A New Path
For the Denver Water Department
Hubert A. Farbes, Jr.

On Friday, November 22, 1991, the Administrator of USEPA, Bill Reilly, publicly released a letter to the Denver Water Department regarding the Agency's position on the Two Forks Water Storage Project application. Denver's two major dailies reacted to the letter with headlines which illustrate the confusion engendered by this volatile issue: one headline read "Denver: Two Forks is Dead"; the other read "EPA Ruling Re-Opens Gate to Two Forks."

Other events of the past two months, including the filing of litigation by the Metropolitan Providers against EPA (which the Denver Water Board has declined to join), can only have exacerbated the confusion of metro area citizens on these issues. And while the Denver Water Board is only one of many participants in this complex struggle, the Board's members, having grappled for years with these issues, believe that present-day events now compel a new path for Denver and its citizens in management and protection of its valuable water supply system. A succinct statement of our thoughts and perceptions may assist in clearing the fog of confusion now settled over the water supply future for metro Denver.

Since its formation in 1918 from a series of water companies, the Denver Water Department has been the central focus for water development to benefit the entire Denver metropolitan area. In succeeding years, Department lawyers have acquired water rights, its engineers have designed and built storage and transmission and treatment facilities, and its employees have assured that distribution lines have been extended throughout the metropolitan area. Denver residents and ratepayers have financed all of these activities and operations from revenue bonds and user fees, and the system has grown to become the largest water supply and distribution system in the West.

Over the first half of the 20th Century, suburban areas grew up around Denver, were annexed into Denver, and water service was provided through the Department's systems. In time, those suburbs that resisted annexation were offered access to water supply by contract with the Department, and few suburban governmental units developed independent or competing water systems because good water rights have been working for the construction of the Two Forks Water Storage Project application.

The Project will affect the people and economy of La Plata County, Colorado, and San Juan County, New Mexico through the benefit of new jobs, additional and more dependable agriculture and recreation.
EDWARD E. "ED" POKorney

Edward E. "Ed" Pokorney, 48, was elected CWC President in January. Ed is currently Manager of Intergovernmental Affairs for the Denver Water Department. In that capacity, he has the responsibility of representing the Department before the Colorado Legislature and other governmental bodies. In addition, he participates with the following groups: National Water Resources Association (Board Member); NWRA Municipal Caucus (Chairman), Colorado Water Utility Council Legislative Committee (Chairman); and many Colorado Water Congress Committees (Chairman of Water Quality).

Pokorney holds a Ph.D. from the University of Missouri. After completion of his academic efforts, he served in the U.S. Air Force as a Captain. Past Air Force activity included helping found the Colorado Forum; an organization of corporate chief executive officers involved in public policy issues.

Ed is married, and he and his wife, Elizabeth, have two daughters.

ROBERT O. BURR

Bob Burr, 55, of Walden was elected CWC Vice President in January. Bob was born and raised on a ranch in Jackson County and went on to attend Oklahoma State University. He also serves as the Legislative Director for the Colorado County and City Directors Association. Bob is also presently a member of the Boards for the Colorado Water PAC and the Colorado Water Education Foundation. MacRavey is also a member of the American Society of Association Executives, Colorado Society of Association Executives, Colorado Water Congress Committees (Management & Budget, State Affairs, Federal Affairs, Water, Wildlands, Resolutions), and the Colorado Water Congress Committees (Chairman of Water Quality).

Larry D. Simpson, 54, 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 Colorado Water 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 Master’s 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 also serves as the Secretary of the American Society of Civil Engineers, the Four States Water Congress, the American Society of Association Executives, Colorado Society of Association Executives, Colorado Water Congress Committees (Chairman of Water Quality), and the Colorado Water Congress Committees (Chairman of Water Quality).

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.

JOHN E. "ED" TONER

CWC Immediate Past President Ed Toner, 60, of Pagosa Springs is President of the Southwestern Colorado Water Conservation District. Ed was born and raised on a ranch northwest of Pagosa Springs, and went on to graduate from Colorado State University in Fort Collins. He then entered the United States Air Force as a Second Lieutenant, retiring 24 years later as a Lieutenant Colonel, Master Navigator and is a veteran of the Korean and Southeast Asian conflicts. After retirement, he moved to Colorado Springs where he enjoyed a successful career in real estate. Upon the death of his father, Archie B. Toner (1967 CWC President) in 1979, he moved back to the Pagosa Springs family ranch where he continues ranching as well as serving on the board of such entities as the Southwestern Water Conservation Board, the Best Girl Ditch Corporation, the TRAD Ditch Corporation, and the Community United Methodist Church Administrative Board. He served 5 years on the Hinsdale County Planning Commission and is now a Hinsdale County Commissioner. Ed and his wife Dorothy have three children and eight grandchildren.

RICHARD D. "DICK" MacRAVEY

Richard D. "Dick" MacRavey, 60, is in his thirteenth year as Secretary and Executive Director of the Colorado Water Congress. MacRavey is no 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 "288" Water Quality Management Planning effort.

In 1979, MacRavey served as Chairman of the Colorado Good Government Committee for the promotion of the State Constitutional Amendments One (Governor’s Cabinet), Two (State Civil Service Renovation) and Three (Local Government Modernization). All three amendments were approved overwhelmingly by the people of Colorado. During 1988, MacRavey was appointed by the Legislative Leadership and served as one of the 48 members of COLORADO VISION 2000. In 1989, the Legislative Leadership appointed MacRavey to the 16 member Legislative Council Subcommittee on Long-Range Planning for State Government.

During 1980-86, MacRavey served on the National League of Cities Board of Directors. He is also presently a member of the Boards for the Colorado Water PAC and the Colorado Water Education Foundation. MacRavey is also a member of the American Association of Association Executives, Colorado Water Congress, American Water Works Association and International City Management Association (cooperating member).

MacRavey and his wife, Mary, are the parents of six adult children and two step-grandchildren. 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. During the Korean conflict, he served with the U.S. Navy.

COLORADO WATER RIGHTS

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Video Available

The provocative and educational video of the session on the Colorado River at the CWC 34th Annual Convention is now available for purchase. The participants were: Presiding Officer, David Robbins, Arizona Department of Water Resources Director, Betty Rieker; and Colorado River Board for the State of California Executive Director, Jerry Zimmerman — also there was some interesting audience involvement. This 95 minute VHS video is available from CWC for the following prices: CWC members who attended the convention — $65; non-members who attended the convention — $100; CWC members who did not attend the convention — $130; and non-members who did not attend the convention — $200. Applicable sales tax will apply.
Farbes: A New Path

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quality water was available through Denver at reasonable rates. By 1960, virtually all water planning for the Denver metropolitan area revolved around, or depended upon the Denver Water Board's management and the policies of its managing Board of Commissioners.

In the last 25 years, however, many changes have occurred in Colorado water law and the understanding of the role upon which Denver's water system was built. In 1974, the Foundstone Amendment was adopted to Colorado's constitution, effectively precluding Denver from assumption of the type of leadership it had enjoyed in the past. This Amendment effectively put the control of water development, particularly concerning instream flow preservation and avoidance or mitigation of adverse impacts from water development projects. A proliferation of water rights and political complexity in water supply issues, as a result, has chartered a new and different path for future water development in Colorado.

Does the "new path" mean the department will no longer be able to depend on other water supply systems? No, it certainly does not! The Denver Water Board will continue to cooperate with others who initiate development proposals for new water supply to the metro area. The Board will continue to work with other metro water providers to make Denver's system work for the benefit of others, so long as Denver's existing rights and abilities to develop and deliver water for its citizens and customers are not imperiled.

My message has changed little in two years; nor, I suspect, will it be much different five or ten years from now. The constraints upon and public opinions regarding water supply development for the entire metro area. I was privileged to speak to this annual convention two years ago, as the last decade of this century began. I told you then that the '90's would be a time which would alter us, a time which would be called to a new level of activist involvement, and with among the people we serve, if we hope to survive the threats and obstacles to viable water supplies for Western business and communities.

The State of Colorado and water user organizations in southwest Colorado had been working with the U.S. Fish & Wildlife Service for years to resolve water rights claims. After two years of intense negotiations, on December 10, 1985, an agreement settling those claims was signed. It would be theSecretary of the Interior, the two Colorado Ute Indian Tribes, the State of Colorado, and several water districts. The foundation for the Colorado Ute Indian Water Rights Settlement was the construction of the Animas-La Plata Project. After two years of congressional review, and considerable help from our friends and neighbors in the lower basin states, the Colorado Ute Indian Water Rights Settlement Act of 1988 was signed into law by President Ronald Reagan on November 3, 1988.

The project was designated by President Reagan as an "important water development project" for the City of Denver and Denver's suburban residents for water supply have altered the "development initiative" which motivated Denver Water Board members in years past.

Denver today, along with those suburban "distributor" customers who make firm water supply agreements with Denver, has developed long-term water supply agreements with the extent Denver's existing reserves of water are not sufficient for "buildout" of the Denver service area over the next 30 to 50 years. Denver and its distributors will not need water supply development to the extent that a substantial portion of the metro area, lying outside the "fixed obligation" boundaries of Denver's service area, is now already replenishing its water supplies. In simple terms, the cost of major water supply development for the entire metro area, i.e. primarily to benefit water users outside Denver's service area, is now both extravagantly high and without significant benefit for Denver's citizens and service area customers.

Finally, the Board's "new path" allow Denver to participate to any degree in metro area water supply development activities? Yes, it certainly will. Although Denver can no longer be expected to take the lead in metropolitan area water supply development, the Denver Water Board will continue to cooperate with others who initiate development proposals for new water supply to the metro area. The Board recognizes that Denver's system is and will probably remain the largest and most important component of any major water development proposal for the metro area, and that any new major water development project probably cannot effectively operate absent coordination with the utilization of the Denver system facilities. The Denver Water Board will continue to work with other metro water providers to make Denver's system work for the benefit of others, so long as Denver's existing rights and abilities to develop and deliver water for its citizens and customers are not imperiled.

Hubert A. Farbes, Jr. is the President of the Denver Water Board. The preceding remarks were the keynote address to the 34th Annual CWC Convention on January 23, 1992.

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Maynes: Animas-La Plata Report

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By way of background, investigations into the Animas-La Plata Project were initially authorized in the 1956 Colorado River Storage Project Act. Construction authorization for the Animas-La Plata Project was signed by the Department of the Interior, the two Colorado Ute Indian Tribes, the State of Colorado, and several water districts. The foundation for the Colorado Ute Indian Water Rights Settlement Act of 1988 was signed into law by President Ronald Reagan on November 3, 1988.

The Animas-La Plata Project was constructed by the Bureau of Reclamation and in December of that year, pursuant to Section 7 of the Endangered Species Act, the U.S. Fish & Wildlife Service issued a biological opinion for the Animas-La Plata Project which concluded that the construction of the Project would not jeopardize the continued existence of the rare and imperiled Animas-La Plata Project. The project's beneficiaries then thought they had jumped through all the federal environmental hoops. Therefore, in the eleven years between 1979 and 1990, millions of dollars and tens of thousand of man-hours were spent to forward the progress of the Animas-La Plata Project. In a ground-breaking ceremony for the Project was scheduled for May of 1990.

In addition, in the eleven years between 1979 and the scheduled groundbreaking in 1990, the Project was successfully negotiated with all the federal, state, and public agencies that had to be involved as the Project progressed. Despite the many efforts of Denver Water Board, the Project's beneficiaries thought they had jumped through all the federal environmental hoops. Therefore, in the eleven years between 1979 and 1990, millions of dollars and tens of thousand of man-hours were spent to forward the progress of the Animas-La Plata Project. In a ground-breaking ceremony for the Project was scheduled for May of 1990.

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After the Service issued the new jeopardy draft biological opinion on May 5, 1990, Animas-La Plata Project supporters quickly learned more about the Endangered Species Act than they ever wanted to know. Not only did we learn about the Act, but we also learned about working with the U.S. Fish & Wildlife Service. The attitude of the personnel of the Service in the months following the issuance of the new Draft Biological Opinion of May 5, 1990 was characterized as "rather snug", as the following examples illustrate.

The Endangered Species Act does not authorize the Service to ignore other water development projects. The Service now has the authority to stop any project to which its personnel have been called to a new level of activist involvement, and with among the people we serve, if we hope to survive the threats and obstacles to viable water supplies for Western business and communities.

The Denver Water Board will continue to work with other metro water providers to make Denver's system work for the benefit of others, so long as Denver's existing rights and abilities to develop and deliver water for its citizens and customers are not imperiled.

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Colorado Water Rights

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Colorado Water Congress

34th Annual Convention

The head table at the Legislative Breakfast (L to R): Former Senate President Fred Anderson (presiding); Senator Title Baker, Senate Tom Norton, Representative Jeanne Baret, Representative Don Williams, Senators Don Amundson and Senator Alan Johnson.

Above: The ninth recipient of the "nergie. A. Aigny" Water Leader Award was John F. Feeney, shown receiving a painting of "Inspirations" (June 1985). The first recipient was Bill Miller.

Left: The Annual Luncheon had table discussion of the petitioning for the office of Governor, too. President Ed Teter, Colorado Water Congress, Senator Norah Kalmar, Attorney Assistant Director, John Stoch (1983 Annual Award), Tamara Thode (1984 Annual Award), Sam Mason (1983 Annual Award), Bill Miller (1983 Annual Award), W.D. Fear (1984 Annual Award) and Fred Kommer (1986 Annual Award).

Left: President Ed Teter, Colorado Water Congress, Senator Norah Kalmar, Attorney Assistant Director, John Stoch (1983 Annual Award), Tamara Thode (1984 Annual Award), Sam Mason (1983 Annual Award), Bill Miller (1983 Annual Award), W.D. Fear (1984 Annual Award) and Fred Kommer (1986 Annual Award).

Former Congressman Ray Kayser's gave an insightful presentation on the status of the Ninth House "Colorado Waterways Act of 1987".

The workshop session on water-quality protection was attended by Representative Tom Norton, Senator Tim Norton, Representative Jeanne Baret, Representative Don Williams, Senator Don Amundson and Senator Alan Johnson.

Above: President Ed Teter receives the "Aigny" Award from Bill Miller.

Left: Interior Assistant Secretary John Storch received CWC Honorary Life Membership from the CWC "Vice President Ed Teter." Other individuals receiving Honorary Life Membership were: Former Governor Dave McNichols, Ralph Alder, Bob Fichter, Gordon Scher, and Bob Buckley.

Right: President Ed Teter receives the "Aigny" Award from Bill Miller.

Left: Interior Assistant Secretary John Storch received CWC Honorary Life Membership from the CWC "Vice President Ed Teter." Other individuals receiving Honorary Life Membership were: Former Governor Dave McNichols, Ralph Alder, Bob Fichter, Gordon Scher, and Bob Buckley.

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Above: Dr. George Wanger and John Storch (1985 Annual Award), Bill Miller (1983 Annual Award), W.D. Fear (1984 Annual Award) and Fred Kommer (1986 Annual Award).

Eyes Front -- nobody was sitting in the rear.

The purpose of Waterways had the characteristics of a workshop gathering.

Lunch always provided more than fuel.

Even the small Concurrent Workshops were well attended.

Receivers of Special Recognition Awards from SWPA were honored (L to R): CWC President Ed Teter with recipients Ray Kayser, Larry Sonnen, Louise Riley and Larry Thompson.

All of the sessions were "packed."
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Salary: The current salary range is $50,508 to $67,680 per year, although the position is anticipated to start at a

Application Procedure: Submit a completed State of Colorado application form to:

NOTE: The Department of Natural Resources is an equal opportunity affirmative action employer. We encourage females and members of minority groups to apply for this position and any other positions with the Department of Natural Resources. This job posting and all other forms provided the same kind, amount and level of knowledge may be submitted for the formal required education on a year-for-year basis.

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July 22-24, 1992 - 17th ANNUAL COLORADO WATER WORKSHOP at Western State College. For more information, contact the CWC office in Denver: (303) 837-0812.

July 29-31, 1992 - NWRA WESTERN WATER SEMINAR - Sun Valley Resort, Sun Valley, ID. For more information, contact the NWRA office in Arlington, VA: (703) 524-1544.

Glen Saunders Scholarship

The late Ed Boresen, CWC President in 1983, has been honored by the CWC Board of Directors with the establishment of a scholarship in his name to the Annual CWC Colorado Water Law Seminar. The recipient of this annual scholarship should be an active member of the agriculture community who desires to provide leadership on behalf of agriculture in water matters.

Boresen Scholarship

The late Ed Boresen, CWC President in 1983, has been honored by the CWC Board of Directors with the establishment of a scholarship in his name to the Annual CWC Colorado Water Law Seminar. The recipient of this annual scholarship should be an active member of the agriculture community who desires to provide leadership on behalf of agriculture in water matters.

ASPINALL 12th Award Painting

A limited number of colored photographs (11" X 14") of the painting of the "Stagecoach Reservoir" presented to John Feltcher as the 12th recipient of the "Wayne N. Aspinall Water Leader of the Year Award" at the 34th CWC Annual Convention of the Colorado Water Congress is available for $25. If interested in obtaining a copy of this photograph, please contact the Colorado Water Congress, 1390 Logan Street, Suite 312, Denver, CO 80203 - or call or fax in your order: (phone) 303/837-0812, (fax) 303/837-1607.
1991 CWC Membership Report

This report is intended to bring the membership up-to-date with Colorado Water Congress activities for calendar year 1991. No organizations, it should be noted, will have a meaningful impact on issues of concern, unless its membership is involved and asserting itself. Also, special thanks is expressed to the members of the General Assembly and the Executive Branch for their support to CWC's concerns and acted in a positive and helpful manner.

CWC notes the following in terms of highlights:
1. Six of nine water bills introduced in the State Legislature and supported by CWC were enacted into law.
2. All eight water bills opposed by CWC were killed.
3. Continued the major effort to address the issues in the U.S. Fish & Wildlife Service, Platte River and Colorado River Threatened and Endangered Species Studies.
5. Appeared before the Colorado Water Quality Control Commission on the matter of the Basic Standards.
6. Continued efforts on the matter of wilderness/reserved rights legislation.
7. CWC filed an amicus brief with the U.S. Supreme Court in support of petitioners in Arkansas vs. Oklahoma.
8. Participated with other interested individuals and parties in the formation of a Colorado Water Education Foundation.

The new water laws and resolutions supported by CWC were:

- HB 1896 - concerning authorization of expenditures from the Colorado Water Conservation Board Construction Fund, and relating to the activities of the Colorado Water Conservation Board in connection therewith.
- HB 1122 - concerning the continuation of the regulatory authority of the Board of Parks and Outdoor Recreation over the recreational and commercial use of the Arkansas River.
- HB 1158 - concerning water conservation, and making an appropriation in connection therewith.
- SB 120 - concerning the establishment of a resource mitigation bank system, and making an appropriation therefor.

SJR 7 - concerning additions or modifications to, and deletions from the project-eligibility list of wastewater treatment system projects eligible for financial assistance from the Colorado Water Resources and Power Development Authority pursuant to Section 37-95-107.6, Colorado Revised Statutes, as amended.

SJR 10 - concerning the Colorado Water Resources and Power Development Authority to proceed with the consideration of expansion of the satellite monitoring network.

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

- Board of Directors - 1/16/91, 1/18/91, 4/9/91, 6/29/91, 8/22/91, 10/28/91 and 11/16/91.
- Special Board Subcommittee on Wilderness - 4/19/91.
- Management & Budget Committee - 2/15/91, 3/15/91, 4/19/91, 5/17/91, 7/19/91, 8/22/91, 9/20/91, 10/18/91, 11/15/91 and 12/16/91.

CWC sponsored meetings were another dimension of our annual activities, and the following were held:

- CWC Water Law Seminar held September 5-6, 1991.
- CWC Workshop on Wetlands Protection and Water Development held October 17, 1991.

There were a number of other actions that enhanced and assisted greatly in making CWC more effective. These actions were:

- Secured 8 new sustaining members, 9 new individual and associate members during 1991.
- Named William H. Miller the 11th recipient of the "Wayne N. Aspinall Water Leader of the Year Award" at the 1991 CWC Convention.
- Published Colorado Water Laws Enacted in 1991 of Interest to Water Users (163 pages).

Again, your two-member staff is, indeed, proud and honored to be associated with such an outstanding and dedicated group of people as the CWC membership.

Dick MacRae
Executive Director