"What this country and our individual states need now, and need badly, is fuller recognition of the scope, size and importance of the water resources development task, and an absorbing dedication to an all-out water development effort."
(Gov. George D. Clyde of Utah, at N.R.A. Convention, 10-18-62.)

COLORADO WATER CONGRESS NEWSLETTER

Vol. 5, No. 11
November 26, 1962
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OFFICIAL PUBLICATION OF THE COLORADO WATER CONGRESS

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THE 87th CONGRESS . . . What did it do for western water?
Authorization of Colorado's Fryingpan-Arkansas project and New Mexico's Navajo-San Juan Chama project highlighted congressional water actions. Other reclamation project authorizations: Arbuckle in Oklahoma, Mann Creek in Idaho, Baker in Oregon. Colorado did well. In addition to Fry-Ark authorization, appropriations for federal water project investigations and construction in Colorado next year total about $39 million.

The 87th passed some significant but little noticed laws affecting western water interests . . .

PL 87-170 amends the watershed protection and flood prevention act to permit certain new organizations to sponsor improvement works.

PL 87-647 authorizes FPC to exempt small hydroelectric projects from certain licensing provisions of the Federal Power Act, and to increase limitation for exemption from 100 to 2000 horsepower.
PL 86-658 provides standby authority to accelerate public works programs of the federal government and state and local public bodies.

PL 87-880 (public works appropriation bill) includes funds for studying feasibility of developing pumped storage in connection with federal reservoir projects.

PL 87-295 authorizes appropriations for expansion and extension of the saline water conversion program.

PL 87-639 authorizes secretaries of Army and Agriculture to make joint investigations of watershed areas.

PL 87-88 provides a more effective program of water pollution control.

PL 87-852 authorizes executive agencies to grant easements in, over, or upon real property of the U.S. under control of such agencies.

No action tag was pinned on many bills of significance to Colorado water users. Blue chip wilderness bill didn't get out of the House Interior Committee. Proposed water resources planning act, widely discussed throughout the West, didn't progress beyond Senate Interior Committee hearings. Authorization of controversial Burns Creek reclamation (power) project in Idaho ($52 million) was junked after an attempted piggyback on the $2.5 billion omnibus (pork barrel) water project authorization bill. Omnibus bill provides appropriations for 167 flood control, navigation, beach erosion and power projects throughout the country. Knowles project in western Montana ($258 million and highly controversial), also attempted an omnibus bill piggyback, was deleted. Knowles was vigorously opposed by Montana's governor, "because it would deprive the state of irrigation water."
Congressional backscratching is well understood by water people on Capitol Hill. But seldom is there such a transparent, costly example of reciprocity as this year's fish palace feud. Powerful Rep. Kirwan of Ohio wanted to pass a bill to construct a $10 million aquarium in the District of Columbia. He's second ranking member of the House Appropriations Committee and chairman of the subcommittee on Interior Dep't appropriations. Oregon's Sen. Morse put western principle ahead of eastern pork and voted against the aquarium. So did Idaho's Sen. Church. It developed that both Morse and Church had big stakes in the Interior Dep't appropriation bill that passed the Senate and was sent to Senate-House conference committee. Chairman of the conferees: Senator Kirwin. He axed Idaho's Burns Creek project authorization and planning and construction funds for Oregon projects totaling over $44 million. Kirwin reflected with satisfaction that his mother always told him, "Never throw back a crabapple if someone throws a rock at you."

FEDERAL TRENDS: Bureau of Reclamation's historical image as an agency for reclaiming and irrigating arid lands of the West is fading fast. The changing times are identifying USBR with hydro-electric power and municipal water supply. Power involvement is widely recognized and highly controversial. USBR's longrange interest in municipal water supply is probably not yet generally understood in the West. USBR is developing some projects solely for municipal water supply purposes. Many more will follow.
Agriculture Department is moving up in the federal agency water world, following granting of new authorities by the 87th Congress. PL 87-639 authorizes the Secretary of Agriculture and the Secretary of the Army to make joint investigations and surveys on river basins and watershed areas, and to prepare joint reports setting forth their recommendations for improvement works for flood control and for the conservation, development, utilization and disposal of water.

On small watershed projects, USDA may now share with state agencies up to one-half the cost of land, easements and rights-of-way for reservoir areas to be managed by state and local agencies for recreation. USDA can pay up to 30 percent of the total cost of a reservoir to store water for future municipal or industrial use. Repayment and interest charges may be deferred up to 10 years if the stored water is not used during that period. Owner-operator of a family size farm can now borrow up to $60,000 from USDA (40-year repayment, 5% interest) for construction of fish ponds and outdoor recreation facilities. Watershed flood protection authorizations for USDA (SCS) currently are providing $27.4 million in federal funds to help local organizations carry our watershed work. Local interests are putting up $18.2 million.

Bigtime water agency work is not without its practical problems, USDA finds:
Grand Junction Sentinel: "One of the hazards of big government is that its right hand seldom knows what the left is doing. And one of the dangers is that having gotten big enough to ignore its public, big government can also get to the point where its right hand really doesn't care even when it finds out what the left is doing...

"The states are dotted with innumerable small ponds called potholes. A farmer gets the Department of Agriculture to make an engineering study free of charge and then pay half the cost of draining the holes on his land to create more crop areas.

"The Department of Interior, concerned over the disappearance of the ponds because they are natural 'duck factories' wants them preserved...Interior Department employees go around damming up the potholes the Department of Agriculture has drained--and pretty soon the Agriculture Department comes back to drain the potholes the Interior Department has dammed...Farmers have gotten potholes drained by the Agriculture Department then turned around and sold their land to the Interior Department.

"All the slip-shod, profiteering and mis-management in government isn't in Texas." (Editorial 9-4-62)

COLORADO TRENDS: Colorado Water Conservation Board is trending towards consideration of small water projects, municipal water problems and water conservation measures. Reason: Colorado's big federal water projects are generally underway, either in the planning stage or in actual construction. Few if any western states can match Colorado's current position on present and potential federal expenditures for water projects. These expenditures total over $1.1 billion! About three-fourths of the money will be spent on Colorado features of the Colorado River storage project. Much credit for Colorado's enviable position on federal water projects is due Rep. Wayne Aspinall, chairman of the powerful House Interior Committee.
Look at these figures on potential federal expenditures on water projects in Colorado:

Projects now under construction (total cost of projects) . . . . . $119,755,000

Projects authorized for construction but not yet started . . . . . . . . $218,600,000

Projects not yet authorized but with feasibility reports completed . . . $148,921,000

Project with feasibility studies in progress . . . . . . . . . . . . . $343,000,000

Projects with reconnaissance investigations started . . . . . . . . . . . . $308,000,000

Total $1,138,276,000

COLORADO CITIES AND TOWNS: Pueblo voters will be asked to approve a $1.5 million bond issue to finance half the cost of distribution system expansion and improvement. Other half: Federal aid funds, if granted. Pueblo may decide to issue revenue bonds, rather than general obligation bonds, but needs voter approval anyway, because of charter limitation on expenditures above $100,000 . . . Pueblo has been named headquarters for the Bureau of Reclamation's Fryingpan-Arkansas project office . . . Westminster water row is approaching showdown stage. Citizen's committee is pushing for purchase of Denver water, rather than development of the voter approved $2.5 million Twin Lakes project. . . . Homestake project water being developed by Colorado Springs and Aurora may be routed through Fryingpan-Arkansas project power-plants, if feasibility is determined by USBR studies now getting underway.
Grand Junction has flash flood problems and seeks construction of a $450,000 Soil Conservation Service watershed protection project. But the House agricultural subcommittee won't greenlight the project until an interagency jurisdictional dispute is resolved. Problem: The proposed SCS flood detention dam would be located on Bureau of Land Management Land. Trinidad seeks federal aid on water storage tanks costing $500,000. Denver and Palisade received awards for water system worker safety from American Water Works Assn. Florence is expanding its water system, following a water rate increase. Flat rates were increased $1 per month. Special fund of $18 per year per customer was established for use solely on water system improvements. Rocky Ford increased its flat rates for water $1 per month and earmarked the increase for water system improvements. Dacono has discontinued its 10% prompt payment discount. Water system improvements are being planned at Walden, Eagle, Mead, Golden, Greeley, Littleton, Englewood. Arriba has assessed each water user an additional 30 cents per month to hire a rat exterminator. Las Animas' hopes for a federal saline water demonstration plant with 50% federal subsidy were dimmed by CWCB cost studies. Saline plant water probably would cost LA twice as much as Fryingpan-Arkansas project water. Nucla is recapturing water leaking from the town's reservoir and pumping it back until a permanent solution is found. Evans-Greeley water contract grants Evans unlimited water taps, subject only to Greeley's delivery capability. Rifle has a newly...
established Bureau of Reclamation field office for Silt project preconstruction surveys and investigations . . . Brush has set tank wagon water rates at $1 for the first 1,000 gallons and 75 cents per additional thousand . . . Longmont is "encouraging" annexation by levying a flat $10 per month additional charge on all water users outside the city until the property is annexed . . . Carbondale has been granted a $2,500 advance federal loan payment for engineering studies of a water distribution system bottleneck . . . Rural domestic water system near Crawford is being constructed with help from a $154,000 federal loan.

Mushrooming growth of water districts sponsored by land developers is becoming a matter of concern in the Denver metropolitan area.

Littleton Independent: "Some Colorado officials are concerned about the endless number of water and sanitation districts appearing on the outskirts of cities.

"They think that the developers should put the cost of such utilities into the cost of the lots or homes, thus eliminating the hundreds of political subdivisions on the books..."

"The books of most water and sanitation districts are sometimes not adequately audited, and the taxpayer has no means of knowing what happens to his money. Perhaps the legislature can require the state auditor or the State Tax Commission to look after the audits..." (6-22-62)

WATER LITIGATION: Most important water lawsuit in U.S. history is in its final phase. U.S. Supreme Court has reheard oral arguments by Arizona and California in a 40-year old interstate dispute over Colorado River water rights. Litigation started 10 years ago when House interior Committee refused to consider a Senate-passed bill
to authorize the big Central Arizona reclamation project. **Reason:** Courts hadn't decided whether Arizona was legally entitled to the 1.2 million acre feet of Colorado River water needed by the project. **In 1960,** the Supreme Court's special master made recommendations which favored Arizona. **Last January,** the court heard 16 hours of oral argument but was unable to reach a decision. **Recent arguments** were mainly for the benefit of new Justices Byron White (Colorado) and Arthur Goldberg. Chief Justice Earl Warren of California has disqualified himself. **Odds** strongly favor Arizona. It would be unusual for the Supreme Court to over-rule its special master.

**Colorado Supreme Court** will hear oral arguments Dec. 3 in the Grand Valley underground water case. **Involved:** State engineer, two groups of **artesian well owners** and the question of whether the doctrine of appropriation applies, under certain circumstances, to **underground water.** Mesa District Court held that the doctrine applies, that a 1948 decree to underground water is valid, but that an artesian well owner is **not entitled to the same pressure** as when the well was first drilled. Pressure ruling is particularly significant.

**Colorado Supreme Court** ruling reversed a Rio Blanco District Court decision which had been entered against Rocky Mountain Power Co. in a dispute over water decrees with White River Electric Assn., a Meeker REA cooperative. **Issue:** Whether **Rocky Mountain Power** could protest REA's proposed change in point of diversion on the **White River.** Trial court ruled that Rocky Mountain had no right
to be heard because it did not have a decree, although a decree is sought in current adjudication proceedings. Supreme Court ruled that Rocky Mountain has the right to a full hearing on its water rights in the lower court. Decision said that one who is entitled to a conditional decree has a vested right to protect in case of action by others which threatens to destroy or injure that right.

Water District 53 decree has been signed by Judge Luby. Major individual decrees were awarded to Rocky Mountain Power Co's Sweetwater project, Middle Park Water Conservancy District's Azure Reservoir and Crown Zellerbach Corp's proposed paper mill at Kremmling. Colorado Game and Fish Dept dropped its contemplated appeal to Colorado Supreme Court for entry into District 53 adjudication proceedings with fish flow claims . . . Litigation over Colorado-Ute Electric Assn's application for permit to build a power-plant near Hayden will resume Nov. 26 . . . Westminster citizens group might seek a court injunction to halt the city's proposed Twin Lakes project.

Watch your diligence showings on conditional decrees. Colorado Supreme Court now permits appeals on district court rulings continuing conditional decrees. Appeals used to be possible only when a decree was made absolute . . . Denver Water Board is preparing appeals from district court decisions continuing conditional decrees for Englewood (in Grand County) and for proposed Ute Park Reservoir (Parshall project) . . . Proposed change in point of diversion on Costilla Creek in southern Colorado will
require approval by Colorado and New Mexico legislatures. Stream is involved in an interstate compact. ... **Bona Fide Ditch Co.** near Delta has been sued by an individual who claims the company built structures which violated Soil Conservation Service specifications and prevented water delivery to the plaintiff's land.

**Damage suit** has been filed against users of an irrigation ditch on Orchard Mesa near Grand Junction whose purported careless activities, including livestock bank trampling, prevented irrigation of the plaintiff's land. ... **Cathedral Water Co.** of Maher has been granted a decree changing point of diversion and character of use for water from springs. ... **Uncompahgre Water Users Assn.** is in district court at Montrose seeking a change in point of diversion on the Uncompahgre River. ... **Collbran project decrees** for Vega Reservoir, Southside Canal and Leon-Park Feeder Canal were made absolute in recent proceedings in District Court at Grand Junction.

**COLORADO WATER CONGRESS annual meeting** in Denver drew 120 under bad weather conditions. New officers: Charles Boustead of Pueblo, chairman; Duane Barnard of Granby, vice chairman; Jack Ross of Denver, secretary-treasurer. Water Congress budget for 1962: $16,000. ... **District 1 meeting** at Fort Morgan, Dec. 4, will feature program by water law recodification committee. ... **District 9 meeting** at Alamosa, Dec. 14, has programmed John Barnard, Jr., on the Rio Grande Compact plus J. R. Barkley and Glenn Saunders on water law recodification.
WATER PEOPLE: Bill Metz, long time water commissioner on the upper South Platte River is seriously ill . . . Sid Nichols, well known utilities engineer for Colorado Springs and director of the Southeastern Colorado Water Conservancy District, is hospitalized. . . . Harold Christy has been re-elected Colorado director of the National Reclamation Association and NRA vice president . . . Jim Ogilvie has been named project manager for the Fryingpan-Arkansas project. Ogilvie was assistant regional director in Denver . . . Judge and Mrs. Clifford Darrow of Glenwood Springs have been named to the 1963 national social register. Judge Darrow is well known to water litigants . . . E.A. (Ted) Moulder, USGS ground water branch district engineer in Denver, expects to be transferred to California . . . Coloradans Arthur Carhart, E.H. Hilliard, Jr., and Joseph Penfield are members of the board of directors of a national citizens committee on natural resources, incorporated "to advance conservation, restoration, and sound management of natural resources in the public interest."