an important and demanding responsibility. The protection and maintenance of the water resources within the State of Colorado has always been a priority of this office, and I am pleased to report to you on our progress in protecting and defending the water resources of this state.

First, in a trial that could very well determine the future of economic development across the West, the federal government has filed extensive water claims in an attempt to set limitations on water that others can appropriate from streams and rivers that rise upon and run through the national forest domain of Colorado.

Instead of relying upon the doctrine of prior appropriation or its permit power on federal lands to prevent any so-called abuses, the government asserts that it has "reserved rights" to large amounts of water dating back to Congressional passage of the Organic Act of 1897. That assertion would provide nearly a century's worth of seniority should the forest service position be upheld in our present litigation.

This may be the most significant water case ever tried in Colorado, and it is imperative that all of Colorado's citizens take part in this case. Led by the Colorado Attorney General and numerous other state water users, this office has challenged both the legal and factual bases for the federal government's contention that federal reserved rights should be implied under the 1897 Act.

The trial in this matter began in January 1990, in Water Division I in Greeley and continues today. It is the contention of this office and other critics of the federal plan that its assertion is unlawful, excessive and misconstrues the Congressional intent setting forth the reasons for creation of our national forest system. The state and its water users fully expect to prevail at the trial court level and anticipate a successful appellate decision upholding the applicability of our water appropriation system on water law throughout the watersheds of Colorado.

Another important accomplishment of this Attorney General during my tenure, has been the initiative and demonstrated ability to lead and assist the State Indian and non-Indian water users of Colorado and New Mexico, the state Legislature and members of Congress in framing and passing to the negotiated settlement of the reserved water right claims of the two Ute Indian tribes of southwestern Colorado. Had all parties not compromised on previous assertions as to who held the moral and legal high ground, it is quite possible that long-time existing water use patterns would have been seriously undermined, and the southwestern Colorado economy so dependent upon continued use of a scarce water resource would have found itself severely limited in both its present and future water usage options.

Our State has passed legislation necessary to implement the proposed settlement and on November 3, 1988, Congress passed and President Reagan then signed into law the Bill known as the "Colowyo Water Rights Settlement Act of 1988." This Act provides for the use, in part, of water from the Animas-La Plata Projects to settle the reserved water rights claims of the tribes.

Recently, a draft biological opinion issued by the United States Fish and Wildlife Service pursuant to the Endangered Species Act threatened construction of the Animas-La Plata Project, and the reserved rights settlement as well, should a final biological opinion be rendered which states that the project would jeopardize the endangered Colorado squawfish, with no reasonable and prudent alternatives. I should add that the Colorado squawfish was only lately discovered some 15 miles downstream from the Animas-La Plata Project. A previous biological opinion issued by the U.S. Fish and Wildlife Service

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Duane Woodard, a Democrat, is Colorado's Attorney General and is seeking re-election.

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Colorado Water Rights

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Brown Talking on Water, cont.

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over Colorado's ability to retain its water. Let's make it clear: the question is not whether or not we have water flowing through the wilderness areas. We ought to have minimum stream flow. As a state senator, I cosponsored the legislation that established the minimum stream flow bill. It establishes the minimum stream-flow as a right in Colorado. That is, it recognized it as a beneficial use. I think that is a reasonable, and a logical process to go through for our water. I also believe that there is a minimum stream-flow, we ought to ensure that they have a minimum stream-flow. We ought to talk about the real issue. One of the wilderness bills endangers Colorado's water rights, so that we may not be able to utilize the million-acre feet that belong to the western slope of Colorado and the almost thirteenth of million-acre feet in the South Platte that belongs to the state but are not now used under the Interstate Compact. These are long term annual averages. We need to ask ourselves who is going to talk about Colorado water rights. Do we endanger or give away Colorado's water rights allocated Interstate Compact? I believe we shouldn't. I believe we must be very careful to ensure that nothing is done in wilderness designation that endangers Colorado's water rights under the Interstate Compact.

Secondly, we need to think about straightforwardly what we're going to do to meet Colorado's water needs in the three years to be specific, the endangered fish, Two Fish that you're opposed to water projects. That is a cut-out when it comes to the environment. To say that you oppose Colorado's water projects and claim at the same time that you're in favor of the environment is like saying Colorado's water comes from the future for the future? You can say we ought to conserve more water, we indeed ought to, but that doesn't answer the question. There are many in this room who have provided great leadership in planning for the future, I think much more can be done. But let's not leave the issue here — because the issue is far more fundamental than that. Once you've done what you can with conservation, where than does the water come from for the future of Colorado? Ladies and Gentlemen, there are two only sources. Once you've done what you can with conservation, you have two sources. You've done what you can with conservation, you have two sources left. One is to fully utilize our water rights under the Interstate Compact. The other is to simply take it to the local or state levels to have that input. So they've been able to utilize the water.

First of all, we need to regain control of water decisions in Colorado, because in no way in the long-run can the federal government make those decisions that really affect our lives in a way that is important to us.

But to regain that control, we need to look at why the federal government stepped in. Those who know about management or about power in general, also know that irrigation can't happen there are water rights. And the case the vacuum occurred at the state and the local level in addressing some of the legitimate water concerns of Colorado citizens.

There are many factors, but let me suggest only a few that I believe are most important.

First of all, the great flood of 1927 and 1928 in Colorado, and the way they are made, have not always kept pace with the values and the interests of the people in this state. And I submit that the system as it is practiced today does not reflect the interests of people who truly care about water in Colorado.

Now that's a strong statement, especially when I stand up in front of these people who have the direct ownership in how Colorado water is managed. And I salute you for the time and the investments that you have made.

But I must tell you that as I travel around Colorado — and I have worked extensively with local officials from every part of Colorado, and even with the business needs in transportation and natural resources and in water issues — people tell me what they are on their minds. And I find that more and more people want to talk about water. They're concerned about conservation. They're concerned about water quality. They're concerned because they know that water is one of the greatest assets this state has. And they understand that it is scarce, and they understand that it is fragile.

And when I hear this, whether I'm in Alamosa or in Creede or in Grand Junction, I ask, "Are you ranchers? Farmers?" With all due respect, I say, "No, you're Coloradans." We're just interested in the future of Colorado, and we don't see any place in the system where our voice is heard.

They're Coloradans who understand how important water is, and who understand that these decisions about whether water will be diverted outside their basin, whether or not the compensation is to be adequate, will determine the business and economic future of their area. We need to listen to them, and we need to include them.

I believe a profound change is under way. No longer can water policy be the domain of just a few people. There are too many people here who know who the role that water plays in their lives. They want a say in that water policy, and they deserve a say in that water policy. Unfortunately, the two main issues to find page at the local or state levels to have that input. So they've gone to the federal government, because the federal government has been the only place where they believe their voices are heard.

I think that is absolutely the wrong vehicle. Let me tell you the very earliest memory I have about a water district is a postcard on which the water district paid to join, went through the process of getting the well, hooked up for the domestic water - I then want­ed to know who paid the debt limit. There's no way to talk about their public debt limit. There's no way to talk about all the money. There's no way, because they haven't got it, you can't spend it. And that's the kind of framework that we need to use when we talk about water. First, I believe we need to expand the state's in-stream flows, and we have to decide for the use of water rights for instream flows that serve important economic functions. I would include fishing and rafting as a beneficial use, and provide for the use of water rights that are important to the economy of Colorado. And indeed, recreational dollars are a growing part of our diverse economic base. I don't think we should let the notion of conservation become the end all and self-righteousness, the sense that those flows protect the fisheries and the rafting and the wilderness, because those are all beneficial ways to use water.

Let me make it clear that I am talking about doing this within the existing state system. Those economic in­stream uses should stand in line with every one else who has a legitimate water interest in Colorado.

Continued on page 15
1990 C O L O R A D O S T A T E F A I R
Industry / Technology Exhibit

STATE FAIR
“VIP” Reception Sponsors

- City of Colorado Springs
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- Pacific Water Works
- Southeastern W.C.D.
- Southwest W.C.D.

The “Colorado Water Exhibit” was one of the most popular exhibits at the 1990 Colorado State Fair.

Colorado Senior U.S. Senator Bill Armstrong visited the water exhibit.

State Engineer Jere Dunham and Ms. Carol Wells launch the “Water Wheel of Fortune.”

The “Historical Perspective of Water Development” was developed by the Northern Colorado Water Conservancy District with the assistance of the Colorado Water Congress.

“The history of the West is written in water.”
― Thomas Hornsby Ferrill

C W C’s 1990 SUMMER MEETING IN PUEBLO

Some old friends got a chance to visit (L to R) David March of the River District, Linda Campbell, Congressman Bob Nighouse-Campbell, and Sara Douglas of the Denver Water Department.

Breakfast was a time for some lively conversation (L to R) State Representative Don Amato of Peabody, Representative Dick Bond of Greeley, and Tommy Thompson of the Southeastern Water Conservancy District.

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Some conversations were quite serious (L to R) CWC member Bob Jackson, Wayne Miller of Windsor, Bob Bar of Walden, and Harold Millis of Colorado Springs.

Thursday wrap-up speakers were (L to R) Clyde Math, Charlie Jordan, and (moderator) Ron Woodard.

The Legislative panel addressed future water issues (L to R) Senator Harold McCormick of Canon City, Representative Tony Trujillo of Pueblo, Representative Steve Arrington of Pueblo, and panel moderator Ron Woodard (CWC President).

The delegates were invited (L to R) Lewis Rinkes of the Lower South Plate W.C.D., Marian Law of the Lower South Plate W.C.D., Linda Clark of Pikes, Jeffrey & Hepperman, and Sara Elmore of the Denver Water Department.
Hello. It's a pleasure to see you and for those of you who don't know, I serve on the Interior and Agriculture Committees. In fact, I'm the first person in ten years in this delegation that's asked to be on the Agriculture Committee. I'm also on the House Interior Subcommittee of Public Lands, the Subcommittee on Water and Power, and Mining. On the House Agriculture Committee I serve on Livestock, Dairy and Poultry and the Subcommittee on Feed Grains and Soybeans. The one central thing that those five subcommittees deal with is water.

In our district, I guess historically, ever since Wayne Aspinall chaired the Interior Committee, I guess everybody that's served in Congress from the 3rd Congressional District has tried to serve on the Interior Committee because almost all of the public land in Colorado is in the 3rd district.

I'd like to review a few things that I have tried to do since I have been in Congress specifically dealing with water.

I sponsored and helped pass a bill that had been hung up since the days of Wayne Aspinall — the Colorado-Ute Indian Water Rights Settlement Act. That bill wasn't easy to get through. It took an awful lot of work by an awful lot of people from our district — people that came back to testify, people that wrote letters, people that tried to put out the brush fires that were starting in the offices of those who were opposed to building the Animas-LaPlata Project. It was a tremendous effort, a community effort, and it was — I think, a real turning point in how we deal with water in the West because we found a way to protect our rights through the negotiating process, rather than a confrontational, fight-it-out-in-court process, which we had done up until that time.

Duane Woodruff was especially one of the first people that suggested during the Lamm Administration, that we all sit down and try to reach some kind of a negotiated agreement — deserves a great deal of credit, because it was that original negotiation taking place in Lamm's office that was really Duane's idea.

I sponsored a bill to transfer the title of the Grand Valley Power Project, which was leaking, to the plant, paid for it, and it avoids the continuing hassle over the renewed of periodic operating permits with the United States government.

I sponsored a bill to increase the authorization ceiling for the Closed Basin Project in the San Luis Valley. That project allows the users, those users that bought the plant, paid for it, and it avoids the continuing hassle over the renewed of periodic operating permits with the United States government.

I sponsored legislation to transfer the title of the Plataos Reservoir, to local water users. That project was built in the '50s to meet Compact obligations, but it's never been used. This bill transfers the title to the local water users and implements the instream flow to enhance the fish and wildlife management programs.

I sponsored legislation to direct the Bureau of Reclamation to line the Bessmer Ditch here in Pueblo, which was leaking — going into homes, going into churches, and threatening families.

I co-sponsored legislation to promote groundwater research and the legislation to help states continue collecting data on their water resources, in addition to legislation to construct a water treatment plant on the Leidville Mine drainage system. I have also been very active in the appropriation process and have traveled with Chairman Bivello, who is the Appropriations Committee chairman who deals with water projects throughout the district.

He has visited the Dallas Divide, the Stagecoach, and many other projects. Over the years since 1987, I have voted on a lot of money — literally millions of dollars — for that subcommittee to build water projects. They included the Animas-LaPlata, the Dolores, the Closed Basin, the Stagecoach, the Frying Pan, the Arkansas, the Solidarity Control Project, the Mine Drainage Tunnel I mentioned, the Dallas Creek, the Paradox Valley, and certainly the Fountain Creek project.

To emphasize the importance of this money, just con.

Continued on page 14
rrewing up on our family ranch, I can recall going out into the river and irrigating a lot of land by horseback. I have had a real fascination with water since I was a boy. Having grown up in North Park, and one side of the family being from Fort Collins, I expressed an early interest in veterinary medicine. Why is it that I am here and am interested in all this chipping off on up here, I thought it might have been an avairy but found out it was just your tape recorder. That made me feel right at home.

I went to Vet school at C.S.U. after graduating from Fort Collins High School. I spent my high school years on my grandfather's irrigated farm. It was an irrigated farm that relied on water from projects like Horsetooth Reservoir. It is important to the Platte River development and economic growth all the way to the Nebraska border.

I had an opportunity to serve in the state Senate for eight years. In 1982 I was first elected to the Senate, my predecessor was Senator Fred Anderson, and you don't represent that district without knowing something about water. I have a very strong tie in water and would like to be a voice for you in Congress.

This election is about change and it's about a better America. It's about a better Colorado and it's about individual opportunity. It is a struggle worth our time and our effort and our sacrifice on behalf of our families and our state and our country. I have a positive message about jobs; not only do you create jobs by reducing the burden of government, by holding down taxes and holding down regulations, but in Colorado, water is essential for economic growth. Now there are some people who are confused. They can't decide whether it was money first or water first, when it came to the economic growth in Colorado. I'll tell you what my belief was, it was water first. It's water that's going to lead the economic growth in this state.

Water is the very backbone of the economic welfare of the State of Colorado that started with mining and domestic use. It moves on to agriculture, manufacturing, and now recreation is becoming more and more important. We have to balance those broad needs and categories. If we want to have a successful state, as far as jobs are concerned, we can't pull all our eggs in one basket. And that means that we keep our interest spread out in agriculture, domestic and manufacturing and also recreation. Water is the basket that encompasses all those things.

In Colorado we need to be allowed to manage our water, free from interference from the federal government. In the last 20 to 30 years, the federal government has, with increasing frequency, implemented programs which effect the exercise of water rights, and the use of the states resources. This has been most pronounced in the area of federal environmental laws, and regulatory programs involving water rights of the United States.

Environmental laws, in some cases, failed to use common sense. Let me give you two examples: frequently in legislation, we talk about absolute figures, or we'll say we have no level of a contamination in our stream or our bodies, and what happens when you talk about absolute values is it ignores the fact that scientifically, we are changing, the value of zero is changing. It is becoming smaller. Almost all of you thought that zero was zero, but it is becoming smaller, because not long ago, we were measuring pollution in parts per million (PPM). As health officer for the City of Loveland, when they first implemented the Clean Water Act (CWA), that was our standard.

Now they are looking at standards in parts per billion (PPB), and even have the capability in some instances of measuring parts per trillion (PPT). The thing that we need to be asking ourselves is what is a reasonable level of a certain type of contaminant in water, without getting ourselves into a technological quagmire where we are unable to meet our own standards.

So, as your representative in Congress, I would work for a common-sense approach in setting standards. I see potential problems with issues such as wetlands. We have continued on page 15.
Continued from page 6

The state of Colorado cannot afford to lose control of its destiny and its water through hidden agendas of others. While the goal of the Endangered Species Act is overwhelming important, we must be vigilant that it is not misused or abused to accomplish other purposes, such as freezing our water rights development. We must be ever mindful, with 18 downstream states coveting our water, that there are 18 states with the motive and political clout to utilize the water issue to their advantage under any pretext. Thus, the state must play a leadership role — rather than leaving the problem to be fought by individual water users.

Many critics of Colorado’s water law have proposed that the state needs a new plan for developing and allocating its water rights. While it is not in the province of the Attorney General to legislate, he must be ready to carry out and enforce the laws, I want to be clear that I am aware that Colorado already has a plan of allocation: the prior appropriation doctrine, which has served the state well for over a hundred years.

Much of the criticism that the water court system is cumbersome and expensive, is warranted. Nevertheless, I strongly believe that there is a strong public policy in the state that supports the prior appropriation system and recognizes it. It is part of the job of the Attorney General to make sure that litigation under the prior appropriation system is handled expeditiously, efficiently, professionally and with regard for private rights.

The Attorney General’s office is not the proper forum for resolving disputes between urban and rural users and east versus west slope interests, the Attorney General should have experienced attorneys available as resources for assisting in resolving these issues. The challenges facing Colorado in the next few years are too important to not be resolved through thoughtful discussion and agreement between all of the parties.

The turnover rate in the Attorney General’s office is abysmal. Major cases are replaced with Change of Counsel notices, with the Attorney General’s Office, and attorneys general come and go with the seasons, or are transferred from one area to another. The result is proctorial chaos. The trade-off is that when a new attorney becomes familiar with the case, the facts, the law and the parties.

My research and discussions with attorneys who have left the Attorney General’s office leads me to conclude that the turnover stems from poor leadership and supervision from the Attorney General, resulting in low morale, and from a pay scale that is not competitive with private firms. A common comment from attorneys who have left the office is that they seldom saw the Attorney General in the office, never had staff meetings with the Attorney General, and had no clear process for discussing positions or policy with the Attorney General.

I firmly believe that the most important role of the Attorney General is to set legal policy and determine positions to be taken on legal issues. This can be done in the context of staff meetings or with staff input, but must remain a responsibility of the Attorney General. After all, not merely the personal opinions of the Deputy and First Assistant Attorneys General. The Attorney General needs to cultivate close working relationships with the agency and department heads, to review policies and programs, and to advise the agencies as to appropriate positions under the law.

U.S. Department of Natural Resources as an example, by focusing on the bigger picture for the state of Colorado, the Attorney General can ensure that positions taken by the Department of Natural Resources and the Colorado Water Conservation Board, and Water Quality Control Commission use an interpretation of the law that is consistent and that agrees with the intent of the General Assembly in passing the law.

AndrewsTalking on Water, cont.

Continued from page 5

There’s no better way to get ready for the turn of another century than to challenge ourselves in the state to look to the future. You don’t need new law to do that — you just need better leadership. I haven’t seen leadership that would take us in that direction from the man who happened to win that election four years ago.

I am extremely disappointed with the raid on Colorado’s self-determination from George Bush and Bill Clinton. Our water law has been the envy of the world. Now, we are faced with a state-wide water war, playing catch-up and settling for second best.

I think we can’t afford a governor who’s a charlatan on the issues. We need one who will be a tiger. That’s what I want to be.

EllisTalking on Water, cont.

It has served as the pattern for other states to copy. There is every reason to believe we can provide adequate protection of stream flows in public lands with state law.

The fact is Colorado has been a leader in protecting stream flows in public lands. We were the first state to pass a minimum stream flow statute. That is distinct from situations in Nebraska, Wyoming, and Utah where the policies did not provide adequate protection of stream flows. It was that lack of strong state protection that prompted Congress to reserve federal water rights in those states. That need is not present in Colorado.

Every area and every community of Colorado depends upon water for stability and future economic growth. Protection of the State’s water resources and the best future uses of Colorado water. These decisions must be made in Colorado if the people are going to have any say in what happens to their most precious resource, or any control of their future.

We must have Senators and Congressmen whose actions reflect the importance of control remaining in Colorado.

You and I must take this issue by the horns and do all we can for Colorado. And we can’t be railroaded into anything else.
Romer *** Talking on Water, cont.

Continued from page 7

Advisory Planning Project. The federal objective of preserving endangered species may now frustrate federal and state plans to meet treaty obligations to the Ute, Jicarilla, and Navaho Indians. This is particularly important in the case of minimum stream flows for "channel maintenance purposes" in streams in the forests. Finally, Congress now has the power to decide whether the state may change the operation of the main stem reservoirs along the Colorado River, regardless of our concerns.

We can no longer delude ourselves into believing that water decisions are made only in Denver. Many federal agencies, under a multiplicity of federal laws, can dictate what happens with water development in Colorado. The state decision-making authority over water may lie in the behavior of federal agencies. A recent article ("EPA at Twenty: The View From The States" said that the Environmental Protection Agency was the supreme regulatory arbitrator, and state and local governments were to act as minions subject to federal controls. Each of those agencies had an effect on the way water decisions are made in Colorado. It is unlikely that Congress will change those laws to give authority back to the state.

A recent analysis of the position of state authority over water may lie in the behavior of federal agencies. A recent article ("EPA at Twenty: The View From The States" said that the Environmental Protection Agency was the supreme regulatory arbitrator, and state and local governments were to act as minions subject to federal control. The Colorado Water Conservation Board is now in a perplexing position that inundation of an instream flow segment can never be inundated by a reservoir. They claim that more than 1.2 million acre feet of water has been taken from them beginning in 1950. They claim damages arising from those alleged depletions to be in excess of $100 million. These are enormous amounts, and obviously of considerable concern to us. We are vigorously defending the case before a special master. The case is set for trial beginning in September of 1990. We have able counsel and engineers on our side, and I know we have the unanimous support of nearly all water users in Colorado.

My administration has put a substantial amount of money and time behind winning this lawsuit, and we will continue to do so. I believe our case is on sound technical and legal grounds, and I am pleased to report that the sophisticated engineering analyses of the state and the county of Boulder, a proponent of the state's position that inundation of an instream flow segment can never be inundated by a reservoir, is substantially more sophisticated than the analyses of the state's position that inundation of an instream flow segment can never be inundated by a reservoir. They claim that more than 1.2 million acre feet of water has been taken from them beginning in 1950. They claim damages arising from those alleged depletions to be in excess of $100 million. These are enormous amounts, and obviously of considerable concern to us. We are vigorously defending the case before a special master. The case is set for trial beginning in September of 1990. We have able counsel and engineers on our side, and I know we have the unanimous support of nearly all water users in Colorado.

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Continued from page 10

Barbara Vucanovich, a good Republican friend from Nevada fought that bill, and me and some of the other westerners at her side, but the Nevada Bill passed. Where was my opponent? Where did he go to the Colorado Canyon—Chairman Miller’s big and the Colorado Farm Bureau, the Nevada Cattle Feeders Association and the Wool Growers and asked each one of them to send an emergency telegram to George Miller, to persuade him to veto the Nevada Bill? He wasn’t there! I was.

Unfortunately, the President didn’t see it our way and signed the Nevada Bill. There was a number of bills go through with federal reserved water rights, and the last one, the Arizona Bill is a really dangerous one, because it deals with BLM ground, not headwater areas.

In fact, I’ve only seen him one time at any kind of a thing dealing with water and that was the ribbon cutting at the Ridgeway Dam and I thought you saw too. You can see some of the ribbons and having pictures takes a whole lot different than fighting to get the dam things built for the eight or ten years that it takes to get them.

I would also like to know where he was about three months ago when all the squawfish were snapping at my tail — and still are! We’ve won that one yet, but our Animas-LaPlata on hold. He wasn’t with me, when I went to the Secretary of the Interior to yell at him a little bit with Sam Maynes and two or three other people from this state who had been involved over the years with the Fish and Wildlife Service so we would come to the bargaining table and deal with us about squawfish — and they kept me talking about them.

Recently at a meeting in Park City, Utah we took our own hydrologist, our own fish biologist with us and we presented arguments about those squawfish and let the Animas-LaPlata proceed by releasing some of the water from the Navajo.

Now — I’m beginning to think that only a fish worse than the squawfish is a red herrings, and that’s what you’re being fed today — a red herring.

The reason my environmental record is only 40% this year, one of the lowest in the Colorado delegation, is because my opposition to any wilderness bills in the past two years that had federal reserved water rights. My good friend Harry Armstrong is one of the Senate’s most eloquent proponents. Maybe you’re right, but I think that people have the expectations and the right to expect that you will stand up with us when the bills come up. I would say we had to say I’m very pleased that he’s suddenly become interested in wilderness areas. As a result, there is no precedential decision which holds that the designation of wilderness by Congress under the 1964 Wilderness Act gives rise to federal reserved water rights for purposes of wilderness absence an express creation by Congress. The case was a significant victory for state control of water resources and state water court adjudicatory procedures, and it established the precedent that federal reserved water rights can be extinguished by state court proceedings. In 1984, the Sierra Club brought litigation in federal district court seeking to have that court declare that the United States possesses federal reserved water rights for wilderness purposes pursuant the 1964 Wilderness Act.

We believe that the lower courts in the region will allow construction at the project to go forward, and we have come too far to be turned back now.

In 1984, the Sierra Club brought litigation in federal district court seeking to have that court declare that the United States possesses federal reserved water rights for wilderness purposes pursuant the 1964 Wilderness Act. We believe that the lower courts in the region will allow construction at the project to go forward, and we have come too far to be turned back now.

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continuing to work with the Colorado Water Congress and others on the tasks before us.

Fourth, I believe we need to be more inclusive in water policy making. My experience as a county commissioner for the past eight years has demonstrated to me that when we do not allow people access and when people do not feel they are part of the system, they will work hard to overturn that system.

And I say it is time for everyone involved in making water policy to recognize that there are legitimate needs by others outside of the traditional and fairly narrow frame of view about water. It is time to let them in and cooperate with them—to accommodate their needs and continue on page 16

**Frequent Talking on Water, cont.**

Continued from page 13

any acceptable resolution must not preempt Colorado water law or impair any of our rights under the various compacts and court decisions. However, those questions should not be a problem at this time, since all of the pending appeals are limited to headwater systems.

As I understand the recent Court of Appeals decision in the Sierra Club case, the Wilderness Act doesn't impose a water right on anyone. Thus, it leaves Colorado in until unless there is a threat to the wilderness characteristics of the Colorado wilderness areas. It is possible for the parties in the water battle of the Sierra Club suit to disagree because it was "ripe," meaning that there was insufficient evidence of harm, with the necessary degree of magnitude and inim-
Bond ⭐ ⭐ ⭐ Talking on Water, cont.

Continued from page 11 and you will hear from me very shortly about some things that I intend to do in economic development, because the something I hear this year from the 4th congressional district is that need. Third is the environment, and we'll come back to that particular water portion of it, but clean air, clean water and the whole problem of waste management are going to be a part of that environmental issue. Fourth, Medical care; something is going to happen here. The country is demanding action. In the '90s we will need to deal with the health care issue extremely carefully, and in a balanced fashion.

I am pleased to have the endorsement of the Colorado Medical Society as part of the ongoing discussion which is going to occur about providing medical care which is both available and affordable. Not only in urban areas, but also in rural areas. Fifth, the national debt. I am independent enough to say that we ought to have a Constitutional Amendment to balance that budget, and I am in favor of a line-item veto for the president. And finally, the confidence we have in our government is increasingly in question. Both the process of government and also the confidence we have in our whole monetary system. Given what's happening with the savings and loans and banks and so on. If you take a look at things and my background, I have had experience in most of those areas that will be major issues during the 1990s.

Let me just speak briefly about water. As an ecologist, I really understand the nature of Colorado and most specifically, the nature of eastern Colorado in the picture of water. This is an advantage because I can articulate that in those terms which mean something to people elsewhere.

As a resident of Colorado's 4th district, I know that water is our lifeblood, and what I do is to deal with the entire issue out of a set of principles. One of the principles is an integration of quality and quantity of water, because that is a coming concern. Second, a strong resistance to federal encroachment — the older I get, the more precious our Constitution becomes to me. It has crossed my mind more and more times during the past election cycle of being the number of issues, and this is part of it; because water is, at least partly, a state's rights kind of an issue. And we really represent against those kinds of federal encroachment.

Third, I do recognize and say, I think the Water Congress itself recognizes the need for wilderness. Mainly, to understand a natural portion of our environment which has been undisturbed. We still don't — and may never — understand all there is to know about the earth we live on. And of course, part of the wilderness is for wildlife, part of it is for recreation and for a renewal of the kinds of things which need to be preserved for those grandchildren 25 to 30 years down the pipe. I don't support their views or ours either the Armstrong or the Water bill. Particularly, the federal reserved water rights portion of the Water bill and some other portions of the Armbrust bill.

We are not going to have a wilderness bill this session; it will be coming up the next session around. We do need minimum water in wilderness areas, but I believe, with Duane Woodward, that our minimum streamflow will take care of that and I agree with Greg Hobbs that the current Wilderness Act may be sufficient. But Congress is on a rush; it has already done the Nevada Wilderness. It's done a portion of the New Mexico Wilderness. It's done some with regard to the Arizona Wilderness, and all of those have to be finalized in water law. What I am saying is, that as a professional who understands this and also talks the language of other professionals, I believe that I will be able to bring to this discussion, a unique perspective which will protect us and do something special for Colorado.

Another principle is I am in favor of additional storage for water. And finally, I'll mention the need for a long-range water plan. Water is a finite resource in Colorado. We need to have the same kind of plan that we would for any other kind of finite resource. A careful balance between agriculture and population is critical. What we've done up to now is to switch priorities back and forth and then just build more storage. We need to know where we're going and how that balances irrigation and domestic use and tourism and the Colorado we leave behind for our children and grandchildren.

I will continue to keep up with the litigation that is going on with the recent Sierra Club case that was just decided, floodwater rights; the forest service case going on in Greeley, Kamares v. Colorado, Nebraska v. Wyoming — all in which we have an interest. I believe there are some advantages that I have, I'll mention three with regard to these particular issues; one is a long history in this district and keeping a close contact with key constituents. I'm a quick learner. And once I make a commitment, it is a commitment. Second, I will be part of the majority in the House, that is not going to change with the reapportionment and that's where something can get done, because that's basically where the decisions will be made, whether we like it or not. I'll be part of that majority. And finally, I'm a teacher — I'm an ecologist and I believe I can teach Colorado Water to Washington, D.C.

Heath ⭐ ⭐ ⭐ Talking on Water, cont.

Continued from page 15 interests at the local and state levels. I firmly believe that kind of legislation and that kind of resolution happens best at the local level. I've been involved with it dozens of times. It doesn't happen at the federal level, because they're too far away to understand what makes common sense, to work out what's really practical — to talk about if you give a bit here and I give a bit here, we can afford it and we can make it work. At the local level, I know that it can be done.

But it won't happen if we continue to believe that there are other interests that are not a legitimate part of the water debate, and that we need not work with them. Fifth, I think that the process for reviewing the proposed changes in water rights in Colorado is far too burdened with lawyers. It's my strong feeling that, in Congress and in water law, we need a little more common sense, a little more practical decision making, and a lot less litigiousness — where everything that we do we have to look to a lawyer to decide. It's too expensive and it's too time consuming. I believe that the kind of work that's been done in Water Division 7 in Durango is a good model, where you have the division engineer acting as an informal referee, and you leave the real legal decisions to the water court judges.

And finally, I believe it is time to truly look at all the incentives to be more efficient in the use of water. Efficiency — water efficiency is something that we in the West have always known. And we need to put in place policies that truly encourage efficiency. That means pricing structures, more education, promotion of xeriscaping and landscaping with native plants, reuse, and more. Of course, some jurisdictions are well ahead on such measures, and I commend the Denver Water Board for recent efforts to up water efficiency. But I am convinced there is a great deal more we can do to save water in Colorado without sacrificing our quality of life or our economic base. We need to get on with that task.

I appreciate the opportunity to speak to you today. I hope it is the first of many times we will get together and the beginning of a good working relationship. I have tried to offer some insights into my thoughts on water issues. I know I've presented more of a general challenge than specific solutions, but I always am suspicious of those who offer too many specific solutions. I also know I have said some controversial things.

But let me propose that we can work together as part of a team — you and I and the people of Colorado. We can do what we can to reclaim local control and to ensure that water decisions are made in Colorado by Coloradans, and that they reflect the interests of all Coloradans. You have my commitment to work with you toward that goal.