"This is a time of troubles and uncertainty in water law. It is comparable in a very general way to that which prevailed nearly a century ago, when water doctrines in the western states were in conflict.

"But this time the arena is not only the court but also the Congress, and the forces involved are not just those of private litigants but those of our federal constitutional system." (Northcutt Ely, address at Colorado Bar Ass'n. convention at Colorado Springs, 10-3-62)

COLORADO WATER ROUNDUP: Irrigated acreage in Colorado (2.7 million) is exceeded only by California (7.4 million). Idaho is a close third (2.6 million) . . . Mineral lease revenues (37.5%) from federal lands in Colorado for first half 1962 totaled $1.8 million. Balance (62.5%) goes into the federal reclamation fund. . . . Conservation Library Center of North America in Denver Public Library now has 460 lineal feet of shelf space filled with rare offerings from over 100 persons or organizations . . . Colorado Game & Fish Dep't received a first place international award for the best program of public relations in a natural resource agency for its sponsorship of "Operation Respect" . . . Conservation of natural resources will be taught to Jefferson County sixth grade children at a 600-acre ranch recently purchased by the county school board.
More transmountain water diversion projects in Colorado? Yes, said reclamation commissioner Floyd Dominy to contractors at a recent meeting in Colorado Springs. . . . Lowest September streamflow in 44 years of record was recorded at the Bear Creek at Morrison gage west of Denver . . . Paonia Reservoir ($7.7 million, 21,000 acre feet, storage project participating unit) was dedicated Sep't 29 by Interior Undersecretary James Carr and other dignitaries. Reservoir was authorized in 1956, completed last June, filled last spring, provides water for supplemental irrigation around Paonia and Hotchkiss . . . Fryingpan-Arkansas project received a $500,000 supplemental appropriation for pre-construction work this fiscal year.

Colorado Water Conservation Board's attorney recently displayed an unusual grasp of the Pythagorean theorem,

**Ray Moses:** "One Indian had her baby on a deer hide; the second Indian had her baby on a bear hide; the third Indian squaw had twins on a hippopotamus hide. All this proves is that the squaw on the hippopotamus equals the sum of the squaws on the other two hides." (CWCB meeting at Montrose 7-6-62).

COLORADO RIVER: Comprehensive study of water resources on the main stem Colorado River will be explained by representatives of Colorado Water Conservation Board and U.S. Dep't. of Agriculture at three public meetings this month. Study is designed to fill the gap in water development requirements between small private enterprises and large Bureau of Reclamation projects. Special attention will be given to questions left unanswered by the 1953 Hill report on depletion of surface water supplies of Colorado west of the continental divide.
Undercover feud is going on between member states of the Upper Colorado River Commission. It centers around an attempt by New Mexico political and water leaders to work out an agreement with the Interior Dep't to contract all of the storage in Navajo Reservoir for New Mexico use. Representatives of Colorado, Utah and Wyoming feel that this might mean that New Mexico would endeavor to escape part of its responsibilities for fulfillment of water commitments to lower basin states . . . San Miguel River near Uravan is reported to be deteriorating in water quality due to contamination by uranium mill wastes . . . Proposed Sweetwater Hydroelectric project north of Glenwood Springs will include the highest head reversible units in the world in its pumped storage scheme . . . Wanted: A plan which would insure good drainage for all farm and residential areas in the Grand Valley from Palisade to the Utah state line. Unfortunately, no simple solution for Grand Valley's drainage problems appears likely.

Ominous note in Cervi's Journal (10-3-62): "Look for some major rumblings soon on geological tests being made for Ruedi Reservoir on the Fryingpan River, key unit in the Fryingpan-Arkansas diversion project. Circulating in Washington, D.C. is an unfavorable report saying that a large salt deposit has been discovered at the dam site and that this could leach out into the Fryingpan and turn it saline. There will be cries for re-location of the Reservoir, closer to Aspen." Bureau of Reclamation's Denver office reported that it doesn't expect to encounter any large salt deposits at Ruedi dam site.
Fluctuating water releases from Green Mountain and Williams Fork reservoirs will be discussed at a meeting to be held soon between representatives of Colorado Water Conservation Board, Denver Water Board and Regions 4 and 7 of the Bureau of Reclamation. CWCB objective is to see if fluctuations can't be eliminated by study and inter-agency agreement, thereby eliminating the need for construction of expensive afterbay storage reservoirs. Four new stream gaging stations have been installed in western Colorado by U.S. Geological Survey: Cattle Creek near Carbondale, Roan Creek near DeBeque, Roan Creek above Clear Creek, Beaver Creek near Norwood.

WATER PEOPLE: John Spencer has retired as regional director of the Bureau of Reclamation in Denver. J. R. Barkley, secretary-manager of the Northern Colorado Water Conservancy District, was one of the speakers who addressed the recent Portland convention of the National Reclamation Association. NCWCD's attorney, John R. Clayton of Greeley, was elected to one of the vice presidencies of the Colorado Bar Assn. at its annual convention in Colorado Springs. Northcutt Ely, Washington D.C. lawyer-lobbyist for California on Colorado River problems, addressed the water law section of the Colorado Bar Assn in a "good guy" role, as defender of states' water rights in the face of crisis-stage federal encroachment. Ely long has played the "bad guy" role, or so it seemed to Coloradans, in Colorado River litigation. Northcutt Ely's father, Sims Ely, once edited a newspaper in Leadville, Colo.
John B. Barnard, Sr., of Granby, widely known and highly respected water attorney, died suddenly on September 28 from either a heart attack or a stroke. Barnard was counsel for Colorado River Water Conservation District, Middle Park Water Conservancy District, Jackson County Water Conservancy District, Upper South Platte Water Conservancy District and for many ranchers and other water interests throughout western Colorado. He was past president of the Colorado River Water Users Assn and at the time of his death was serving as chairman of the association's committee on the Mexican salinity problem on the lower Colorado River. He was a director of the Colorado Water Congress and one of the original group of 17 that started the Colorado Water Congress.

Grand Junction Sentinel: "The death of John B. Barnard Sr. of Granby removed from the water scene a champion of Western Colorado and a fighter. Mr. Barnard feared no one, and he battled against great odds for what he believed to be right.

"Replacing John Barnard both as attorney for the Colorado River Water Conservation District and as a leader in water matters in state and interstate circles will be most difficult. Few of the younger attorneys are interested in fighting the water wars beyond an occasional case or two in the normal course of events.

"Everyone who came in contact with Mr. Barnard benefited from the experience. Both those on his side of a controversy and those on the opposing side always learned something from the encounter. His mind was restless and inquiring, always seeking a new answer to problems.

"Probably no one ever agreed completely with John Barnard, but he didn't let a little thing like disagreement with a person on one matter prevent him from working with that person on another matter. He didn't go off in the corner and pout; he made the best of whatever situation in which he found himself." Editorial(10-2-62)
WATER MEETINGS: **Colorado Water Congress** annual meeting, Friday afternoon November 16, Denver, preceded by joint meeting of executive committee and rules committee in the morning... **District 7** members of the Colorado Water Congress will meet Nov. 1, 7:30 p.m. at the Pueblo County High School. **Speakers:** Len Kuiper, acting director of the Colorado Water Conservation Board, report on the Mexican water salinity problem and its effect on the Arkansas Valley, and Kenneth Shanks, SCS area conservationist, report on the Vineland watershed project... **CWCB-USDA** public meetings on Colorado River water resource studies, Granby, Community Hall, Oct. 25, 2 p.m.; Glenwood Springs, Holy Cross REA building, Oct. 25, 8 p.m.; Grand Junction, Civic Auditorium, Oct. 26, 8 p.m.

WATER NEWS FROM OTHER STATES: **North Dakota** water users annual convention this fall featured several nationally prominent speakers. ND's governor and all members of its congressional delegation attended. **New Mexico** has spent more than a million dollars in its attack on water wasting salt cedar and other phreatophytes in the Middle Rio Grande Valley... **Wyoming Game & Fish Dep't** has a full-time technician working on pollution control... **Oklahoma City** is completing a project to bring water 100 miles, uphill, through the world's longest enclosed pipeline... **McCook, Nebraska**, which could furnish only one boat for rescue operations during the 1935 flood, now has virtually a boat in every garage. **Reclamation lakes** in southwest Nebraska, with 10,000 surface acres, have attracted a multimillion dollar recreation industry.
North Dakota rain last summer brought ten inches in 1½ hours, almost 4 times that shown for a 100-year frequency 1½ hour rain on U.S. Weather Bureau's rainfall frequency atlas of the U.S. . . . Texas Water Conservation Association is sponsoring a state constitutional amendment which would authorize use of state funds to acquire and develop storage facilities in reservoirs constructed or enlarged by the U.S., by Texas, or by any political subdivision of the state . . . Another proposed Texas amendment to be decided Nov. 6 "would destroy all uniformity of results of administrative decisions and especially in the field of water and other natural resources development, conservation and use" (Texas Water, 9/62). Amendment is called Trials De Novo on Appeals from Rulings of Administrative Agencies.

Stamp club at Lubbock, Texas, has submitted artist's designs to Postmaster General for a special postage stamp to commemorate deep well irrigation in the Southwest . . . Underground water level declines of over 100 feet during the past 24 years are indicated on a map published recently by High Plains Underground Water District of Lubbock, Texas. . . . Oilfield pollution of ground water in Texas is expected to be curbed by Texas Railroad Commission order requiring oilmen to eliminate use of open pits in two counties by Dec. 7 . . . California water fund cash assets total $128 million . . . California plans to acquire 300-foot wide strips of land around State owned reservoirs for recreational purposes "to insure that recreational benefits of such water projects are fully realized and are available to all of the people of California."
Fish water controversy with the California Fish & Game Dep't. has hamstrung the Modesto and Turlock Irrigation Districts and City of San Francisco in their joint efforts to construct a big dam on the Tuolumne River. Ten year ban on annexations which require large amounts of additional imported water is being considered by Metropolitan Water District of Southern California.

Californian water people were upset by an Interior Dep't regional counsel's charge that recent decisions by California tribunals were attempts to apply creek law concepts to federal water projects and that federal projects should not and would not be bound by such concepts. Feather River Project Association has appointed a committee to recommend legislative action on the federal-state water rights problem. Committee is headed by Harold W. Kennedy, counsel for Los Angeles County.

Harold Kennedy: "Water leaders throughout California firmly believe that the title to unappropriated water in the western irrigation states is clouded and that it is necessary to seek some definite and affirmative action by Congress."

Columbia Interstate Compact to establish a program for regional water use has been signed by Wyoming, Montana, Oregon, Washington, Idaho, Nevada and Utah. Compact calls for cooperation on problems of recreation, fish & wildlife, irrigation and stream pollution. States are granted veto rights over power allocations and water supplies. Congress and state legislatures must ratify the compact before it is effective. Ratification of similar proposals has failed three times in past 12 years.
Wisconsin Conservation Department has asked the State Attorney General to carry conservationist's fight against construction of a dam on the scenic Wolf River to the Federal Power Commission and to the U.S. Supreme Court, if necessary . . . World's largest pumped storage electric generating plant, 1.35 million kw, will be built on the Hudson River in New York by Consolidated Edison Co. . . . Army Engineers' first pumped storage hydro project (68 mv, $48 million) is under construction in Arkansas . . . Michigan legislature killed a bill intended to control water resources by regulating well drillers . . . New York legislature appropriated $60,000 for a scientific study to determine how synthetic detergents can be kept out of water supply systems. . . . New York State U president (Roger Corbett) predicts that desalted brackish water will be used for irrigation within 10 years.


Hamilton: "I am amazed to discover that many people understand electricity better than they do water. Almost all users of electricity pay for it on the basis of a two part rate, such as power in kilowatts and energy in kilowatt-hours.

"In my opinion, our courts should decree water rights in the same manner: Maximum demand in second feet and use in acre feet per year.

"What difference does it make whether the water is used for municipal, irrigation or industrial purposes? What difference does it make whether it is diverted from a stream, stored in a reservoir, or pumped from a well? Electricity also is used in many different ways and for many different purposes." (Western Engineer, October 1962)
PUBLIC POWER interests won a major victory in the all-out battle over proposed construction of the $30.5 million Hayden steam electric generating plant by Colorado-Ute Electric Assn. District Judge George V. Kempf denied a bid by Western Colorado Power Co. to obtain an injunction to halt construction of the Hayden plant. Colorado Public Utilities Commission is now free to make a decision on Colorado-Ute's application for a certificate of public convenience and necessity for the Hayden plant and other facilities. Arguments before PUC are expected to be completed in early November.

Colorado Rural Electric Association, in a letter from Howard Scott, Manager, expresses disagreement with some of the statements and assumptions on the Hayden controversy appearing in the last Colorado Water Congress Newsletter.

Howard Scott: "The suit in the Montrose District Court, brought by Western Colorado Power Company does not concern operations of Colorado-Ute's Nucla powerplant. Rather, Western holds that Colorado-Ute cannot build additional plant capacity under their 'partnership' contract and that for Ute to do so would be a violation of that contract . . . "

"The Hayden plant of Colorado-Ute, by contract with the Bureau of Reclamation, is the biggest contribution to the Basin Fund and to water development in Colorado since the utility combine was blocked in its effort to raid that fund under their initial transmission offer.

"I am truly surprised that you would repeat the utility pitch that their concern is 'economic survival'. PSCo in Colorado only has 70% plus of the electric business in the state. It has nearly as much generation capacity by itself as all of the rural electrics in the nation combined. We should not be taken in by such unfounded assertions. The Hayden plant of Colorado-Ute will not result in either Western or Colorado Public Service losing any existing customer. Neither sells any power currently to any member of Colorado-Ute. Not selling what you are already not selling can hardly affect economic survival . . . "
"I think it is obvious that the Bureau (of Reclamation) is not just standing by and saying nothing. It entered into a contract with Colorado-Ute and Salt River of Arizona by which all the displacement and cost saving values of the plant at Hayden are made secure. The Bureau did so, as Mr. Dominy testified, for the same reasons that it entered into contracts with the old line utilities in Colorado, New Mexico, Utah and Wyoming. That reason was to maximize the power values of the Storage project, and these go right into the Basin Fund for water development.

"In summary then, when it comes to water development, the Hayden plant of Colorado-Ute is a four star extra. No other single entity, nor even any group, has offered equal dollars and value to the Storage Project and to the water development of this state and the Upper Basin. I think that this multi-million dollar contribution should be afforded some recognition. I regret that our manpower and time limitations are so severe that we cannot get around to tell this story in more places, but if the utilities succeed in blocking this plant and related transmission system, it will seriously detract from the Storage Project and the Basin Fund. We should put first things first."

PRIVATE POWER won a round this month when a Federal Power Commission examiner recommended that a four-company combine of investor owned utilities be licensed to build the $191 million **High Mountain Sheep** Dam and powerplant on the Snake River between Idaho and Oregon. Denied: Competing application by Washington Public Power Supply System (16 public utility districts) for its $369 million **Nez Perce** power development three miles downstream. Interior Secretary Udall wanted FPC to reject both applications and recommend **Bureau of Reclamation** construction of Mountain Sheep. It would be the second largest dam in the Columbia River Basin and the highest true arch dam in the Western Hemisphere (670 feet).
Other power battles have been decided. Hanford by-product steam plant was authorized on a compromise basis, after a five-year battle on Capitol Hill. Hanford (800,000 kw) will be constructed by Washington Public Power Supply system, but half of the power output will be available to private power companies under non-discriminatory terms.

Canada has endorsed power exports, after a long and vigorous stand against long-term power export agreements. This clears the major barrier to joint U.S.-Canadian development of Columbia River hydropower under a 10-year, billion dollar federal construction program. Quebec's premier has announced that general elections will be held Nov. 14 to allow voters to decide if the Province's 11 private utility companies should be nationalized. British Columbia's private utilities were nationalized last year without elections. Power preference bill which would give Pacific Northwest power users first call on hydroelectric energy produced in that area was approved by the Senate but didn't get out of the House Interior Committee. Southern California water interests fear it will "endanger our present supply of power from at least Hoover Dam and jeopardize our hopes for a share of the energy to be produced at Glen Canyon." (Joseph Jensen, chairman of Metropolitan Water District of Southern California). In the Marble Canyon license application battle on the lower Colorado River, Interior Dep't has filed a petition of intervention with FPC.