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

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<th>Candidates</th>
<th>“Talk on Water”</th>
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<td><strong>SENATOR</strong></td>
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<td>Ben Nighthorse Campbell</td>
<td>&quot;But a couple of guys got on that committee, one from downtown New York, who's never been to a hearing, never been to a mark-up, never been there at all. Which tells me that that committee is being loaded... an urban versus rural dialogue in the Interior Committee.&quot; — Page 4</td>
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<td>Wayne Allard</td>
<td>&quot;I do not believe water storage harms the environment. I believe it enhances and improves our environment. It reduces spring flooding and it provides water for the vital growing season during the late summer.&quot; — Page 8</td>
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<td>Mike Callihan</td>
<td>&quot;There's been a lot of difficulties in rural Colorado with the Safe Drinking Water Act. There was no distinction in that Act between rural and urban areas, which is somewhat typical; there was no recognition of the different kinds of problems in rural and urban areas...&quot; — Page 5</td>
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| **STATE REPRESENTATIVE** |                  |
| Tom Redder | "First in time, first in right, prior appropriation, beneficial use... it has worked for us very well. Part of the reason it's worked so well is that it introduced free market dynamics into the allocation and efficient use of water in the State of Colorado." — Page 8 |

| **HOUSE MAJORITY LEADER** |                  |
| Scott McInnis | "Without the Colorado River Compact in place, our water becomes a prime target. We have to continue to demand that this is a state issue... that the Federal Congress does not have any authority without our approval to change the Colorado River Compact." — Page 5 |

35th Annual CWC Convention
January 21-22, 1993
Holiday Inn, Northglenn
CWC’s 1992 Seminar on Colorado Water Law

by Claire Dickson
Glen G. Saunders Scholarship Recipient

The Colorado Water Seminar on September 17th and 18th provided an excellent introduction to the system developed here in Colorado for the allocation of water. Some of the topics covered included an overview of the court system, a history of Colorado water law, groundwater, water quality, and the role of engineering in water law. We also heard from the State Engineer, the manager of the Denver Water Department, and the heads of the Colorado River Conservation District and the Northern Colorado Water Conservancy District who each described how their organization or agency functioned and what role it played in the development of water in our state.

This brief summary, however, cannot begin to describe the vast amount of information presented at the seminar. All of the speakers were well prepared and presented substantial written material to supplement their talks. The most notable speakers were Greg Hobbs and “Chips” Barry, who were not only personable and entertaining, but who also addressed some serious policy questions. Some recurrent themes were whether Colorado needs to change its system of allocation to accommodate the public interest, how to remedy the problems caused by a change from agricultural to municipal use, and who will lead Colorado in its effort to use water allocated to it under the Colorado River Compact before that water is lost to the lower basin states.

There were several pointed questions from the audience, overall, we let the speakers off easy. The seminar provided a “down and dirty” introduction to water law and exposed participants to many prominent people who shape this state’s law and policy regarding water. As a law student intent on a career in water law, I am fortunate to have attended, and that would not have been possible but for the Glenn G. Saunders Scholarship.

I would like to take this opportunity to thank the Management and Budget Committee for awarding me the Ed Boren Scholarship for the Colorado Water Law Seminar held September 17-18 in Northglenn. Although I knew most of the speakers personally, it gave me the opportunity to hear them speak in detail of the positions and/or agencies they work for.

John Carlson gave an excellent presentation on Mutual Ditch companies and the water court system. He answered many questions that my own stockholders asked Ditch companies and the water court system. He also addressed some serious policy questions.

Chips Barry (who is always a joy to listen to) gave a very informative history of the Denver Water Department that was fascinating, to say the least. Along with the other speakers, I found the seminar one of the best I have ever attended. Dick MacRavey is to be commended for assembling such a fine group of people.

Throughout the seminar the subject of public education in water matters came up quite often. But as I listened to the information being presented, I realized that the public is not only that entity that needs to be informed. The agricultural community who uses most of the water in the state is also greatly misinformed in water matters. In order for the agricultural water users to maintain control over their most important resource, they also must be educated on the subject of water court system, water quality, groundwater and all other aspects of water and water administration within the state and their own region. Now, after attending this seminar, I feel that it is my responsibility to pass this information on to the water users in my area as well as encourage them to attend meetings such as this.

Again, I thank the Management and Budget Committee for awarding me the scholarship. I feel they have given me a great opportunity to be a conduit of vital information to the water users I work with on a daily basis.

Calendar of COMING EVENTS

October 20-23, 1992 — NWRA ANNUAL CONFERENCE — Radisson Hotel Denver, Denver, CO. For more information, contact the NWRA office in Arlington, VA: (703) 837-1544.

November 5, 1992 — CWC WORKSHOP ON WETLANDS — Holiday Inn Northglenn, 1-25 and 120th, Northglenn, CO. For more information, contact the CWC office in Denver: (303) 837-0812.

November 6, 1992 — CWC WORKSHOP ON WHAT YOU SHOULD KNOW ABOUT THE LEGISLATIVE PROCESS; THE LAW, THE RULES & PRACTICES — CWC Conference Room, Suite 312, 1390 Logan Street, Denver, CO. For more information, contact the CWC office in Denver: (303) 837-0812.

November 12, 1992 — CWC WORKSHOP ON FEDERAL ENVIRONMENTAL LAWS IMPACTING WATER INTERESTS — CWC Conference Room, Suite 312, 1390 Logan Street, Denver, CO. For more information, contact the CWC office in Denver: (303) 837-0812.

January 21 & 22, 1993 — CWC 35TH ANNUAL CONVENTION — Holiday Inn Northglenn, 1-25 and 120th, Northglenn, CO. For more information, contact the CWC office in Denver: (303) 837-0812.

January 28-29, 1993 — NWRA JANUARY LEADERSHIP MEETING — Doubletree Inn, Monterey, CA. For more information, contact the NWRA office in Arlington, VA: (703) 837-9444.

August 11-13, 1993 — NWRA WESTERN WATER SEMINAR — Tamarron, Durango, CO. For more information, contact the NWRA office in Arlington, VA: (703) 837-1444.

November 30—December 3, 1993 — NWRA ANNUAL CONFERENCE — Hotel del Coronado, San Diego, CA. For more information, contact the NWRA office in Arlington, VA: (703) 837-1444.

December 12-16, 1994 — NWRA ANNUAL CONFERENCE — Hyatt Regency, New Orleans, LA. For more information, contact the NWRA office in Arlington, VA: (703) 837-1444.

Aspinall Water Leader of the Year Award

This award, established in 1980, is presented to that person exemplifying the courage, dedication, knowledge and leadership qualities shown by Wayne N. Aspinall in the development, promotion and preservation of the water of the State of Colorado. The award need not necessarily be an annual one. Nominees may be any person who best demonstrated the “Aspinall” characteristics of leadership. Individuals interested in nominating the Aspinall Water Leader of the Year Award should request an application from the Colorado Water Congress office in Denver. The deadline for filing an application is August 1, 1993.
The Endangered Species Act was last scheduled for reauthorization in 1985. Reauthorization was delayed until 1987, due principally to the concerns by Senator Wallop regarding the impact of endangered fish protection on water use in the Colorado River Basin. Otherwise there was little interest in Washington concerning the economic impacts of the Act. Since 1987, the Endangered Species Act has touched many people, including loggers and power users in the Pacific Northwest; land owners in Florida, California, and Nevada; Indian tribes in the San Juan Basin; shrimp fishers in the Southeast; and water users in several Western states, to name a few. They have learned that social and economic impacts are not important when it comes to protecting endangered species. As the economic impacts of the Act have become more widespread, there has been increasing demand for amending the Act to require better scientific analyses before making drastic decisions, participation in decision making, consider economic impacts, and narrow application of the Act. A fundamental complaint is that the federal government lists species as endangered or threatened, takes no affirmative action to recover the species, and then pays the cost for endangered and threatened species protection to local governments and private parties.

The Act was scheduled for reauthorization in October, 1992. Congress has not acted on the reauthorization and no action is expected until 1993. The controversies that have developed since 1987 have prompted a number of bills from various parties who have an interest in the Act, its working, and its impacts. Proposed bills to amend Act are reviewed in this article.

NATIONAL ENDANGERED SPECIES ACT

Reform Coalition

The National Endangered Species Act Reform Coalition (Coalition) was formed in 1991 for the purpose of seeking amendments to the Endangered Species Act. The broad based Coalition includes the American Farm Bureau Federation, National Water Resources Association, water organizations, local governments, national associations, and corporations. The goal of the Coalition is to develop amendments to the Endangered Species Act that will insure a balanced application of the Act. The Coalition has been working with an initial group of Senate and House sponsors to develop a reform bill that has not yet completed an initial draft of the Coalition bill was available for review in preparation of this article. The Coalition bill seeks amendments in several areas:

Species Listing and Critical Habitat

- insure that better scientific data is used in the process of listing endangered species and identifying critical habitat;
- increase judicial review of Secretarial findings regarding listing of endangered species based on petitions filed by others;
- restrict participation in the listing process to those who are not receiving compensation from the Department of Interior;
- restrict emergency listing of species to cases where there is an “immediate threat of extinction,” establish priorities for listing of species, subspecies, and population segments, restrict designation of critical habitat to that is truly critical to survival;
- provide additional criteria and economic considerations in designating critical habitat.

Section 7 Consultation

- amend federal agency responsibility under Section 7, such that the responsibilities of the federal agency under the Endangered Species Act do not supersedes duties assigned by other laws, and in cases where conflicts exist, require the federal agency to balance pursuant of the requirements of the Endangered Species Act with other laws;
- change the standard for consultation under Section 7 to actions which “cause injury” to endangered or threatened species or modify habitat in a manner “that is likely to jeopardize the continued existence of such species”,
- require that mitigation measures be only for the action under consultation, and not other actions not subject to consultation.

Recovery Plans

- prioritize development of recovery plans and require implementation of recovery measures which have the least socio-economic impact;
- develop recovery plans by broad-based recovery teams that consider biological, economic, and inter-governmental impacts;
- develop alternative recovery strategies that consider direct and indirect cost to the public and private sectors, social dislocation, economic costs, measurable criteria for recovery, and estimates of time required to recover species;
- provide for public hearings in each affected county and consider all information obtained in public hearings in defining final recovery plans, with the final plans including all actions necessary for federal agencies to conserve the species under Section 7.

Encourage Private/Public Initiatives to Protect and Recover Species

- authorizes non-federal parties to consult with the Secretary on activities that adversely affect endangered species or critical habitat, obtain an opinion from the Secretary regarding reasonable and prudent alternatives and a permit for the activity, allowing it to proceed if the reasonable and prudent alternatives are carried out (this would apply to activities on private land not subject to federal action under Section 7);
- provides that the Secretary shall pay 50% of the cost of implementing conservation plans;
- allow the establishment of cooperative management agreements with states, local governments, or private parties for areas affected by a listing, proposed listings or candidacy of a species, and provide that management of those areas and species may be conducted by those parties, rather than the federal government, under certain conditions.

Other Provisions

- redefine the definition of “take” and make it specific to injury, killing, capturing endangered species or to harass or harm when such conduct is an attempt to cause physical injury or death of endangered species;
- require the state and local government employees of the “take” provision when they are carrying out applicable laws of the state or local government, and provide that the “take” provision is not applicable to private parties that are acting in accordance with a plan approved by the Secretary.

Proposed bills to amend the Act are reviewed in this article.
Before I start, let me tell you that I really enjoyed Phil Burgess' talk at noon. It was one of the best talks I've heard on growth in Colorado, but, I think you could really magnify it and say growth in the American west, because what is happening in Colorado is happening all over the west. Many, many people are moving in with many divergent attitudes. A dialogue is starting that is sometimes very angry, about where do we go from here. Some of that debate centers around the traditional industries on one side and the new, emerging industries on the other side. I'm sure you're aware of that debate. But it was a terrific talk, Phil.

I want to talk maybe just about three things. And then I'll take some questions.

First is the ongoing debate about the Animas-LaPlata. Those of you from the western slope, I saw Greg Walcher here and some others here from the western slope, have been involved in the project for a long time. A couple of years ago we had another fight with the Sierra Club about the Squawfish, but we managed to sit down and work out a Memorandum of Understanding between the tribes, the states of New Mexico and Colorado, the Fish & Wildlife people and the Bureau of Reclamation. The people that have brought a new suit to slow that project down, or stop it, never came to any meetings. I'm beginning to believe that there is at least these groups that don't really care about saving the species; their main concern is stopping the project. Many of you have come back to Congress a number of times to try to get a dialogue going with some of the key chairmen of the Interior Committee who are often on the other end of the issues we care about. We who care about western water projects know very well that our voice is not being heard very well by some of the key chairmen. One of them wouldn't even meet with Club 20 when they came back, as Greg knows.

Well, we fought that battle with the Squawfish, we've managed to find a way now that we can save the fish and we can get on with the project, but lo and behold, they're going to sue us again. This suit states that we should do a completely new environmental analysis because in order to build the Animas-LaPlata, we divided the project into two parts. As you know, we're going to build one to start with and hopefully get on with the next one as the money is there. But, they're telling us that we need a totally new environmental analysis, because in order to build it, we need to have a different kind of project. Our perspective is, it's not a different project, we're just going to build it at two levels and we shouldn't have to have a totally new environmental analysis. They've been involved with that project ten years and I'll tell you this — when I get involved with it, the thing was about a $330 million project. It's around a $680 million project now. One of the main reasons for the cost is these continual stumbling blocks that we have to get by and get over. But there's no question in my mind that the majority of people in Colorado want that project. It's the right project, and I just want to tell you that I'm going to keep fighting for that project and I promise you, you'll see it through.

The second thing, perhaps I should mention, is the Endangered Species Act. It's up for reauthorization. I think I have the attitude of most Americans. And think nobody wants to see the demise of the eagles and the disappearance of the elephants, or the total destruction of the whales. I think most people understand that. But you have to have the attitude that we have to protect the Endangered Species Act, there were some weaknesses. And, the way I interpret the original Act, was you have to save everything. And, Phil alluded to the idea that we have, for weeds and plants alone... I don't even know them. As I understand the original language of the Bill, it could be one weed that could stop any kind of growth or any Conversion on page 9

Someone like Bill Armstrong, who'll fight your fights. Someone like Hank Brown, who'll insist on Colorado Water Law, I'd like to be that champion for you.

Let me tell you where I start in thinking about this. As far as I'm concerned, the most important thought is this: water rights are private property. They're protected under Colorado law and we need to keep them protected under Colorado law. We need to stand against a federal government that is trying to come in and take our water. And, our task is to work for wise use. Stewardship, not preservation. To provide economic development and not a lock-up of our natural resources. To provide access for miners and timber, as well as for water. And in reasonable balance with environmental uses and recreational uses. Because, you see, that's the great debate. The west was opened with the idea that we were stewards. That we were going to go out and make active use of these latent resources. But today there's an idea that Phil Burgess, I'm sorry, Ben Nighthorse, in the middle of your talk, but having heard you before and having heard what I heard, I'm sure you made this point. The question is whether we get access to these resources and transform them to things that are of use to men and women in Colorado and in our country, whether we leave them locked up, making Colorado a museum. I am for responsible development. I will fight to the end of the statutory protection against an implicit water right. The Minkel language that really was written here by your member, which has been adopted in the Brown/Wirth compromise, which we must have in law. And when water issues arise, my pledge is to come to you, the experts. I know that I'm not an expert in all subjects. I know that I'm not an expert in the water issues. But I do know the federal laws. And, I'll come here and ask your help in determining what our policy should be.

Federal control can come in many forms. And my view is, we need to just say no to the federal grab for control of our water rights just as we need to fight to say no to the federal grab for control of our waters.

On wilderness, I have concerns. And I differ with Continued on page 10
Mike Callihan, a Democrat, is Colorado’s Lt. Governor and is a candidate for U.S. Congress — Colorado District 3.

Good morning. Thank you for the opportunity of allowing me to speak to you. My campaign really is a family campaign. I’m fortunate to have my wife, Lori, and our three children involved in this. I’ve got a fifteen year old, a thirteen year old and a ten year old. And my fifteen year old was only four years old when we started our first campaign. They’ve become somewhat talented in the political process, especially in consideration of their ages. I’ll start with a short story about my youngest, Andrea. She was at school last year and they were having a show—and tell. I went to pick her up after school and her teacher was telling me about her show—and tell and she said, “Your daughter was the last one to talk. As they went around to each of the kids, they told what their parents did and each story got better. When we got to your daughter, she seemed to be a little upset by the other students who spoke ahead of her. So she said, “Well,” she stands up and puts her hands on her hips, “I’ll tell you something, my father works for the Governor and makes lots of money.” I told the teacher she’s dead wrong on both counts.

I served as Chairman of the Agriculture, Livestock and Natural Resources Committee for four years and there’s a lot of difference between being on the front line as the chairman of the committee that deals with water resources and someone who stands on the sidelines regarding issues in this state.

It’s a pleasure to come to speak to you, most of whom I have known and worked with at the State House. A knowledge of water is crucial. The next generation is what I call the “WW” generation. Water and Waste. Water and Energy and Waste and Environment. Today, I’m going to spend a couple of minutes discussing one that we’re all here for, and that’s water. I read recently, and many of you did too, an editorial in one of the Denver newspapers which suggested that California’s thirst has declined. Why? (Don’t go to sleep in camp while they’re coming around us.) In California, thirst has not declined and I think there’s going to be a major battle in the next decade. In fact, what will happen in the next decade is what we saw in the 80’s when the corporate “raiders” looked at corporations that:

(1) were poorly managed,
(2) were unaware of the value of their assets, or
(3) had undervalued assets.

And that’s exactly what we have here in Colorado. Next to our people, our most undervalued asset in this state is our water. And there are a lot of what I call water “raiders” that are out to take our water and not fund it beyond the $11 million that Ben got included this year. I don’t think this lawsuit will have that effect. Congress has continuously supported Animas-La Plata, even when the administration didn’t support it. And people were very opposed to it. So, Animas-La Plata is going to have to continue to be acceptable to most of us in Western Colorado. Now, the Sierra Club lawsuit is problematic. It’s a delaying tactic that I think is intended to drive up the cost of the Animas-La Plata Project in the hope that the Congress will lose its patience with Animas-La Plata and not fund it beyond the $11 million that Ben got included this year. I don’t think this lawsuit will have that effect.

The vote are just not there to weaken it. And consequently, I think we’re going to have to take a very pragmatic approach in the West on how we work with the Endangered Species Act.

We just don’t have the votes to get in and amend it very much. Habitat reconstruction seems to be a positive way to look at avoiding head-on conflicts with the Endangered Species Act. It’s not a permanent key ingredient in the Animas-La Plata Project. But I think the Endangered Species Act is going to continue, it’s going to be reauthorized pretty much in its current form.

We’re going to have to find a way to make sure it doesn’t get any worse for us. But recognize the votes aren’t there. Try and make some logical changes in it, but that one looks like it’s going to roll through. The way to deal with it, I think, is the way Ben Campbell has dealt with it in the Animas-La Plata Project. And, that’s one that’s going to be more and more a key ingredient of how we, in the West, actually reconcile our position and the Endangered Species Act Provision.

On the Animas-La Plata Project, obviously I support that. If for no other reason than that it finally brings closure to the Indian water rights issue in Southwestern Colorado. Now, the Sierra Club lawsuit is problematic. It’s a delaying tactic that I think is intended to drive up the cost of the Animas-La Plata Project in the hope that the Congress will lose its patience with Animas-La Plata and not fund it beyond the $11 million that Ben got included this year. I don’t think this lawsuit will have that effect.

Congress has continuously supported Animas-La Plata, even when the administration didn’t support it. And people were very opposed to it. So, Animas-La Plata is going to have to continue to be acceptable to most of us in Western Colorado.
CWC's 1992
Summer Meeting in Colorado Springs

Above: Former U.S. Senate Bill Armstrong receives his Honorary Life Membership in WWA from Harold Melrod, Colorado's WWA Board Member.

Right: Harold Melrod of Colorado Springs and his new "Mother Pig with Baby Pigs" gift to illustrate his point during his presentation on water transfers.

Chairman Exner interviewed Larry Thompson of the NCWCD (above) and Harold Melrod of Colorado Springs (right).

Phil Burgos, President of the Center for the New West, delivered a dynamic vision for Colorado and the West.

The news media provided extensive coverage during the Campbell and Considine presentations.

FACES

Above: Ralph Adams of Pueblo joined some smoke.
Right: Rod Kullrich of Colorado Springs appeared to be absorbed.
Left: Dick Brownie of Gasson realized some inner "thoughts".

Well there was a Pueblo girls - anyway, everyone on the panel had a good laugh.

Senator Don Ansell gave CWC President Ed Polkney a poster or two.
The 4th Congressional Candidates

Wayne Allard, a Republican, is Colorado's 4th District Congressman and is seeking re-election.

I believe water is the most important issue facing Colorado today. How this limited precious resource is managed has a profound impact on our local economies and our environment. Colorado is in the best position to make the decisions on who receives water, how much, and when. The federal government should not be regulating this precious property right.

The Congress has agreed to the various interstate compacts between Colorado and its neighbors. All of our compact agreements are being challenged by our neighbors directly in the court or indirectly by granting a federal reserve water right or some instream flow requirement. Colorado needs to be prepared to fight vigorously for Colorado water and its congressional delegation needs to be prepared to stand firmly on allowing states to keep intact "the doctrine of prior appropriation."

If the Colorado Wilderness legislation should pass through Congress, it is important that the Brown—Wirth Compromise be kept. It specifically prohibits a federal reserve water right and yet provides for additional wilderness for future generations of Coloradans. I'm fighting to keep the Brown—Wirth Compromise intact.

The wetlands are now requiring water at the end of the irrigation cycle. This puts the water user at risk of losing his water right from increased flow requirement or from a water requirement to maintain a wetland area. The water user may be sandwiched between the two requirements.

Both take away water the user has relied on for years through a doctrine of prior appropriations.

There are many in the Colorado Water Congress who have provided great leadership in planning for the future. Obviously, there is work to be done. I feel we need a long term plan to insure we do not lose our water rights provided under the interstate compacts. We need to be able to better manage our water resources. Water storage harms the environment. I believe it enhances and improves our environment. It reduces spring flooding and provides water for the vital growing season during the late summer.

Our laws that address endangered species and clean water need to consider the ultimate economic impact on our society and local economies. Economic considerations have not received the attention they deserve. We must remember that we are talking about people who may suffer because of federal laws taking away their livelihood.

Not many people can claim that they have been a part of the managed use of water from high mountain areas to the irrigated farms. I have. It is from this practical experience that I draw upon to help make the right decisions.

We have been on the same side fighting for Colorado many times. It is a serious commitment by me to our beautiful and productive State of Colorado. My door has always been open. I will continue to fight for Colorado water. I pledge again that I will continue to work for a common sense approach to solving our water problems.

Tom Redder, a Democrat, is a State Representative from District 46 and is a candidate for U.S. Congress — Colorado District 4.

Thank you very much. There are a lot of resolutions I don't vote for in the House because I've come to view resolutions, which you all know not to have any legal affect whatsoever, as kind of legislative graffiti on the wall of the Capitol. I think we've all gotten carried away with the amount of time we spend on resolutions instead of real law and real acts. I did also vote against that resolution because it served as an ultimatum that nearly derailed the Brown—Wirth Compromise in the House after it had passed the Senate.

I think it's probably a good idea for those of you who don't know me to become a little more familiar with each other. I'm Tom Redder. Some of you know me from my legislative career since 1990 in the Statehouse. Whenever I'm asked to make myself more familiar with a group of folks, I'm often times reminded of Winston Churchill, who, right before the Battle of El Alamein in World War II, called General Montgomery into his quarters and said, "Make me more familiar with all the details related to the Battle of El Alamein." The General thought to himself, rolling his eyes, "My gosh, if I start going through all the details and plans for the battle, the Prime Minister's going to second guess everything I've done." So said to Winston Churchill, "Mr. Prime Minister, you know what they say. Familiarity breeds contempt." Churchill shot back at the General, "Ah, but, General, without familiarity we can't even breed anything."

So, hopefully, this morning we'll be more familiar with each other and we can breed the perspective that I think we ought to have on Colorado, Colorado Water Law and some of the concerns that we all share.

I grew up out by Timnath, near Fort Collins. I had an irrigation ditch in my back yard and my front yard. And I always get a kick out of events like this when people try to talk to each other after deep their roots are in Colorado water law. I was nearly born in an irrigation ditch, so, that close enough.

In any event, I'd like to go to Fort Collins High School and CSU. And I went to CU and got my Law Degree. Came back to Fort Collins and was appointed by Governor Rickenbacker shortly after that to be the first Municipal Judge for the City of Wellington and the Town of Timnath. I served in that capacity for quite a few years.

I was elected in 1990 to what used to be Ron Strahle's Legislative District. House District 46 includes the eastern half of Fort Collins, everything south of Fort Collins, including North Loveland, and goes west of Overland Trail all the way to Jackson County. It is one of the most diverse districts in the state. And, not insignificantly, I suppose, it has only 25% Democratic registration. And I am a Democrat. I think that fact demonstrates something that we're seeing all across this country now. Increasingly, the serious issues of all of us are not answered by the parties. The parties have failed miserably I think, not only on a state level, but nationally, in addressing people's real concerns and this is certainly true when it comes to water concerns in the State of Colorado. It's not the parties that come up with solutions, it's individuals, it's leaders, it's humans beings serving in representative capacities who come up with creative solutions to our continuing problems.

My father is Lester Redder, who may be familiar to many of you as the federal veterinarian for eastern Colorado for the Department of Agriculture. He's probably had more experience in eastern Colorado than any other person. I had occasion to accompany him on many of those trips and, in fact, spent some of my summers as a youth in southeastern Colorado. So, completely apart from running for the Congress of the 4th Congressional District, I'm very familiar with Springfield, Lamar, La Junta, and all of the communities in southeastern Colorado on up to Pueblo.

In Congress, one has to stand up to the special interests, one has to stand up to the lobbyists, one has to stand up for people's concerns to effectively represent their own particular district. And that's what I seek to do in the 4th Congressional District.

I've been called more of a fighter than a politician. In fact, after my first term in the State Legislature, the Associated Press named me the most aggressive legislator in my class. I didn't know what to think of that. But shortly after that, the Colorado Senior Lobby named me the Legislator of the Year for having introduced and passed the senior property tax workoff system for the State of Colorado.

Right after that, a reporter called me up and said, "Representative Redder, we read in the paper that you're the most aggressive legislator in your class, but then you procede to lose every time you come after a resolution to which you are strongly opposed. How do you reconcile that?" I told the reporter it had only 25% Democratic registration. And I said, "Well, I might just tell you what I told the others. I'm a cross between a pit bull and Lassie." The reporter said, "What does that mean?" And I said, "Well, I might take your leg off, but I'll always go for help." Sometimes in representing districts it's important to be aggressive but always remember to go for help.

Continued on page 11
kind of a project if that was the only one of that kind left. And I think that most of us don't want a total repeat of the Endangered Species Act. You and I agree that we've got to factor in the subspecies as well as species. I was talking to a guy the other day who has a few red wolves in captivity and they're trying to re-produce these red wolves that are red out of New Mexico. They're also endangered. He told me that red wolves that are still in the wild down around the Mexico border are crossing with dogs now, breeding with the dogs. So, you can see the end of the original Endangered Species Act, you have to ask yourself, what at that point does this animal qualify when he's half wolf and half dog? Do they have to redesignate him, redefine him as some other species? I think that was one of the weaknesses of the original bill. There are some things you're not going to stop from disappearing. That's the history of the earth. Some things come, some things go. I don't think we should intentionally speed it up but, by the same token, if we define the thing to the letter of the law with the subspecies and every little bit that means we're going to lose the ability to protect all the subspecies as well as species. I'm in favor of a, I don't want to see dialogue with the section on water, we finally have something that we would proceed to the next step under the bill that I have introduced which leaves the language blank. Since my bill is a little different than Tim and Hank's in area size, it's got to go to a committee conference anyway. Well, it's come through the Interior Committee so far. It's the right committee to do it, it was a product of an agreement because of the release language, that will be coming up September the 9th, as I understand it, from the Staff Committee. It will then go to the floor. When it gets to the floor, you know as well as I do, there's 435 members of Congress, it's got to be more than a majority, that's the—what do you know. When we got the dam thing in Congress I thought that that committee was—.
Continued from page 4

Congressman Campbell on this point. I think the inclusion of Seasonal Peaks in his bill raises several questions about what the water's going to be treated. I've looked at that map. I have seen the many exceptions and indulgences and I wonder how they're going to be treated. And as the L.A. Times of New England articles such as this recent one from Grand Junction... The Daily Sentinel, ...which says that Campbell urges wilderness protection for the river who needs to be treated. I think the real need is for land development regulations that makes me want them to trust us with control of our water.

It's not just wilderness. Look at the Clean Water Act. You know, during the last few months. I've been campaiging across our state, listening to what Coloradans have to say. And I am not happy with their next congressman, their next senator. And he's something that I hear time and again in the northern part of our state: people worry about the Clean Water Act. They worry about what the EPA will do. And we have used as a power grab for some back door to a federal land planning legislation. They worry that the forest service is going to make a special use of national forests that already contain existing water storage to permit the increase inflows downstream and Boulder, and Greeley, and Loveland, and eastern Denver County find their own existing water storage at risk. We need to be vigilant there.

And we need to look at the precedent that's going to come out of this wilderness. If we haven't guarded our existing water rights like downstream wilderness puts upstream rights at risk. And so we need to know that our system of water allocation, our system of private property, our economy that is built on is that, is at risk by what's done in the federal government and legislations. I think we need clear, statutory protection for what we now have.

Similar concerns come up in a hundred other elements of legislation. Safe Drinking Water Act is one that I've heard a lot about as I've campaigned around the state, and the state in which I live. In this case, I've come forward and say, Terry, we're being asked to test for chemicals that haven't been found within a thousand miles of here. And we're paying for the testing. Why are we being asked to comply with a lot of tortoise regulation? It comes up in the Endangered Species Act, that we are asked to do things and are asked me about earlier. We need to balance all of this with jobs. I think the number one issue in front of our country is this. For two centuries, you could count on the American economy doubling the average family's income every twenty years or so. But today the average family's income is shrinking. It's been about 6% over those years. Total. Not per year. Less than a third of a percent a year. We have to ask ourself, why is it that the government is doing this? What changed was there's a dramatic expansion of the federal government, a dramatic expansion of federal spending, a dramatic increase in the size of the government, a dramatic increase in the size of the government. And I'm convinced that what we need to do is shrink that. We need to shrink the size of the government, we need to shrink the deficit, we need to shrink spending. Then we need to shrink bureaucracy. Because, that's how we can get back on a faster growing track. All of these rules have good purposes, but, if they bring the economy to a crawl, it's a different story. The average citizen is feeling a being a success but the patient died. If we have the cleanest water and the most protected species, but people lack jobs, and Colorado's economy shuts down, what are we going to do? And, so I'm convinced that the issue in this election is how do we free up the private sector? You see Coloradans, Coloradans know that at any point in time there's only so much money. If government spends more, parents have less to spend on family bills. When the government borrows more to fund its deficit, business has to pay more for the money. And the government tries to control our water, our whole econ... the economy is at risk.

Let me turn to the Senate race. I'm going to fight for private property. I'm going to fight for Colorado control of its destiny. I'm going to fight for a free economy and a smaller government. And I'll rely on you, the voters, to keep it simple: If the candidates are going to tell us what they want, they should ask us if they should want to start all over. And I'm so delighted to be with you. I look forward to your questions. It's going to be fun.

McInnis ★ Talking on Water, cont.

Continued from page 5

contain express language denying a Wilderness Rights Water Right. Mr. McInnis, the original 1964 Wilderness Act was signed, without reference to water rights. Judge Kain ruled in the Sierra Club case and found "aliens rights". And, in my opinion, it was a watershed for groups that wanted to seize our water. Even if you allowed a wilderness bill to pass the United States Congress that was silent as regards to a water right, to the time of the wilderness bill, our water law didn't protect our water law. Don't for one minute, think that Mr. Miller of California is our friend. Don't think for one minute that the Wilderness Act of 1964 was a victory for the people of California. It was silent on the right water language. The wilderness compromise that Wirh wrote with Campbell and Brown, had a demonstrated federal water rights. We must not go outside the compromise that all of us worked so hard for. A compromise the Water Congress had agreed with. We are in a very dangerous situation with our water. Don't be misled into thinking that a bill silent on water rights is okay.

I'm concerned about Congressman Miller of California, the committee chairman, in what happens with Colorado water. Miller has a concept that the Colorado River Compact ought to be changed. We have to be very cautious about Miller's approach. He's trying to prevent the Compact with which protects our water.

We must say:
(1) That we have stayed by the principles of the Colorado River Compact. Mr. Miller, obviously, and the other states and the other parties to this agreement;
(2) That Compact is sacrosanct. And that Compact is sacrosanct.

For all those who say that the United States Congress cannot change the Compact. Mr. Miller, of course, is trying to go around that.

We must tell the people of the Colorado River Compact in place, our water becomes a prime target. We have to continue to demand that this is a state issue. We've done it this year — Senator Ament assisted us over in the State House with a resolution to have the State of Colorado with any authority without our approval to change the Colorado River Compact. That battle must continue at the federal level, and at the state legislature and the Colorado's congressional delegations. If we don't, our water will become a much easier target to outside interests.

We know that we're going to see the water battles time within the water courts under Colorado law. The allegation that Colorado has abandoned, under its own laws, its water, is based on the claim that we are not putting our water resources to beneficial use. We know that we're going to see battles outside the courtroom. Battles that are determined if state water authority can be preempted by the Federal government.

What do we do for defense? How can we, as a partner, begin to prepare for the defense of these unfriendly tooks? One of the most important is to think about what happened in the 80's to the corporations that sat back and didn't think they needed to worry about a defense. Some of them thought that they could just quietly close down or quit as they were, and we saw some horrible results. When we speak strictly from a financial point of view, you see a country that has a lot of companies that no longer exist because of their mistakes in the 80's, the same could occur to many of our water sources. So we have to prepare our defenses, and what are some of those defenses? First of all, you'll have to be able to send people who have been on the front line back to the United States Congress. Senator Ament has been on the front line in the Senate. Title Bishop's been on the front line. Tim Fister's been on the front line. Dan Prinsler's been on the front line. I've been on that front line. You get battle trained there and you begin to figure out some of the maneuvering that's going on. It would be a mistake for us to send any individual from this state back there who's not been on the front line in regards to these water issues.

We must not go outside the agreements between urban and rural water interests in Colorado. And I'm telling you, urban Colorado, you need to step forward and accept the full basis of the Colorado River Compact. The AWD is a battle that was really handled between private developers. But that's a battle that you should have joined in us. The Colorado Water Party of which you ought to join in us. It shouldn't just be a southwest Colorado project. That should be a project of the entire state. It doesn't hurt urban Colorado at all. We need to work to work with a group that can help us.

AWD which doesn't take a rocket scientist to figure out what it's going to do to rural Colorado. AWD isn't going to pour our resources into work that we don't need. But we needed more help from all of Colorado to defeat that earlier.

We've seen some cooperation and I commended the

Denver Water Board who, with the Colorado River Water Conservation District, signed a recent agreement regarding major issues between them. Colorado must accept the basin of origin mitigation or we're going to have a division in our partnership. This happens while other states are standing out there watching, what I call the "radar", waiting to come in and take our water assets, so we need to solidify an agreement. We need to unify together.

Let me just mention, and I'd be happy to take some questions, a couple of comments that were made by the previous speaker. There are big differences between Colorado and California. The act of the people of California, the funny come-lately on the AWD. I'm no funny come-lately on the Amigos La Plata. I'm no funny come-lately on the Mountain Leaders. It's the people that run for office are usually able to deliver a speech from their feet. And in a political year, it's amaz- ing some of the things that are being said and how they're being said. In a year that's as important as this year — you need to look beyond the speeches. You need to look at who's been where for the last six years. Where's the performance been? Who can deliver for us? And I can tell you, that when you take a look at that, you'll then be able to make a better decision on who you should support in this race.

Let me talk a little political reality with my opponent. You talk about political reality with the Interior Secretary? I don't think that's a reality. You need to think about how you get on those committees. You know what you've got to do for Mr. Miller for him to allow you to sit on that committee. You've got to get along with Mr. Ament, and you need to deal with a Congress person, a Con- gress or Mr. Ament person, or no Congressman in the United States Congress, that could care less about the interests of the State of Colorado, and you need to have the power to have to carry favor with to be able to serve on the Interior Committee. I don't have to do. That's why I'm saying. Mr. Miller doesn't have to do that. I've been in a position where I work very hard to get a seat on that Interior Committee, as it is a crucial committee for the 3rd District. It's a crucial committee for the State of Colorado. And let's understand that, think about how you get on those committees. They don't come free. Especially if you have to deal with that chairman who makes the appointment.

Continued on page 12
Redder

Talking on Water, cont.

Continued from page 8

What we mean to be an effective fighter for water in the 4th Congressional District? I think, when it comes to water concerns, all of us, no matter what your party, what your position, what your perspective, need to start spending a lot less time looking for enemies and a lot more time looking for creative solutions.

First in time, first in right, prior appropriation, benefi­cials, is a form of law. A law. It’s a good system. It’s a very good system. Born in history out of necessity for the miners and the ag interests and the ranchers. It has worked for us very well. Part of the reason it’s worked so well is that it introduced free market dynamics into the allocation and efficient use of water in the State of Colorado. Free market dynamics throughout human history, in our lifetimes, have solved problems. People have different concerns and you can end up with, in some situations, a little bit of chaos.

In 1957, when I was amazement at the kind of bidding wars we were willing to get into amor­nously, on behalf of the cities across the front range. Fighting among ourselves, secretly running up the price of water to everyone’s detriment. If you look at Crawford County, many of the farms and farmland are completely devoid of water now. Well, in a free market system, that can happen. But we also must, as a society, as a state and as concerned citizens, work to make the system beneficial for everyone. The economy in Crawford County is devast­atingly bad. So, a lot of this is having to do with this water to the salt. What can we do about that? Out­side of the system, reform the system, radically change the sys­tem? No, that’s not the policy I’m calling for. I’m calling for engineers to look at this water problem in a whole and we’ve got to constantly be vigilant and looking for where that tuning needs to be done. That’s what all this is about. What do we do with it? What shape will it be in? What’s the shape of water in the future? What is it going to be like? What makes it work at all? What I think makes water work is all of us doing our jobs very well. What I mean by that is, that all water conservation efforts should be a part of any public concern about your mandate. You need to be looking for where we develop water, to be looking for how we can keep more of it in the state’s water in Colorado, and to be loo­king for how we can enhance the ability of this state, and your own district to have more water available.

For all you users and owners and lawyers who repre­sent your interests, join me in the quest for protecting the property rights that you represent because that’s what makes the system work. The definitions we work with, will be beneficial. Beneficial values, that definition will evolve. Priorities, that definition will evolve. And many of you have been part of those battles. You’ve lost some of these battles, you’ve won some of them. All of you as state officials, you’ve got to do a good job of protecting Colorado water and Colorado’s water rights, and how great politicians are going to make things for you. We need to recognize that the committee must include Denver and Colorado. And the priest said, ‘Gosh, I’m not sure that qualifies for annulment the marriage. And the priest looked at her and said, ‘Well, whatever you said, you seemed so happy, you seemed so much in love.’ She said, ‘Well, I don’t know quite how to explain it. My husband was never intimate with me. And the priest said, ‘Gosh, I’m not sure that qualifies for annulment the marriage. You’re going to have to tell me a little more specifically what you are talking about.’ She said, ‘All my politician husband ever does, Father, is sit on the edge of the bed and tell me how great things are going to be.’ Well, we’ve probably heard, and you’re going to hear the rest of today, how great things are going to be and how great politicians are going to be making things for you. But it’s going to take hard work to make things happen. I’m going to act and I’m going to work with all of you to represent the 4th Congressional District so that we can make good things happen.
easier to obtain;

Pitts:

Endangered Species Act

ed of the impact of listing species;

sion of Congress unless other sponsors can be found.

a bill that requires: 1) economic analyses be conduct­

review. 

the Act's impacts, including economic analyses published

of subspecies and populations; and 6) allows for administra­

viewpoint, the Coalition bill needs language that would

occurred with the spotted owl decision in the Pacific

Northwest.

The National Endangered Species Act Reform

is threaten the Act's impacts, including economic analyses published

concurrently with the listing of species, and requires

process of doing nothing for conservation or sur­

vival of the species; 4) recovery plans be published before

Section 7 is implemented; 5) exemptions from the Act be

easier to obtain; 6) the functions of the exemption com­

mittee be transferred to the Secretary of the Interior; 7)

exemption applicants pay no cost of mitigation or

enhancement required as a condition of granting an

exemption; 8) federal agencies apply for exemptions

under certain conditions, particularly if the Secretary has

submitted reasonable and prudent alternatives and those

alternatives were unacceptable to the federal agency; 9) an

appeals process be available for denial of incidental

take permits to non-federal landowners; 10) there is no

automatic protection of threatened species unless and

until the Secretary issues a finding that regulations are

necessary and advisable, and actually issues those regula­
tions (threatened species would continue to be protected

from "taking"); 11) the Secretary identify data deficient­
cies and resolve data deficiencies before listing a species;

12) peer review be conducted by outside experts of all

listing decisions; 13) a subspecies or population be listed

only if it contains a unique gene pool as determined scienti­
ly; 14) recovery plans assess both the risk of extinc­
tion and probability of success of recovery efforts, and

analyze the extent to which implementation would pro­
hibit or restrict the use of non-federal property; and (5) the

Attorney General review all recovery plans for legal

adequacy prior to a recovery plan being issued.

PROGNOSIS

The environmentalists' strategy concerning reautho­

rization appears to be that the Act has been in place now

for 20 years, has caused very few detrimental impacts,

and therefore, no substantive changes are needed in the

Endangered Species Act. This approach fails to address

the concerns of those affected by actions taken under the

Endangered Species Act within the last few years, such as

occurring with the spotted owl decision in the Pacific

Northwest.

The National Endangered Species Act Reform

tion appears to have enough support to usurp and efforts to

modify the Act. However, from a Western

viewpoint, the Coalition bill needs language that would

alleviate many of the problems being experienced in the

Western United States. If the Coalition expects to main­
tain support from the West, that need must be addressed in

its proposed legislation.

The Endangered Species Act is one of the most power­

ful pieces of environmental legislation. It will be strongly

defended by its supporters, while others will call for sig­

nificant changes. The outcome is uncertain. The only

certainty appears to be that a major political conflict will

occur over the reauthorization.

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