"The final and most vital point I wish to emphasize here is the compelling need for greater interstate cooperation on the floors, halls, and cloakrooms of the United States Congress . . . What I am suggesting is this: That the states of this Association tighten up their liaison on the Washington scene with one or more persons from each state whose primary function is to further the water resource development of that state." (Governor Steve McNichols of Colorado at the annual convention of the National Reclamation Association in Denver, October 28, 1959.)

It was a big week for Colorado water users: The annual meeting of the Colorado Water Congress, a meeting of the Colorado Water Conservation Board and the annual convention of the National Reclamation Association . . . all in Denver.

Nearly a hundred Coloradans attended the annual Water Congress meeting. M. O. Shivers, Jr., an Englewood lawyer, replaced John Barnard, Jr., as Chairman. J. Selby Young was re-elected Vice Chairman. John W. Patterson, a Denver engineer, replaced Charles C. Fisk as Secretary-Treasurer. Barnard will retain his position as Water Congress Executive Director and Fisk will continue to be editor of the Water Congress Newsletter.

Members-elect of the Water Congress Executive Committee: John Barnard, Sr. (Colorado River), Clarence Burr (N. Platte and Laramie), Jack Hughes (Gunnison), William Eakes (San Juan, Dolores, San Miguel), Ray Moses (Rio Grande), Charles Bousted (Arkansas), J. R. Barkley (South Platte) and Glenn Saunders (Denver).

A report by the joint Water Congress-Bar Association committee on water administration generated considerable interest at the Water Congress meeting. This committee is headed by Philip A. Danielson, Boulder attorney. It noted that Colorado's present water administration code is hopelessly inadequate to meet present-day needs for full and orderly development and use of Colorado's water resources. It urged corrective action.
The Danielson committee's plan: Colorado's Director of Natural Resources should inaugurate a thorough study of the present water administration code for both surface water and ground water. Study codes of other states. Retain competent water lawyers and engineers to make the study, under supervision of the Colorado Water Conservation Board. Utilize services of an advisory committee having semi-official status and composed of the State Engineer and representatives of various water interests.

Study objective: Draft a completely revised and modernized code for water administration in Colorado which can be used as the basis for legislative recommendations to the Governor and to the Legislature.

Your Water Congress unanimously approved a resolution implementing the Danielson committee's proposals. It also approved an amendment to the resolution, offered by John Barnard, Sr., relating to issuance of certificates by state officials showing how much water goes with a given piece of land.

Barnard, Sr: "I've been in water law for the better part of 40 years and much of the time it has been difficult, if not impossible, to determine who owns how much water in what ditch. Our legislature has, in the past, expressed concern over who owns a 1945 automobile worth perhaps $50, but it has not been concerned about titles to water rights worth tens of thousands of dollars."

Don't sell this water code revision idea short. The time has come to do something about the State Engineer's outmoded water administration machinery.

Target: The 1961 Colorado General Assembly.

The Colorado Water Conservation Board adopted a resolution urging the Legislature to create a special inter-agency task force to develop a workable ground water code. The resolution was proposed by the Colorado Ground Water Commission which finds itself saddled with an unworkable law and no authority.

Ground Water Commission Chairman John Cuykendall told CWCB that local well users can veto any commission action aimed at curbing ground water use in critical areas. Commission member Sam Chitkow hit the ground water nail squarely on the head when he told CWCB: "What good is a commission with no authority? Something should be done and now."
CWCB also approved a resolution urging the Upper Colorado River Commission to request the Secretary of Interior to designate the four upper basin states as the primary market area for Colorado River Storage Project power.

It's going to be a tug-of-war over storage project power. Participants: Bureau of Reclamation, private power companies, preference power customers, upper basin states, Arizona. The USBR proposes a transmission system costing $150 million. One of its major trunk lines would extend from Glen Canyon to Phoenix.

Private power companies say they can build a better transmission system for less money. Private plan claims: More flexibility, greater delivery reliability, better power system integration. Estimated cost: $89 million for private companies, $41 million USBR, $130 million total. . . . $20 million less than the USBR plan.

Storage project power will be only a drop in the private utilities' power bucket. Privates expect the five-state (Colorado-Wyoming-Utah-New Mexico-Arizona) power load increase during the next 20 years to be 15 times greater than total storage project power output. They want to buy project power that isn't committed to preference customers. They want to wheel committed project power to preference customers for a charge.

Private companies say that preference customers' requirements will not equal project power output by 1980. CWCB staff says upper basin preference users will be able to absorb all of the project power by 1980.

The Arizona Power Authority, a preference customer, has already asked the Secretary of Interior for a substantial block of storage project power. A major struggle over power allocations is shaping up between Arizona and upper basin states.

Project appropriations and project authorizations could be affected by back-stage wheeling and dealing over storage project power. Arizona's strength: Senator Hayden, chairman of the powerful Senate Appropriations Committee. Arizona's vulnerable spots: Proposed Bridge Canyon and Marble Canyon Dams on the Colorado River below Glen Canyon. Colorado's strength: Congressman Aspinall, chairman of
the powerful House Interior Committee. **Colorado's vulnerable spot:** Curecanti' appropriations and Fry-Ark authorization.

It will be up to the **Secretary of Interior** to officially designate the primary market areas for storage project power. He will have to do this soon if transmission lines are to deliver Glen Canyon power on schedule.

* * *

Some 900 western water users attended the **NRA convention** in Denver. Colorado had 113 male registrants. California was close behind with 100. Unheralded workhorses at the convention: **Mrs. Glenn Saunders**, in charge of women's activities, J. R. Barkley on programs, Bob Steinbruner on exhibits and many other tasks. Colorado's capable NRA director **Harold Christy** was re-elected 2nd Vice President. **First Vice President:** Hugh Shamberger of Nevada. **President:** LeSelle Coles of Oregon.

**Top NRA issues:** State water rights legislation and wilderness legislation. Twenty-five resolutions were adopted to guide NRA lobbying activities on Capitol Hill. Resolutions described NRA policy without reference to specific bills.

**On state water rights:** Two resolutions. One tough, the other moderate. Room to go either way: For a settle-it-once-and-for-all bill (like the old Barrett bill or the present Farm Bureau bills) . . . or for a step-at-a-time bill (like the present agency bill). **One would require** compliance by all federal agencies with state water laws. **The other would be aimed** solely at reserved or withdrawn lands legislation (Pelton Dam decision). Wise heads favor the latter course as a practical expedient.

The **NRA legislative committee** summed it up this way:

"There is considerable difference of opinion among the members of NRA as to just which of these (states water rights) bills, if any, we should support. We believe that we have to be realistic. We do not think we could expect to get a bill enacted by Congress that did not have either the support of, or at least no active resistance by, the Department of the Interior and the Department of Justice. If we did secure the passage of a bill opposed by the Department of Justice for instance, we would probably be confronted with a veto, since that department advises the President on such matters."
One encouraging note: The West is gaining congressional support in its state water rights battle from other parts of the nation, particularly southern states.

NRA called congressional attention to improper administration practices of the Bureau of Land Management, Soil Conservation Service and Agricultural Conservation Program. These agencies continue to expand their water control activities under the banner of flood prevention, erosion control and soil and water conservation. They usually disregard statutory provisions for protection of existing water rights. But note this: Cooperation between SCS and Colorado agencies has been excellent, thanks to State Conservationist Ken Chalmers.

Authorizing legislation: The Watershed Protection and Flood Prevention Act... Public Law 566, as amended by P. L. 1018. It vests in the Secretary of Agriculture authority for giving technical and financial aid to local communities who want to initiate small watershed projects. Agriculture's SCS has primary responsibility. When public lands are involved, Interior's Bureau of Land Management steps in. Inter-department financial arrangements permit shifting of Agriculture's watershed development funds to BLM for work on public lands.

BLM administers 187 million acres lying mostly in western states. These acres have been subdivided into 650 community watersheds, varying from a few thousand acres to a million acres. Watersheds are grouped into nine river basins and 42 river subbasins. Twenty-year plans for watershed conservation and management have been developed for all public lands in the 42 subbasins. Most of BLM's conservation work is headwater treatment... water control structures designed to walk the water off the land without destructive erosive force.

Limitations to PL 566: Watersheds can't exceed 250,000 acres. Reservoirs can't exceed 5,000 acre feet. Projects are supposed to comply with state water laws.

Riding herd on watershed activities: The National Association of Soil Conservation Districts. Its relationship to SCS and BLM is similar to NRA's relationship to the Bureau of Reclamation. NASCS blankets the entire country. Ninety-five percent of all agricultural lands in the U. S. lie within soil conservation districts. NASCS has worked shoulder to shoulder with NRA and your Water Congress.
on wilderness legislation. It is also concerned about federal encroachment on state water rights.

The federal watershed program is becoming big business. Alert CSU at Fort Collins has sensed this. Last year it established a cooperative watershed management unit headed by Dr. Robert E. Dils. CSU is one of the first colleges to offer a degree in watershed management.

Reservoirs constructed under the watershed program are individually small, but cumulatively large in effect. In Texas the total storage capacity of SCS ponds amounts to 935,000 acre feet. In South Dakota stock pond capacity totals 80,000 acre feet. In Oregon: 1,534 ponds constructed during the past 25 years, with 4,157 more ponds contemplated by BLM. In the upper reaches of the Missouri River: 147,500 stock pond impoundments. Probably an equivalent number exists on tributaries of other principal rivers in the West.

Texans are enthusiastic supporters of the upstream water conservation and floodwater retardation program. This support didn't come easily. The Texas Water Conservation Association originally opposed the SCS program. It argued for several years with farm and ranch groups favoring the SCS program. The controversy raged on the floor of the Texas Legislature in 1955. It appeared that neither side could get anywhere with its program.

But Texans have a way of doing something about their water problems. The two groups set up a joint coordinating committee which gathered facts and developed a united front. In 1957, this Texas joint committee reviewed proposed state water legislation and agreed on a program which was enacted. Then it worked out a watershed plan with SCS. No water bill has since passed the Texas Legislature that wasn't approved by this joint committee.

The Texas watershed plan: A land owner, desiring to use water stored behind a floodwater retarding dam for irrigation purposes, must obtain a permit to use this water. No permit is required for stock ponds. SCS in Texas requires beneficiaries
of reservoirs constructed by it or under its supervision to comply with state water laws. Permit procedures have been simplified by the Texas Legislature.

Texans don't seem concerned about encroachment of upstream pond storage on downstream rights. Texas topography minimizes this conflict. J. E. Sturrock, General Manager of TWCA stated at the NRA convention that he couldn't imagine anyone telling a Texas rancher that he couldn't fill a pond on his own land.

Others don't share the Texas viewpoint. R. J. McMullin, Manager of the Salt River Project, observed that the 935,000 acre feet stored in SCS ponds in Texas is more water than the entire flow of all Arizona streams in most years, outside of the Colorado River.

The water that collects and falls upon a man's own land and is impounded in a pond or small reservoir for his use . . . is it his private water? Or is it interference with downstream water rights?

The State Engineer of Oregon: "The one agency which, in the past, has largely ignored our procedures for obtaining water rights is the Bureau of Land Management . . . If BLM fails to comply with state water law, I don't know where we stand until we get federal legislation to compel them. I can hail them into court, but I am fearful that the state's case isn't very strong as long as the Pelton decision is controlling. This situation is another strong reason for bending every effort to get adequate legislation by the Congress to reverse the doctrine laid down by the U. S. Supreme Court in the Pelton case, the doctrine that reserved lands of the United States have rights to use of water on such lands."

NRA Resolution No. 15: "Now, therefore, be it resolved that the National Reclamation Association direct the attention of the President, the Congress and appropriate Congressional committees to: (a) The activities and programs of the Bureau of Land Management, Soil Conservation Service and Agricultural Program which are disregarding existing law and thereby causing interference with prior rights of downstream water users. (b) The urgent need for remedial administration and legislative action to curtail all such improper activities forthwith."

In Colorado, upstream storage interference by small ponds is becoming another administrative headache for the State Engineer. This problem should be included in the proposed overhaul of the State Engineer's outmoded administrative machinery.

* * *
NRA's wilderness tune: "Accentuate the positive!" The tune was suggested by Floyd Dominy, commissioner of reclamation, in his convention address. Result: NRA discarded the negative viewpoint that no additional public lands be withdrawn for wilderness areas. It emphasized the positive multiple-use concept for public lands.

NRA's new look on wilderness legislation is similar to your Water Congress viewpoint as expressed in the Allott amendments: Wilderness areas are fine, as long as they permit resource utilization in the true spirit of conservation as originally expressed by Theodore Roosevelt and Gifford Pinchot.

The wilderness fight is to some extent a battle for the minds of conservationists. It's the wilderness purists living in eastern concrete jungles against western utilization interests whose philosophy was expressed by Gifford Pinchot: "Conservation is the use of the natural resources for the greatest good of the greatest number for the longest time." Guy Jackson, NRA past-president, simplified it even more: "Conservation means wise use."

The battle over the meaning of conservation has many fronts. One of them is Curecanti. Colorado water users should read the lead article in Outdoor Life magazine for November 1959. It's called "Death Sentence for a River" by appropriately named Ben East. Water Congress question: Has he Been West?

Colorado is developing into a nationally recognized battleground between fish agencies and river dammers. Ben East's report to sportsmen: "The Gunnison, one of the most famous of U. S. trout streams, is about to die for 3 non-essential dams."

East quotes Tom Kimball, director of the Colorado Game and Fish Department.

Kimball: "I definitely understand that the state has endorsed the project officially, and that the Governor and the Water Conservation Board feel that the economic benefits overshadow the wildlife losses. That is their decision to make and I do not quarrel with it. But it's still my responsibility to let the public know what the results will be to fish and game."

Incidentally, Kimball plans to ask the Legislature in January for $1 million to construct some 30 to 40 high altitude storage reservoirs on Colorado River tributaries. The reservoirs would be small, mostly under 500 acres. Game and
Fish is considering filing on unappropriated water and purchasing water rights when necessary, in order to fill these reservoirs.

The Senate Select Committee is holding a hearing in Denver on November 20.

Thanks are due Senator John Carroll who, with Senator Allott's concurrence, persuaded the committee to consider Colorado's role in national water policy planning.

It's a high-powered group. The 17 committee members include chairmen of five Senate Committees. Fourteen committeemen are from the 17 western states. No Coloradans. All members come from the four Senate committees associated with water resources. The score or more of federal water resource programs fall under these four Senate committees and comparable House committees. But no single congressional committee coordinates these activities. The Select Committee on National Water Resources was created by S. J. Res. 48 to do a long-range Senate coordination job.

Select Committee objectives: Study connection between water resources and national interest. Determine level of federal, state, local and private activities necessary to provide the quantity and quality of water needed for use by population, agriculture and industry between the present time and 1980. Look into everything from weather modification to desalinization, using federal agencies for source material and technical assistance. Develop recommendations on necessary federal water legislation.

Expected from the states: Summarized information on statewide water use... Discussion of the state's most acute water problems, present and future... Information on what the state is doing about its water problems and what its people think the federal government should do about these problems. The Select Committee doesn't want to hear about the relationship of federal water developments to state water laws. It feels that this problem is being adequately dealt with by pending legislation.

CWCB is coordinating Colorado testimony. Show your interest in federal water legislation by attending the Select Committee hearing.
They call it the **Pendvane flow meter**. It's a simple water measuring gadget developed by Ralph Parshall under sponsorship of Al Ryan, Denver consulting engineer after nine years of research. The idea: Hang a pendulum in the water and measure the flow push against it. Transmit the flow push to a dial indicator. Ryan says his gadget is accurate within 3 percent. He plans to sell the meters for about $300 each.

**U. S. News and World Report** estimates that the U. S. will have to provide for 33 million more people in the next 10 years... twice as many as now live in Canada. It expects Colorado's population to increase 24 percent by 1970. **Result:** Extreme pressure on water supplies and community services of all kinds.

The Glen Canyon strike is in its fifth month. The strikers' proposal would add $5 million to Glen Canyon Dam costs. Settlement terms may set a wage pattern for future large dam jobs in the West.

The Colorado River story is scheduled for a Walt Disney motion picture. It will describe the drama of John Wesley Powell who first travelled the entire length of the river by boat.

**Dr. Reuben Gustavson** has retired as head of **Resources for the Future**. He has become professor of Chemistry at the University of Arizona and will continue as a member of RFF's board of directors. Dr. Gustavson is well known to many Coloradans as past president of the University of Colorado. RFF is financed by grants from the **Ford Foundation**. Its purpose is to advance the development, conservation and use of natural resources, primarily in the U. S., through programs of research and education. RFF will help the Senate Select Committee relate water supply to estimated demands, as a public service.

**USGS reports** for water year 1959 include these data: Flow of the Colorado River near Grand Canyon was only 52 percent of median. Water levels in the San Luis Valley declined an average of three-fourths foot. Average regional water levels in the principal artesian aquifers of the Denver Basin did not change significantly in areas unaffected by local withdrawals. Levels declined 5 to 20 feet in some areas of increased pumping.