Open Up Colorado's Petition Process
by Rick Reiter

The lopsided defeat of last year's Amendment 21 (Bruce tax cut) and Amendment 24 (Growth Initiative) revived the debate over whether Colorado's Constitution should be reformed to encourage petition seekers to address complicated legal issues through the statutory initiative process rather than the constitutional initiative process.

The debate is significant, in that the state's constitution is being presented with a myriad of complicated, and seemingly incomprehensible narrow interest policy that seeks permanent refuge in the state's constitution rather than having to stand accountable as being either a functional or practical public policy. In Colorado, anyone may petition their government for a change in law; if it's a constitutional initiative, then the policy can only be changed by another statewide vote of the public. If it is a statutory initiative, it can be changed by either a vote of the people or a vote of the state legislature. Because the process of qualifying either measure is the same, petition sponsors are increasingly choosing the constitutional route as a means for insulating their ideologies from being altered to fit practical or functional implementation.

Parties all across Colorado have been negatively impacted through these complicated and narrow proposals presented as constitutional amendments. Special Districts throughout Colorado have been struggling since 1992 with the complexities and hindrances these proposals have created. Continued on Page 11

How can we best protect our state's water rights?
by Congressman Tom Tancredo

Thank you all for hosting me today. I want to commend all of you for your hard work to protect Colorado's precious water resources. In fact, I'm having some difficulty imagining a job that is more thankless, but that bears such a heavy influence on our state's economy, environment and way of life. So on behalf of my constituents, and on behalf of my colleagues, I want to thank you for your work.

The question I want to pose today, is "How can Colorado's Congressional Delegation best assist you in your job, and how can we best protect our state's water rights?" The answer is simple. We must remain vigilant in opposing the Federal Government's encroachment over current and future water resources in Colorado. If a federal agency must be involved in a particular water dispute, I want it to serve our interests, not oppose them.

Unfortunately, the federal government involves itself in Colorado's water far too often. I wish that those of us in Congress could keep the federal government out of our way, in order for you to do your job right, but right now it is a tug of war. For instance:

We are fighting endangered fish on the Western Slope, and endangered mice on the Eastern Slope.

We are fighting hydro-power shortages on the West Slope, and water shortages in the Front Range.

The Forest Service wants Bypass Flows, and the National Park Service wants "Blow-past" flows, to flush out the vegetation along the Black Canyon of the Gunnison.

Sometimes I think the Fish and Wildlife Service wants to make the family farm an endangered species, but if they did, I suspect that's about the only endangered species that will not be entitled to outrageous amounts of water.

I consider the Endangered Species Act to be one of the most poorly crafted laws my predecessors in Congress ever passed. Under the Act, there are no monetary barriers, no established recovery goals, no peer reviews of questionable studies, and virtually no accountability with Congress. And when it comes to water, those endangered species are plenty thirsty. Just ask my friend Greg Walden, who represents the Klamath Basin in Oregon.

On Friday, April 6, the Bureau of Reclamation, the federal agency charged with allocating water from the Klamath Project, announced that no irrigation water from Upper Klamath Lake would be available for agriculture this year. This decision—forced by increased water requirements for the endangered suckerfish and the threatened coho salmon—represents nothing short of disaster for Klamath County. Experts estimate that over $250 million in economic benefit comes from the 210,000 acres of farmland irrigated by the project, constituting a crucial foundation for the economy of the area.

Many of you may not know that there is an additional fight in Washington State over the same issue. For three years in a row now, irrigators in the Methow Valley in North Central Washington have been without water. The National Marine Fisheries

Continued on Page 12

With sorrow and with confidence . . .
GOD BLESS AMERICA
Kit Kimball appointment brings focus to the West

Background

KIT CAPLES KIMBALL
Director
Office of External and Intergovernmental Affairs
Department of the Interior
(Washington D.C. position based in Denver, Colorado)

Secretary Gale A. Norton appointed Kit Caples Kimball as the new Director of the Office of External and Intergovernmental Affairs. While the office has traditionally been a Washington D.C. based assistant to the Secretary, it will be based in Denver, Colorado as a symbol of the commitment from the Secretary and the White House of the importance of the West to this administration. The major responsibility of the position is to provide the outreach and contact to state and local governments and to trade and non-profit associations.

Kit said her mission as helping to carry out the Secretary’s commitment to her 4 "C" philosophy ... that is, "communication, cooperation and consultation, all in the service of conservation." The new Department of the Interior will be seeking solutions to issues at more the local level and in cooperation with state and local governments. "It is the people living and working with, and enjoying the public lands that must be listened to on how to best resolve issues surrounding the management of public lands," Kit considers herself on the "frontline" for issues at more the local level and in cooperation with state and local governments over the next three years with the Secretary serving as "her eyes and ears." She will be on the road trying to visit all public land and reclamation states over the next three years with assistance from her staff based in Washington. "Several of my staff have good contacts with state and local governments.

Kit's background is ready made for her new assignment. She has worked for over 30 years in the natural resource public policy arena, having worked for Senator James A. McClure, Idaho and then in representing mining, energy, environmental and natural resource based companies at the federal, state and local levels. She has served on numerous boards and commissions as varied as the University of Colorado's Natural Resources Advisory Board, the Colorado Water Congress, and a new Energy Technologies (Renewable) group.

"I grew up in a beautiful part of Idaho. Everything we did for fun was outdoors on public lands. We fished, hiked, kayaked, rafted and loved exploring every drainage and mountain top we could find in an old, open topped Willys jeep. I always thought the environment was so important since we loved being in it so much.

"The local economy was totally dependent on the ability to use public lands, both forest service and BLM lands. Ranching, mining, timber and steelhead fishing and hunting were the mainstays, but now that all of these industries are in the doldrums, partly due to the inability to cost effectively continue to use the resources, the community suffers as one of the most impoverished in Idaho. To date, tourism alone hasn't been an adequate substitute. I find that the balance between using the resources for commercial purposes and managing them so that the public can continue to enjoy them is both critical and difficult. Listening to the local and state interests from all sides of the question is the key. Each piece is a bit different and has its own unique needs.

"I find that my upbringing in a place like Salmon, Idaho is the best resume you could have for my new job. I have taken the hometown newspaper for over 30 years and I balance what I read from the local paper, with stories from the High Country News and the Denver papers (and now papers from all over the West). Collectively, they paint a picture that I try to portray to the Department of the Interior as the complexity of the modern West."

Kit Kimball appointment brings focus to the West

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INTO THE FUTURE:
The Upper Colorado River Endangered Fish Recovery Program

by Tom Pitts
Upper Basin Water Users Representative
Recovery Implementation Program for Endangered Fish Species
in the Upper Colorado River Basin

A Success Story

The Upper Basin Program is getting good reviews from very different sources (see Box 2). Bruce Babbitt, in his last speech as Secretary of the Interior to the Colorado River Water Users Association, said that this Program is a success story. Representative Jim Hansen (R-Utah), a conservative member of Congress, says that the Program provides an example of how the Endangered Species Act should be implemented. These gentlemen approach the Program from very different political perspectives, yet reach the same conclusions. Rep. Hansen was the prime sponsor of federal legislation in the House of Representatives to authorize continued funding for the Recovery Program. Secretary Babbitt offered key support within the Administration for the legislation. The bill was signed into law by the President on October 20, 1992 (P.L. 102-399).

There are several underlying lessons for the Program’s success. The first and foremost is that the Program meets the needs of those participating in the Program. Those diverse participants (see Box 3) include the federal agency having regulatory responsibilities for endangered species (USFWS), federal agencies needing ESA compliance (Reclamation, WAPA), federal agencies needing ESA compliance under the Program. Secretary Babbitt offered key support within the Administration for the legislation. The bill was signed into law by the President on October 20, 1992 (P.L. 102-399).

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The fact that the Program works for federal agencies and water users needing ESA compliance is just one aspect of the successful Program. The Program also works for the states. The fundamental intent of the Program is that it will operate in accordance with state water law and interstate compacts allocating water among the states. This basic principle was fundamental to acceptance of the Program by the states and water users. Under this Program, the United States recognizes that water needs to provide habitat for endangered fish must be acquired in accordance with state water law. In addition, the Program works closely with state wildlife agencies on issues such as nonnative fish control. The Program thus avoids conflicts with both state water law and state wildlife law.

Environmental organizations participated in negotiation of the Program and participate in its implementation. Each year their representatives join other Program participants in seeking congressional appropriations for the Program. The Program provides environmental organizations with the means for achieving their goals for endangered species protection.

The U.S. Fish and Wildlife Service is charged with implementing the Endangered Species Act. The Program provides a mechanism for implementing the Act with respect to the four endangered fish that has support of other federal agencies, the states, water users, environmental organizations, and power users. This support stands in stark contrast to other areas of the country with respect to implementation of the Endangered Species Act, especially in the western United States. Far more can be achieved by the Program than by individual water users providing mitigation.

The Colorado River Water Congress has been involved with the Endangered Species Act (ESA) in the Upper Colorado River Basin since December 1, 1983. On that date, Colorado Water Congress established the Special Project on Threatened and Endangered Species. The Upper Basin Endangered Fish Recovery Program was established in January, 1988 and has been in operation for 13 years. The goal is to recover four endangered fish species (Colorado pikeminnow, razorback sucker, bony-tail and humpback chub) while water development proceeds in accordance with state laws and interstate compacts. This article reviews the accomplishments of the Program and, more importantly, discusses the future of the Program and CWC involvement in endangered species activities in the Upper Basin. Significant ESA activities in the Upper Colorado River Basin go back to 1973 (see Box 1).

Box 1: Chronology of Major ESA Events in the Upper Colorado River Basin

- 1973 - Passage of ESA; listing of Colorado pikeminnow/humpback chub as endangered
- 1975 - Section 7 consultations began on federal water projects in the Upper Colorado River Basin
- 1980 - Bonytail listed as endangered
- June 1983 - USFWS draft report stating no further depletions in the Upper Basin unless replaced on a one-for-one basis
- December 1, 1983 - Colorado Water Congress organizes Special Project to negotiate conflicts with Endangered Species Act
- March 1984 - Upper Colorado River Committee established (federal agencies, states, water users, and environmentalists) to negotiate solution
- 1985 - Colorado Water Congress proposes “Recovery Program” as a resolution to conflict
- 1987 - Final Recovery Program negotiated with goals to
  - Recover endangered fish
  - Provide ESA compliance for water projects
- 1988 - Governors and Secretary of the Interior sign agreement to implement “Upper Colorado River Endangered Fish Recovery Program”
- 1988-2001 - Recovery Program in operation
- 1991 - Razorback sucker listed as endangered
- 1999 - Work begins on specific recovery goals for four endangered fish species
- 2000 - PL 106-392 authorizing federal/power users/ and state cost sharing for Recovery Program
- 2001 - Final draft recovery goals published for public review

44th Annual CWC Convention
January 24 - 25, 2002
Holiday Inn - Northglenn

Colorado Water Rights

Continued on Page 4
Continued from Page 3 of Congress have said that they appreciate the local effort to resolve these problems and the progress being made by the Program. Through FY 2001, Congress appropriated $52 million for the Program.

In summary, the Program works because it works for all of the participants.

The Future

One of the fundamental goals of the Recovery Program is to recover the four endangered fish species in the Upper Colorado River Basin. The emphasis is now on PERFORMANCE. The primary Program activities over the next several years will include:

- completion of facilities construction,
- fish stocking,
- nonnative fish control,
- habitat development, and
- monitoring to measure attainment of recovery goals.

These activities are largely funded by the federal and state governments, and power revenues. Water users pay a one-time depletion fee on new projects ($15.25/acre-foot for 2002). Projects existing as of January, 1988 pay no fees.

The Recovery Program will continue at about its present level of activity until about 2008. At that point, all the major habitat development and facilities construction should be completed. Stocking of bonytail and razorback suckers may continue for a few more years. After 2008, the Program should go into a monitoring and response mode to measure progress towards achieving recovery goals, and to adjust recovery measures based on the response of the endangered fish.

Construction: Construction of facilities will likely be finished sometime between 2005 and 2008. These facilities include Elkhead Reservoir modifications/expansions, fish passages, fish screens, and hatchery facilities. Fish passages have been completed at Redlands Diversion on the Gunnison River and at the Grand Valley Irrigation Company Diversion near Grand Junction. Additional fish passages are expected to be constructed at the Price-Stubb diversion near Grand Junction and the Government Highline (Roller Dam) Diversion at the upstream terminus of the 15-mile reach near Grand Junction. The need for possible fish passage at the Hartland Diversion on the Gunnison River is being evaluated.

Fish screens are being installed at major diversions to prevent entrainment of endangered fish. A fish screen is being installed at Recovery Program expense at the Grand Valley Irrigation Company Diversion. Fish screens will likely be required on the Redlands Diversion (Gunnison River), and Tusher Wash Diversion (Green River), and the Government Highline (Roller Dam) Diversion, as well as the reconstructed Elkhead Reservoir on the Yampa.

Water management: By 2006, most water management activities to benefit the endangered species will be in place. The effectiveness of water management activities expanding endangered fish populations will continue to be evaluated. Continued modification of operations based on monitoring results will likely continue through at least 2010. After 2010 more stable operations will continue for the indefinite future in order to maintain the habitat that is contributing to recovery.

The Grand Valley Water Management Project is near completion. This project includes a series of control structures in the 30-mile long Grand Valley Canal that allow more efficient utilization of water. The water saved will be stored in Green Mountain Reservoir and released for late summer flow enhancement in the 15-mile reach for the benefit of endangered fish. Federal and non-Federal parties are participating in voluntary re-operation of reservoirs. In 1999, these parties delivered 63,000 acre-feet of water to enhance peak flows in the 15-mile reach on the Colorado River, with no impairment of reservoir yields.

Flaming Gorge Reservoir on the Green River in Utah is being re-operated to benefit the endangered fish. Flow recommendations for the Gunnison are under discussion. When the flow recommendations are finalized, the Aspinall project will be re-operated to benefit endangered fish, after development of an environmental impact statement on re-operation scenarios. The EIS is likely to take three to four years.

Elkhead Reservoir will be reconstructed to provide about 3,700 acre-feet/year of water for endangered fish to meet late summer flows, and about 5,000 acre-feet/year for human needs.

Fish stocking: Through October 2001, approximately 210,000 bonytails have been stocked in the Upper Basin and about 193,000 razorback suckers have been stocked. Most of these fish have been stocked in the last three to four years. Hatchery construction is nearing completion. Major facilities have been developed at Ouray National Wildlife Refuge near Vernal, Wauwape in southern Utah, and at Grand Junction. Larger endangered fish will be stocked that have a greater chance for survival. Fish stocking will be focused on the bonytail and razorback suckers, as these populations are depleted in the Upper Basin. Razorback sucker stocking will include approximately 100,000 to 150,000 fish in the Colorado, Gunnison, and Green rivers. Bonytail stocking will likely include about 300,000 fish in the Yampa, Colorado, and Green rivers. Major stocking efforts for the bonytail and razorback sucker will likely continue to somewhere between 2008 and 2012. Pikeminnow populations will not need much augmentation.

An estimated 6,000 to 10,000 Colorado pikeminnow will be stocked in the Colorado River and Gunnison River. Humpback club populations will not need to augmented to achieve recovery.

Monitoring: Monitoring programs to monitor the effectiveness of stocking, water management, fish passages, habitat development, and nonnative control will Box 2

"The Upper Basin Recovery Plan: The restoration of endangered fish populations in the Upper Basin is an ongoing success story. On October 30th, President Clinton signed legislation setting in place long-term funding based on cost-sharing for the Upper Colorado and San Juan River Recovery Implementation Programs."

Bruce Babbit, Secretary of the Interior
(Colorado River Water Users Association, December 2000)

"The Upper Basin and San Juan Recovery Programs are not without flaws, but they are achieving the goals of the Endangered Species Act while avoiding conflicts with other federal and state laws. This is truly a remarkable achievement. Indeed, Congress and the federal agencies could benefit by considering these programs as examples of how the Endangered Species Act should be implemented."

Representative Jim Hansen (R-Utah)
Chairman, Resources Committee
U.S. House of Representatives
(Forum for Applied Research and Public Policy, Spring, 2001)

Box 3: Recovery Program Members:

Federal Agencies
- U.S. Fish and Wildlife Service
- National Park Service
- Bureau of Reclamation
- Western Area Power Administration

States
- Colorado
- Utah
- Wyoming

Interest Groups
- Water users (Colorado, Utah, Wyoming)
- Environmental organizations
- Colorado River Energy Distributors Association

Each member has one vote
Program operates by unanimous consensus

Box 4

Upper Colorado River Endangered Fish Recovery Program Summary of Section 7 Consultations by State

<table>
<thead>
<tr>
<th>State</th>
<th>Number of Project Consultations</th>
<th>HISTORIC DEPLETIONS</th>
<th>NEW DEPLETIONS</th>
<th>TOTALS</th>
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</thead>
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<td></td>
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<td>Acre-feet/yr</td>
<td>Acre-feet/yr</td>
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</table>

TOTALS 627 1,450,588.91 222,557.45 1,673,146.36

Upper Colorado River and San Juan River Recovery Programs Summary of Section 7 Consultations by State

(1/1/1988 through 6/1/2001)
Pitts: Endangered Fish Recovery, cont.

Continued from Page 4

Program activities will be adjusted based on the results of the monitoring program. Afterwards, monitoring will be more focused on determining populations of endangered fish and movement of populations towards attainment of recovery goals.

Habitat development: Flooded bottomlands are part of the habitat needed by endangered fish. Restoration of flooded bottomlands is a component of the Program. Flooded bottomlands are being leased or purchased to ensure their availability to endangered fish. In addition, some lands that have been diked off are being leased, and levees are being breached to allow access by endangered fish. This program element is under reevaluation, but is likely to continue for some time to come.

Nonnative control: Nonnative fish control efforts are expanding and will likely continue for several years. The Program is not to remove nonnatives, as that is infeasible, but to reduce nonnative populations to a level where recovered endangered fish populations can coexist.

Nonnative fish control will likely include selective removal of some species, such as northern pike, on certain rivers. The nonnative control program is under development, but efforts are under way. Recovery Program activities will be adjusted based on the results of monitoring. Surveillance surveys will be conducted to monitor the abundance and distribution of nonnative species. Special emphasis will be placed on non-native warm water species to reduce the frequency of release of these fish during flood events.

Fish screens are being installed to prevent escape of non-native fish from large reservoirs used as recreational fisheries. A fish screen has already been installed on the Highline Reservoir near Grand Junction. A screen will be installed at the reconstructed Elkhorn Reservoir in the Yampa River Basin.

Colorado, Utah, and Wyoming have prohibited stocking of nonnative fishes in the river segments occupied by endangered fish. Large streamside ponds will continue to be "reclaimed" (poisoned) and restocked with more compatible species to prevent escape of harmful nonnative species into the habitat of endangered fish.

Recovery Goals

Since early 1999, USFWS and Recovery Program staff have been developing specific recovery goals for the four endangered fish species. Numerous drafts have been produced by USFWS. Upper Basin Water Users and other parties have had significant input through the process. Almost all of the comments and concerns submitted by the Upper Basin Water Users representative have been satisfactorily addressed.

In September 2001, the final draft recovery goals were made available for general public review. The final draft recovery goals specify the number of adult fish for each species that have to be maintained to downlist the species from endangered to threatened and then to delist the species. Generally, this occurs over one generation time, or more age, of the adult fish. For example, for Colorado pikeminnow with a 12-year mean adult age downlisting can occur in five years and delisting seven years beyond downlisting, after populations at an adequate level are achieved. In addition to populations, the recovery goals identify management actions that are needed to ensure a continued maintenance of recovered populations. These management actions generally include:

- minimizing risk of hazardous spills in critical habitat;
- remediating water quality problems, and
- providing for the long term management and protection of populations and their habitats beyond delisting through state conservation plans that will ensure that conditions leading to delisting are maintained, including maintenance of facilities.

Given the present numbers and distribution of humpback chub and Colorado pikeminnow, these species will likely be the first to be downlisted and delisted (see Box 5). Razorback sucker were almost extinct in the Upper Basin. Bonytail were completely extinct in the Upper Basin. These populations have to be rebuilt through stocking and habitat development to recovery goal levels and then maintained for a period of eight years prior to delisting.

Recovery goals are expected to be adopted in final form in early to mid-2002. These goals will help further Recovery Program efforts on those activities which are most important for downlisting and delisting of the endangered fish.

CONCLUSIONS

The Upper Basin Endangered Fish Recovery Program is a success story. It works because it works for all the participants, including water users, the states, federal agencies, environmentalists, and power users. The Program is likely to continue at a high level of activity over the next seven years. After that, Program activities will diminish in terms of construction and fish stocking. However, certain maintenance activities will continue. These will include maintenance of the constructed facilities (fish screens, fish passages, hatcheries), continued water management activities to benefit the endangered fish in accordance with state water law, continued control of nonnative fish species, and monitoring of the fish populations to determine if progress is being made towards meeting recovery goals.

Based on current estimates, the humpback chub and Colorado pikeminnow may be delisted as early as 2010 and 2013 respectively. However, given the existing low populations, razorback sucker and bonytail are not expected to be defined until 2023.

Continued involvement in the Program by the Colorado Water Congress is likely to be a need for some years to come. However, that need should diminish from current levels of involvement after the five to eight year period of continuing highly active Recovery Program activities. Colorado Water Congress priorities for the Program are 1) to improve Program performance so that recovery goals are achieved at the earliest possible date and that the Program continues to provide ESA compliance for water depletions, and 2) to ensure continued appropriations to the Program by Congress and the states.

Tom Pitts is principal, Water Consult, Engineering and Planning, Loveland, CO.

Box 5

Estimated Downlisting and Delisting Dates for Endangered Fish Species

<table>
<thead>
<tr>
<th>Fish</th>
<th>Downlist</th>
<th>Delist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Humpback chub</td>
<td>2007</td>
<td>2010</td>
</tr>
<tr>
<td>Colorado pikeminnow</td>
<td>2006</td>
<td>2013</td>
</tr>
<tr>
<td>Razorback sucker</td>
<td>2020</td>
<td>2023</td>
</tr>
<tr>
<td>Bonytail</td>
<td>2020</td>
<td>2023</td>
</tr>
</tbody>
</table>

Box 6

Internet Information Links to Upper Colorado River Endangered Fish Recovery Program

http://www.r6.fws.gov/coloradoriver (general)
http://www.r6.fws.gov/crrip (more specifics)

ASPINALL AWARD NOMINATIONS & WATER LAW SCHOLARSHIP

If interested, the following forms for your completion and return to the Colorado Water Congress office are available.

1. Nomination form for the 2003 Wayne N. Aspinall Water Leader of the Year Award.

2. Ed Boresen, W.D. Farr, John R. Fetcher, Frank Mileski and Bart Woodward Scholarship (for an active member of the agricultural community) for 2002 – Colorado Water Law Seminar.


5. Larry D. Simpson, Ralph Adkins and John R. Fetcher (for either an engineering student or a non-partner of an engineering firm) Engineering Scholarship for 2002 – Colorado Water Law Seminar.


The Wayne N. Aspinall Award nomination form is due at the CWC offices by August 3, 2002. The scholarship nominations are due at the CWC offices by July 2, 2002. Forms may be acquired from the CWC website at www.cowatercongress.org, from e-mail address mcoup@cowatercongress.org, or at the CWC offices at 1580 Logan St., Suite 400, Denver, CO 80203; phone (303) 817-0812, fax (303) 817-1007.

Colorado Water Rights
Colorado Water Congress
Summer Convention

Fred Brown, Capitol Bureau Chief, The Denver Post, delivers the Friday Luncheon Address.

The Panel on "Water Transfers" - (L to R) Steve Arveschoug, John McClose, Fred Anderson, Eric Kuhn, Frank Jaeger and Doug Kemper


At least nobody was asleep in the back rows.

It was serious — very serious!

Coffee break exchanges were useful and meaningful.

The water war game of "Water Scuffling, an Art or Science" was an instructive lesson on the initiative process.

Mark Pijker and Bob Bauer share some thoughts.

The Luncheon was well attended.

General Session had an attentive audience.

Jack Odor, Dave Robbins, Don Magnuson and Rod Kuharich solve all of the problems.
Using water wisely now means more than lower utility bills and less waste for three Colorado fifth grade students and their families: Mariana Chavez, from Castro Elementary School in Denver; Roman Garcia from Evans Elementary in Alamosa, and Shannon Alexander from Fruitvale Elementary in Grand Junction were all honored at a pregame award ceremony at a recent Colorado Rockies game for being Grand Prize winners among the more than 7,500 students who participated in the Learning to be WaterWise program at schools throughout Colorado last spring.

Participating students learned about Colorado’s water and how to use it wisely in their everyday activities at home. They put their new knowledge into action by working with their families to install efficiency devices and adopt new habits that are estimated to save more than 525 million gallons of water over the next ten years. This program was funded by the Colorado Water Conservation Board as part of the Water Education Initiative.

The winners each won tickets to the Rockies game, along with tickets to 6 Flags Elitch Gardens and Colorado Ocean Journey. On hand for the presentation were Dick MacRaeve, Executive Director of the Colorado Water Congress, Sasha Carney from the Colorado Water Conservation Board, and Dan Muse from the Denver Water Board of Commissioners.

**WATER EDUCATION IN COLORADO**

Water education and water issues have always been high priorities, because not only is water a scarce resource statewide, its availability varies dramatically from place to place. Many agencies, organizations and individuals have been involved in providing water related education, especially to teachers and students, for decades. Recently, however the efforts have been elevated significantly.

Some of the programs and events that currently impact students and teachers are:

- Project WILD Aquatic
- Project WET
- WaterWise
- SPLATTE
- Ag in the Classroom
- Water Ways
- Non-Point Source Pollution
- Teacher workshops, institutes, seminars, conducted by various institutions, agencies, organizations
- Water Festivals
- Dam tours at Chatfield
- Wastewater treatment facilities
- Others too numerous to mention

It is evident that there are more than enough providers of materials and information. What has been missing is a sense of coordination and cooperative efforts. Maybe that piece is finally coming together. Through the cooperative efforts of the Colorado Water Congress Education Committee and the Colorado Department of Natural Resources, Water Conservation Board, Nancy Kellogg, a longtime Colorado educator, has been hired to facilitate the development and implementation of a FIVE YEAR PLAN for water education. Creation of an e-mail listserve of water education and water education providers has been one of the early priorities. Some regional meetings and advisory groups have also been established. Evaluation of two water education programs currently funded by Colorado Water Conservation Board is also nearing completion.

Possibly one of the most promising developments however, is the thrust to give new life to the dormant Colorado Water Education Foundation, a not-for-profit organization that may be able to provide the vision and collaboration and funding that has been needed to bring a comprehensive water education program to Colorado that will serve formal as well as non-formal education audiences; students and adults.

Don Hollums, Consultant
Conservation and Environmental Education
Colorado Department of Education
September, 2001
**CWCB WATER EDUCATION INITIATIVE INTRODUCES TEACHERS TO WATER’S WAYS**

Twenty-four Colorado districts have received Water Cycle science kits through the CWCB Education Initiative, primarily in rural areas. Water Cycle kits are part of the Water’s Way series of kits and were originally developed by Colorado Springs Utilities for El Paso County schools. The kits provide second through fourth grade teachers with all the materials they need to teach a full quarter of lessons on the cycle, weather and aridity and good personal water management practices. Expert educators, including CWCB’s Dr. Nancy Kellogg, have worked to closely align the kits with Colorado State Standards and to provide high quality assessment materials to ensure compliance with those Standards.

Activities have been written into the water cycle manuals which lead teachers to use of the CWCB compact disc. Over an anticipated five year life span, the distributed kits have the potential for teaching approximately 7,000 elementary school students lessons about living in an arid climate, the water cycle and good water management practices.

Teacher response indicates a high level of approval for the kits, a commitment to using them again and a desire to adapt them to work within their formal curricular structure. The kits are distributed by Gentle Earth Educational Resources of Colorado Springs.

Twenty-five teachers in the Dolores/San Juan and Rio Grande basins have benefited from water workshops designed to support their use of the kits. Each teacher received one graduate credit, financed by local water entities, for completing a two day Water Intensive. In this way, local water experts in Alamosa and Durango were able to provide teachers with in-depth knowledge of water and weather in their regions. At the same time, an important bridge was built between the water and the education communities. A third workshop is planned for the near future in Pueblo for teachers from the Arkansas River basin.

CWCB funding also contributed to the modification of the Watershed, another Water’s Ways kit, for use on the western slope of Colorado. As a result, Ute Water Conservancy District and the Bureau of Reclamation have funded Watershed kits for 24 Mesa County schools during this school year. The Watershed Kit is designed for use by classes studying water use/water rights game, suitable for grades three through six.

**WEI Program Brings Water Education Home for 7,200 Colorado Families**

The Learning to be WaterWise program helped advance the objectives of the Colorado Water Education Initiative by reaching more than 7,200 Colorado students and their families during the 2000-2001 school year. The extra support from the CWCB helped this award-winning, hands-on program “bring the message home” by combining school classroom activities with home projects using student kits.

This personalized learning really helps families see the importance of water in their everyday activities—children love to take the lead and show parents why water is so important! Program participants put their knowledge into action by examining their home water use and eliminating waste to support their newfound appreciation for the importance of water in our state. Through the simple actions they took, the estimated water savings over the coming decade will exceed 550 million gallons of both water and wastewater, along with more than 15.7 million kWh of electricity and 2.6 million therms of natural gas.

The programs had high community visibility, with television and newspaper coverage in several areas of the state. A special pre-game award ceremony was also conducted for participating students at a Colorado Rockies home game.

Teachers also benefited, as their students used the popular program to further their work toward required Colorado state learning standards. They also received the new CWCB WEI CD-ROM containing a vast selection of teaching resources for all grade levels.

It's safe to say that none of the participating students and families will look at water in the same way ever again. But perhaps even more important will be the program's impact on teachers, students and communities to help demonstrate how easy and valuable it is to include water education as part of overall education efforts.

**Schools Receiving Water Kits through the CWCB Education Initiative**

<table>
<thead>
<tr>
<th>Basin/Region</th>
<th>Schools Receiving Kits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dolores/San Juan Basin</td>
<td>12 kits</td>
</tr>
<tr>
<td>Durango, Ignacio, Southern Ute Reservation, Cortez, Mountain Ute Reservation</td>
<td>20 kits</td>
</tr>
<tr>
<td>Rio Grande Basin</td>
<td>20 kits</td>
</tr>
<tr>
<td>Alamosa, Center, Hooper, Manassa, Moffat, Monte Vista, Saguache</td>
<td>13 kits</td>
</tr>
<tr>
<td>Arkansas Basin</td>
<td>13 kits</td>
</tr>
<tr>
<td>Florence, Fowler, Pueblo, Trinidad, Walsenburg</td>
<td>7 kits</td>
</tr>
<tr>
<td>So. Platte/Colorado</td>
<td>7 kits</td>
</tr>
<tr>
<td>Golden, Broomfield, Mapleton, Longmont, Grand Lake, Yampa</td>
<td>7 kits</td>
</tr>
</tbody>
</table>

**Teachers from Durango, Ignacio and the Southern Ute Academy work with the Water Cycle Kits at the Southwest Water Conservancy District office.**
In November 1999 CWCB members expressed anxiety about the lack of a specific water education program and directed its staff to find existing water education curriculum that could be utilized by teachers if it were appropriately distributed. In March 2000 the CWCB agreed to support a $115,000 water education initiative and funding was included in the 2000 Water Project Authorization Bill:

SECTION 24. Water education program—appropriation. (1) The Colorado Water Conservation Board is hereby authorized to participate in a water education program for K-12 students and citizens throughout Colorado. The purposes of the program are to develop and integrate a Colorado water education curriculum into existing education programs; identify mechanisms to distribute a water education curriculum to effectively supplement or coordinate with other private and public water education programs; and convert the curriculum to compact disc format for statewide distribution. In furtherance of this program, the Colorado Water Conservation Board may develop its own curriculum and distribution systems or use existing curriculum reviewed and approved by educators and water user groups and existing distribution networks.

This new authority is in addition to the authority the DNR Executive Director and the CWCB have to conduct natural resources educational programs. These education programs must include:

- scientific concepts underlying natural resource and environmental management;
- the history of natural resource development and management in Colorado;
- public policy concepts like private property rights;
- benefits and costs associated with natural resource management decisions and information about the role agriculture, mining, and timbering, play in natural resources management.

The CWCB has begun to implement this program with the help and support of the Colorado Water Congress's Education Committee. An implementation plan has been developed that has resulted in a CD containing a variety of water education material being produced for distribution through the Learning to be WaterWise program.

The initial target audience for the program is 5th graders, teachers and parents. Feedback from this group confirms that the 5th grade is the ideal age to introduce natural resource concepts because students are typically eager to learn and capable of absorbing new concepts and sharing these concepts at home.

The CD and Colorado specific content is being initially distributed through the Learning to be WaterWise program because it is easily introduced to schools and teachers. No training is required. It is also a catalyst for more water education because it provides a foundation of basic knowledge while its experiential and real-world approach motivates participants. It establishes the value of water by emphasizing household uses, thus creating a personal connection to the resource.

The key educational concepts that have already been incorporated into the content include the fact that:

Much of Colorado is a semi-arid state and water must be stored and transported for use during the summer, fall and winter.

Our climate and geography provide water upon which people inside and outside our state rely.

Water is used for agriculture, municipal and industrial purposes, and for fish and wildlife habitat.

Our state has a system of laws designed to ensure the beneficial use of our water resources.

In addition, our program content meets national and state learning requirements. The curriculum addresses themes and contains activities in the areas of science, math, language arts and social studies.

The next step in this initiative is for the CWCB and the Education Committee to continue to investigate ways to provide other water education materials throughout the state. This initial effort with WaterWise and the CD-ROM is anticipated to be the first step in a broad-based education effort that would include all Colorado residents.
WATER EDUCATION FOUNDATION
INCHES CLOSER TO REALITY

As this newsletter goes to print, the excitement over the possibility of a Colorado "Water Education Foundation" mounts. The Education Committee of the Colorado Water Congress has been working diligently for almost two years to create an entity that could act as a clearinghouse/information source for water education in the state.

In 1999, the Colorado Water Conservation Board (CWCB) expressed concern about the lack of a specific water education program in the state. In 2000, the CWCB agreed to support a water education initiative in the amount of $115,000, and funding was included in the 2000 Water Project Authorization Bill (HB 00-1419).

Working with the staff of the CWCB, the members of the Colorado Water Congress Education Committee developed a plan, created a CD-ROM containing water education materials, constructed with entities to distribute water education materials, hired an evaluator to review the implementation of the initiative and make recommendations for further action. The committee has developed a strategy to ensure the continued availability of materials and expertise to coordinate, manage and implement an on-going water education program in the state of Colorado.

The CWCB is being asked to provide funding to the Colorado Water Congress to support establishment of a Water Education Foundation in conjunction with the responsibility of the Director of the CWCB to direct and manage water education programs and to operate a Water Resource Information Center. Our goal is to have this "foundation" operational by January 1, 2003.

The Education Committee has created an organizing committee to lay the groundwork and solicit persons to serve on a steering committee from all fields of endeavor, e.g. higher education, domestic water providers, irrigation companies, agriculture, legislature, etc.

In January of 2003, the organizing committee for the foundation is, "Colorado citizens will know water is a limited resource and will make informed water management decisions." The DRAFT Mission Statement: "The foundation, an impartial, non-profit organization, will create a better understanding of water issues and help promote water resource cooperation through educational programs."

This is a great opportunity to finally have an informational source at the state level that is non-confrontational, non-political, and able to speak to all water resource issues in an educational manner. We hope that everyone involved in these issues will support the basic tenets and provide assistance where and when needed.

WATER FESTIVALS:
SPRINGING UP ALL OVER THE STATE!

What is a water festival? It can be whatever you want it to be—a simple celebration of water, a focus on water in art and/or science, exhibits/demonstrations of water chemistry, events where students engage in hands-on, minds-on activities and investigations in topics such as water quality, irrigation techniques, wetland ecology, the hydrologic cycle, water recreation, erosion, water management, etc. No two water festivals are ever alike. They are often targeted at upper elementary students, but many are also designed for adults and the community at large.

While science may be the primary content area addressed, geography, physics, history, language arts, math, agriculture, and other areas are usually incorporated. Water festivals are a proven and effective way to promote awareness and knowledge of water related resources and factual, up-to-date information on a variety of water based topics to both children and adults.

Water festivals are fun, frantic, educational, enlightening, scary, silly, work, worthwhile. It’s what you make it, who your audience is, and what your goals and objectives are! If you are interested in initiating a water festival for your community, I have some printed guidelines and suggestions that can be sent to you. A number of individuals and communities have been putting festivals together for many years, so there is a wealth of information to draw on.

Don Hollums
Conservation and Environmental Education
Colorado Department of Education

Justice Greg Hobbs delivers his address on "The History of Colorado Water Law."

Christine (Kadlub) and Rick Solomon wedding photo. Christine worked for the Platte River Power Authority and U.S. Senator Bill Armstrong.

Another photo of those in attendance at the Water Law Seminar.

Frank Jaeger "fishing" with his granddaughter Maegen, at his 20th Anniversary party.

Secretary of Interior Gale Norton, Kit Kimball, Interior's new Director of External and Intergovernmental Affairs and Dick MacRavey, CWC Executive Director.
WATER AND WATER RIGHTS
The Relationship between Colorado and the United States Government

by Rod Kuharich
Director, Colorado Water Conservation Board

Colorado and its Unique Geography

I. Colorado straddles the Continental Divide. Seven major river basins arise within the state and flow out of the state. These seven river basins combine to flow either to the Pacific Ocean or the Atlantic Ocean. The rivers flowing to the Pacific Ocean combine to form the Colorado River and enter the Pacific Ocean in Mexico at the Sea of Cortez. The rivers flowing to the Atlantic Ocean combine to form either the Platte River, which flows in to the Missouri, ultimately the Mississippi; or the Arkansas River, which flows into the Mississippi. The Mississippis then enters the Gulf of Mexico and the Atlantic Ocean.

The population of Colorado is situated primarily in the Arkansas and Platte River Basins. This is also known as the East Slope of Colorado, as these rivers flow east into the Atlantic Ocean. Approximately 80 percent of the state's population live in a north/south corridor from Pueblo through Denver to Ft. Collins, and 20 miles either side of Interstate 25. Conversely, approximately 80 percent of the state' water is located on the West Slope of Colorado, or those river basins flowing West into the Sea of Cortez, by way of the Colorado River. (See Colorado Water Map.)

Since the early 1900s, major water storage and diversion projects have been developed to divert water from the "West Slope" or the river forming the headwaters of the Colorado River to the "East Slope" or the Platte and Arkansas River drainages. This occurred to meet the water demands of the growing populations on the "East Slope," sometimes referred to as the "Front Range."

It should also be noted that the Federal Government owns approximately 35 percent of the land in Colorado. The federal agencies primarily responsible for managing these lands are the United States Forest Service (USFS), Bureau of Land Management (BLM), and the National Parks Service (NPS). Each agency has its own legal responsibilities. The most protection is afforded to lands controlled by the NPS, as they are responsible for management of the most unique natural areas. The USFS manages some of its lands as legal "Wilderness Areas." These areas are relatively untouched by the activities of man and are administered so that they remain in that condition. All three of these agencies can place conditions on the development or use of water in Colorado.

II. Colorado History and the Evolution of the Appropriation Doctrine.

Long before Colorado became a state in 1876, the Spanish settled the San Luis Valley. The San Luis Valley is the origin or headwaters of the Rio Grande River. The Spanish were an agriculture society and developed surface diversions to water their crops. Their system of water administration was that the first appropriator or user of that water was entitled to its first use. Subsequent water users were then granted their use of water by virtue of being next in time. If there wasn't enough water for the next user, then that user simply went without water. These early uses eventually resulted in water rights that, in many cases, predate the establishment of the state of Colorado. They were used exclusively for agricultural activities within the San Luis Valley.

It wasn't until minerals like gold and silver were discovered in the Colorado's mountains that the "Appropriations" doctrine really became institutionalized in the state. Early miners needed water for mining activities, either hydraulic mining, washing or processing of ore. The waterways physically diverted from streams and put to use in mining or milling minerals. It was at this time that it became apparent that the use of water need not be adjacent to, or even in the same drainage basin, where the water originated. The "Appropriation" doctrine began to evolve along with the development of mining and the population growth that mining brought with it.

The "Appropriation" doctrine basically allocates water on the basis of "first in time, first in right." This doctrine embodies a judicial process which awards a property right for water based upon the earliest date of appropriating this water were the first to be allowed to use that water.

This was a major departure from the English...
common-law doctrine of "riparian" water rights that governed water rights in the eastern half of the United States. The "Riparian" doctrine worked well in humid and moderate climates of the East and provided that water adjacent to land or flowing through or under the land could be used to the exclusive benefit of that property owner. The property owner was entitled to use what was reasonable for their purposes, and was required to return the remainder to the stream system for subsequent water users.

That doctrine reserved to the states was control over water. As the mountains, that water ran off very quickly in the year when it would not normally be available. Therefore, the "Appropriation" doctrine, that allowed for the appropriation of water for beneficial use either adjacent to or from farm removed from the stream of its origin, was a process that worked for everyone. Also, because of the limited times of abundant water, storage of this water in reservoirs became an integral part of Colorado's water supply.

When Colorado became a state, the framers of the state's Constitution adopted the "Appropriation" doctrine. That doctrine reserved to the state all the unappropriated water for use by its citizens. Those citizens were required to appropriate the water by putting it to beneficial use and going through a court process to adjudicate that water right as a property right. You may ask why there are two water rights systems in the United States. When the United States Constitution was adopted, all the authority not specifically granted to the federal government was reserved to the States. One of those authorities reserved to the states was control over water. As the early United States Constitution was adopted, the arid West is a region with little rainfall, huge volumes of water flowing in the rivers, and moderate demand for water. It was only when the reality of the arid Western States were admitted to the Union that it was determined to develop storage projects through which the United States Army Corps of Engineers (USACE) created the United States Bureau of Reclamation (USBR). This agency, in addition to the already existing United States Army Corps of Engineers (USACE) became the two organizations primarily responsible for the development of federal water projects.

The USBR was created to primarily deal with water projects in other states are being paid for by federal Colorado. Nevertheless, storage projects throughout the West and their hydroelectric facilities were built. The hydroelectric power produced by the projects was sold to power customers, primarily municipalities, and rural electric associations. The revenues, as noted earlier, were used to pay for the cost of the dams. Colorado still has an unused right to use an additional two million acre-feet of water per year from the Colorado River. Since many of the USBR projects in other states are being paid for by federal loans and power revenues, one of the major issues facing Colorado is continued federal support in developing Colorado's compact apportioned waters, much in the same manner the federal government of the Colorado River, or approximately 15 million acre-feet.

One of the major responsibilities of the USBR was to develop storage projects through which the all Basin States adjacent to the Colorado River could use this water. Colorado's storage projects were to help pay for these projects. Colorado is subject to several interstate compacts dividing up the available water with adjacent states. These interstate compacts are agreements between the states that are ratified by the Congress of the United States, and take on a legal context of enforcing the distribution of water between these states. In the early 1900's, the United States Congress created the United States Bureau of Reclamation (USBR). This agency, in addition to the already existing United States Army Corps of Engineers (USACE) became the two organizations primarily responsible for the development of federal water projects. The USACE was primarily active in the Midwest and East, with responsibilities for navigation projects on the Ohio, the Mississippi and Missouri rivers as well as other major waterways. The USBR was created to primarily deal with water development, both storage and delivery, in the arid West. Hydroelectric components of USBR storage projects became an important source of revenue to help pay for these projects.

Colorado Water Rights

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helped the other basin states.
Times are changing. The USBR has moved from being a provider of water and water development to working to help citizens of the arid West to an organization that is attempting to control and administer water. This is occurring at a time when Colorado's water needs, and its population, are growing rapidly.

III. Today and Into the Future.
Colorado, primarily the "Front Range" or "East Slope," is the fastest-growing region in the United States. Its water has been developed largely through the foresight of municipalities, conservation districts, and other local government organizations.
The state has been primarily in a position to facilitate the water development of these local government entities. The Colorado Water Conservation Board and the Colorado Water and Power Development Authority are the two state entities that provide loans for local governments, agriculturalists and others to develop and better utilize their water. But to date, the State is not a major owner of these water projects. The Colorado Water Conservation Board, with the consent of the State Legislature, is responsible for the development of statewide water policies. (www.cwcb.state.co.us)

With the advent of environmentalism in the United States in the late 1960s and early 1970s, the Colorado's water law evolved to respond to other needs or uses for water. Subsequently, the state legislature authorized the Colorado Water Conservation Board to obtain water rights for instream uses to protect the natural environment to a reasonable degree. To date, Colorado has appropriated water rights on over 8,000 miles of streams in the state and many hundreds of natural lakes. This is important to note that Colorado is not only responding to environmental concerns, it is not only responding to environmental concerns, it is also a demonstration that the "appropriations" doctrine in Colorado is an evolving and vibrant system of water law.

This year, Colorado decided to allow for the appropriation of water in a stream by local governments for recreational purposes. This new, and yet untested, step in the evolution of Colorado's water law was in response to the growing demand for recreation on our rivers, such as rafting and kayaking. Colorado is the only state in the nation to recognize such a beneficial use of water. The ultimate goal is to integrate this recreational in-channel use into our water right system the same way the flood flow principle is integrated, so that the environment and recreation can benefit without adversely impacting the use of water for agricultural, industrial and municipal purposes.

As mentioned earlier, the federal government and its activities have changed in the West. Federal agencies are now claiming "reserved rights" by virtue of the reservation of federal lands for various purposes. These reserved rights have been determined by the courts to have an appropriation date equal to the date for which the lands were reserved. Examples of these reservations are the creation of national monuments, Indian reservations, national parks, and national forests.

This represents a change by which the federal government is now claiming for its own uses rather than steel-developing water for agricultural, industrial and municipal purposes for citizens in the West.

Additionally, the environmentalism of the 1970's has had an impact on federal activities. Attached is a list of permits that a water project proponent can expect to have to acquire. There are potentially 26 federal permits required before construction of a water project can begin. As Colorado finds itself needing to meet demands for its growth, the federal government is in a position of requiring that those projects meet all necessary standards, that increase project costs, and in many cases, make once-viable projects uneconomical to build.

The battle between "East Slope" and "West Slope" Coloradans over water projects has divided the state's water users for generations. It appears, though, that the growth of population in the state is placing water demands on both sides of the Continental Divide. Because of this, both sides are now willing to discuss joint use projects. Two such projects are now in the works. One delivers water to the city of Denver while providing water to West Slope users. The other delivers water to Colorado Springs and Aurora (a city adjacent to Denver) while also providing water to other "West Slope" water users. It is these cooperative projects that in the most recent past are the only projects moving forward.

Simply put, Coloradans must work together to develop the water resources in a manner that respects not only the instream flows and recreational interests, but also the water interests for those citizens across the state. Agricultural, industrial and municipal water users can only survive through a spirit of cooperation, particularly in the light of the hurdles that must be overcome by federal water claims and the federal permitting process.

There is also an environmental faction that wishes to see no projects built. As a matter of fact, groups such as the Sierra Club wish to see projects dismantled in the West. Their position on dismantling Glen Canyon Dam, one of the most significant water and hydroelectric resources on the Colorado River, is well publicized. Not only is Colorado facing the need for conservation and more water projects, but also those in the remainder of the Western United States are in a similar situation. Dismantling existing projects that provide water for irrigation and municipal use is simply not acceptable. In the future, these special interest groups will continue to protest through litigation, opposing any project being proposed and increasing the cost to the consumer.

It is only through cooperation of all participants and the recognition that the environmental goals and water needs are being met so that future water projects can move forward.

Reiter: Open Petition Process, cont.
Continued from Page 1
den agendas cloaked in 1992's Amendment One, yet the public was able to see through the additional threats offered up in 1994-96's Bruce initiatives (Amendments 15 and 16, respectively) to govern Colorado by petition. Rural Colorado too has been impacted by the narrow use of constitutional initiative, having to fight off attacks on agricultural water in Southeastern Colorado, trapping techniques used in rural Colorado, and issues addressing rural economic lifestyles related to livestock feeding operations. Even Front-Range voters have to be asking themselves this summer, given all of the black bear problems in the state, whether the Fish and Game Department, rather than the Colorado Constitution, is a more appropriate venue for making policy regarding spring bear hunting.

Despite this, the open petition process is anything but narrow. Civic leaders from Colorado's business community have joined this debate, along with former Congressman Hank Brown from UNC, and organizations representing the Colorado Farm Bureau, State Grange, and several rural and live-stock organizations, Colorado Common Cause, Club 20, the League of Women Voters, Chambers of Commerce, and the Act 72 counties.

Together they formed "Save Our Constitution," a network representing over 60 community leaders and organizations, and are generating resources to study two questions: (1) How do Colorado voters support modest changes in the Colorado constitutional initiative process to: (1) provide disincentives for seeking a constitutional route where a statutory route would suffice, and (2) allow all of Colorado, both urban and rural, to have a minimum level of participation in the petition circulation process. On a practical basis, petition seekers hire out-of-state circulators to collect signatures simply by standing out in front of a door. Petitions can be circulated throughout the state, denying the rest of the state (and frequently the communities that are the target of these petitions seek to regulate) from participating in the petition process.

Recent benchmark polling indicates that while the public sympathizes with these concepts, they are wary of most efforts to tinkering with the existing system. The benchmark survey tested a broad array of initiative and referendum questions, before a random sample of Colorado registered voters, providing insight into how voters perceive the current initiative process and their tolerance level for reforming the current system.

The response to this benchmark survey revealed several findings: (1) While this issue has dramatic consequences on the political and business infrastructure on the State of Colorado, it is not a policy area that generates a significant amount of attention or concern in the minds of voters, and by and large, they are relatively satisfied with the status quo; (2) voters would reject any initiative system that are perceived as restricting or restraining a citizen’s access to the ballot (i.e., dramatic increases in signature requirements, two-thirds super majorities to pass constitutional amendments; requiring equal percentages of signatures be obtained from all Congressional Districts); and (3) voters might support changes in the system that are perceived as enhancing public participation in the initiative process or provide more public disclosure to the petition process (i.e., require public hearings on initiated laws, require fiscal impact notes to be attached to petitions). What was clear in the findings is that this issue demands so little attention amongst the general public that any proposal to reform the process would have to be very limited in scope and narrowly focused.

This Fall, Save Our Constitution will expand their research by testing specific ballot proposals, namely: (1) along with requiring more signatures to qualify constitutional measures (7%) than statutory ones (remain at 5%), petition sponsors must also obtain public hearings in their petition process by holding a public hearing in each Congressional District prior to collecting signatures; (2) that at least 20% of valid signatures be collected from outside the eleven most-populated counties in Colorado; and (3) that in the first five years of its adoption, the legislature would need a two-thirds voter, rather than the current simple majority, in order to change a voter-approved statute.

By adding a little more protection from legislative tinkering of statutory initiatives, and requiring a higher standard for qualifying constitutional ones, petition sponsors could be encouraged to seek the more accountable statutory route, rather than the constitutional route, when utilizing petitions to alter Colorado law.

Rick Reiter directs the research efforts for Save Our Constitution, and presented these comments at the CWC Annual Conference in Steamboat Springs last month.

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Tancredo: How can we best protect, cont.

Continued from Page 1

Service shut the water off in order to save a hatchery salmon known as the Carson stock. While simultaneously shutting off the water for farmers and devas-

If you think Colorado can escape this same fate—don’t count your fish before they hatch. Last year I cosponsored a bill by Chairman Jim Hansen of Utah to provide stable funding for the recovery of four endangered fish in the Upper Colorado River. The bill, and the Colorado fish recovery program in general, was written to avoid another Klamath Basin debacle, through cooperative agreements with water users along the Colorado River. Unfortunately, the Fish and Wildlife Service has not yet established hard and fast parameters for the needs of the fish. In fact, we aren’t entirely sure how many endangered fish they want to recover until they consider the pro-

Governor Owens is pushing the members of the program to establish strict recovery goals, and to stick to those goals as this program moves forward. He is absolutely right to do so, because the only way we can get the Fish and Wildlife Service under con-
trol is if we reform the Endangered Species Act to set recovery goals at the outset of every listing. We need peer reviews of the FWS numbers. We need accountability, and most importantly, we need to compensate the land owners that are adversely affected by these listings. Have you ever seen the Sierra Club’s bumper-sticker, that says “Fish are People Too”? Maybe we need a bumper-sticker that says "Farmers are Endangered Species too.”

We are working on a bill to accomplish ESA reforms in the House Resources Committee, and I intend to become an original-cosponsor of the bill just as I was in the 106th Congress. If we reform the Endangered Species Act, we can avoid Klamath. We can help the water users in the Upper Colorado River and I believe we can do a better job helping the endangered species, as well.

Ironically, the Fish and Wildlife Service is not the only federal competitor for water in the Upper Colorado River. The National Park Service is preparing to make enormous senior water rights claims for the Gunnison River. They want to return the water flows to their natural state like it was seventy years ago. The only problem is that in doing so they would send the Western Slope's economy back about seventy years as well.

The Park Service wants to release massive amounts of water from the Aspinall Unit Upriver of the Black Canyon National Park in May, in order to maintain the natural pace of "Canyon Carving" which deepens the canyon by about one inch per one million years. But hydro-electric customers need that water to be released in July and August, to meet peaking power demands and Colorado needs 300,000 acre feet for its entitled consumptive uses.

If the Park Service gets its way, the power compa-
nies will be forced to buy power from fossil fuels power plants, rather than clean hydro-power, to meet electricity needs in the mid-summer months and water providers will be forced to build other dams to make up for stored water sent to California. But according to the National Park Service, this will help the environment. I suspect that the underlying agen-
da from some in the Park Service is that those Dams—which the federal government built many years ago—should be removed—just as there are some who want to drain Lake Powell in Utah.

The bottom line is that I believe we need a consis-
tent, reasonable message from the “Federal Family” on the Upper Colorado River. The Park Service, Fish and Wildlife Service and Bureau of Reclamation need to speak with one voice, and they need to be realistic in their water claims.

Now, let’s look in a different direction, and I’ll bring you up to date on my involvement centering on a letter that I and my colleagues sent to Interior Secretary Gale Norton last month.

As many of you know, I joined with Representatives Hefley and Schaffer to write Secretary Norton on July 12, asking her to assure that the Bureau of Reclamation study on Blue Mesa Reservoir—part of the Upper Colorado River Recovery Program—be sure to factor into its equation all of Colorado’s marketable water. That includes the 240,000 acre feet that many folks and I believe can be used to the benefit of all of Colorado and the 60,000 acre feet reserved for the Upper Gummison Basin.

Now, why did I take this action, and join Joel and Bob? Well, first of all, some of my local special district and elected official constituents convinced me that this is an opportunity to address a statewide issue square on. As the Colorado Supreme Court has said, this asset, the unappropriated Blue Mesa water, must be used to the benefit of the entire state. We must prepare for the coming drought cycle. As groundwater aquifers drop and more pressure is put on agriculture to dry up farms, we shouldn’t ignore water already stored in an existing reservoir.

Secondly, and even more important, many of you know me well enough to know that I believe many issues don’t need to be addressed in Washington, and in fact, if we can keep the federal government out of the mix, so much the better. And even though we’re asking for action from the Bureau, what we really want is for them to keep their promise to Colorado.

I think in short, that the way we in Congress can help Colorado prepare for the challenge of meeting the next drought cycle is to keep the federal agencies from competing for water that rightfully belongs to all of the people of the state and not have them squander it on just federal priorities. That’s what I am prepared to do and I want to thank you for what you do to assist in setting these priorities straight for the whole state.