"The best talents in the state in the fields of law, engineering and water use must be applied in order to develop a modern, usable water code suited to 20th-century needs. The state government has properly taken the lead in seeking a solution, but the state needs and asks for the help of all of you in this all-important and delayed task." (Gov. John Love, address to Colorado Association of Soil Conservation Districts, Denver, 1-2-64.)

WILDERNESS BILL hearings were held this month at Olympia (Washington), Denver and Las Vegas by the Public Lands Subcommittee of the House Interior Committee. In Denver, more than 200 witnesses testified or submitted statements. Gov. Love presented a package statement for the record. It included supporting statements from Colorado Game, Fish and Parks Department, Denver Water Board, Colorado Association of County Commissioners and Colorado Water Congress.

Current interest is spurred by growing realization that this appears to be the year that Rep. Wayne Aspinall is going to report out an acceptable and workable compromise wilderness bill. As chairman of the House Interior Committee, Aspinall has held out for at least three essential changes in the extremist wilderness bill (S.4) passed last year by the Senate.
**Required by Aspinall:** Affirmative action by Congress in future wilderness designations. Continuation of certain *multiple uses*, particularly mining and grazing, in wilderness areas for a limited number of years. Review of prospective *primitive areas* for a period of years, followed by affirmative action by Congress, prior to their inclusion in a wilderness system.

*Break-through came last fall* when Rep. John Saylor (Pa.), ardent wilderness advocate and articulate PL Subcommittee member, introduced a bill (H.R. 9070) labeled *compromise*. It turned out that Saylor's bill was not completely satisfactory. Further work by Aspinall with influential House colleagues produced another bill (H.R. 9162) that seems to embody most of the essential principles and objectives. It's called the *Dingell bill* (Rep. John Dingell of Michigan). Three other bills (H.R.'s 9163, 9164, 9165), identical to the Dingell bill, were subsequently introduced. *Gov. Love* and most Colorado water users support the Dingell bill.

*Attorney John B. Barnard, Jr.* "We are gratified that our voice, with those of others, has been heard by our elected representatives. That our voice has been heard, and our views considered, we believe is evidenced by the apparent support for H.R. 9162 and similar bills. That is not to say that these bills are in precise conformity with our views, but it seems obvious that they come much closer to a reasonable balancing of conflicting views than their predecessors, including S.4, in respect to which I have previously testified. The most important point in respect to this 'compromise', in our view, is the provision in both H.R. 9162 and H.R. 9070 for the inclusion of primitive areas in the wilderness system only by specific Act of Congress. Aside from the broad governmental issues involved, and related specifically to Colorado, the Colorado Water Congress has a practical interest in the manner in which additional areas are included in a wilderness system."
We cannot say that any existing wild area in the State of Colorado stands as a barrier to any water resource development that is foreseeable at this time. However, certain primitive areas do offer such barriers, and more study is needed to determine whether or not certain others will do so. When specific legislation regarding such an area is before the Congress, we will, under this provision, be able to present for Congress' consideration our views and recommendations regarding any special provision needed for a particular area which only the Congress could properly authorize. We will be able to do this with the knowledge that our views and recommendations will be given full consideration and not be disregarded simply by virtue of inaction by the Congress within some arbitrary time limit. We commend those who have worked out this important step toward compromise. By the same token, the water users of Colorado would vigorously oppose any bill which did not contain this important provision." (From statement before the Public Lands Subcommittee, 1-10-64, as special counsel for the Colorado Water Congress.)

STATE WATER POLLUTION BILL might be introduced in this session of the Colorado General Assembly. It's patterned after a model act prepared by U. S. Public Health Service for introduction to state legislatures. It's intended to provide a legal means of implementing recommendations that may be developed by USPHS engineers in their forthcoming $125,000 study of pollution in the South Platte River basin. Discussion draft of pollution control legislation proposed for Colorado has been prepared by John Detmer (regional U.S. HEW Dept.) and David Foster (staff attorney, Colo. Health Dep't.). It has fine objectives: "to strengthen the powers of the state department of public health to control, prevent and abate pollution of the surface and underground waters of the state". But the draft contains some eyebrowlifters for Colorado water users.
"(c) In the abatement, control, and prevention of pollution of the waters of this state the department (State Dep't. of Public Health) shall have and may exercise the following powers and duties:

"(ii) To classify the waters of the state according to their best uses in the interest of the public.

"(iii) To review and approve or disapprove of plans, specifications, and other related data pertaining to the proposed construction of any and all water facilities, sewerage systems, treatment works, or disposal systems and issue, continue in effect, revoke, modify or deny permits to operate the same."

YOUR WATER CONGRESS executive committee will discuss the pollution bill draft at a luncheon meeting, Feb. 10, just prior to the CWC annual meeting. Don't miss the sixth annual meeting of the Colorado Water Congress, set for 2 p.m. Monday, Feb. 10, at Wyer Auditorium, Denver Public Library. Attend the Water Congress district meeting in your area: Delta (Dist. 12, Jan. 21), Gunnison (Dist. 13, Jan. 22), Alamosa (Dist. 9, Jan. 23), Nucla (Dist. 11, Jan. 24), Fort Collins (Dist. 2, Feb. 19, 2 p.m. CSU hydraulic lab), Brighton (Dist. 3, Feb 26, 1:30 p.m.), Craig (Dist. 17, Feb. 24, 2 p.m.).

WEATHER CONTROL BILL has been introduced in the Colorado House of Representatives. Proposed: $70,000 expenditure for study of weather modification methods. Coordinator of natural resources would be authorized to contract for the study.

WATER LAW RECODIFICATION was emphasized by Gov. Love in his recent message to the Colorado General Assembly. Colo. Association of Soil Conservation Districts included water law recodification among the major resolutions passed at its recent annual meeting in Denver.
Gov. Love: "Colorado's great underground water resources need your wise consideration in developing appropriate laws and administration. The complexity of this problem prevents wise action at this session, and will require further action, further technical studies, before action can be had. We shall expect to have these preliminaries out of the way and will expect this body to provide new and wise laws in this field at the 1965 session."
(State of the State message to Colo. Legislature, 1-9-64.)

CASCD Resolution: "Efforts to recodify state water laws (should) be supported, since great surface and ground water problems exist in Colorado."

BARR ALKE POLLUTION: Tri-County Board of Health is attempting to petition for the release of 25,000 acre feet of water to be used during 1964 for diluting polluted water flowing into Barr Lake, below Denver in Adams County. Proposed water source: Blue River. Dilution plan would involve emergency water exchanges between Denver Water Board and Bureau of Reclamation. This supply plan has raised vigorous Western Slope objections.

Grand Junction Sentinel: "A Colorado Supreme Court decision several years ago ruled that dilution of sewage was not a beneficial use of water...Western Colorado might be sympathetic to helping if it were not for the fact that the exchange proposal actually was made to help Denver in negotiations and litigation over Green Mountain Reservoir."
(Editorial, 12-27-63)

NARROWS PROJECT continues to be plagued by serious local problems. Petition for formation of a conservancy district was filed some time ago. Counter petitions protesting formation of the district apparently contain enough signatures to nullify district formation. Burning issues: Relative geologic merits of alternate reservoir sites and large differences in right-of-way acquisition cost estimates. Colorado Water Conservation Board has retained an engineering firm to conduct further geologic investigations.
Fort Morgan area water users have retained another engineering firm to assist in these geologic investigations. Proponents of the Weld County damsite are conceding nothing to Narrows site proponents.

WATER LITIGATION: Colorado Public Utilities Commission has rejected Northwest Water Corp's application for rate increases averaging $20 per year per customer. PUC allowed NW to refile for increases averaging about half the amount sought. Northwest serves suburban areas north of Denver.

Westminster has been sued by Broomfield, Mandalay Irrigation Company and Marcus Church over issues relating to Westminster's use of its Coal Creek water rights. Colorado-Ute Electric Association recently sought, in district court at Steamboat Springs, to change points of deversion of water rights. Water will be used to supply C-U's big Hayden electric generating station in northwest Colorado. Stipulated agreement between C-U and Yampa Valley water users appears to have ended protests against the proposed changes.

Interesting sidelight to this litigation was a legal question raised in an article in The Grand Junction Sentinel.

William H. Nelson: "Does the right of eminent domain accorded to electric utilities extend to condemnation of water rights?... Even though it might be considered brash for a layman to tackle an attorney on a point of law, the Westerner (WHN) challenges the theory (of C-U attorneys) that electric utilities have the power of eminent domain over water rights." (Westerner column, 12-31-63.)
U. S. Gov't recently won two western water lawsuits. In California, a federal district judge denied a request for an injunction to halt construction of San Luis Dam until assurances are provided that drainage facilities will be built to carry away brackish water resulting from reservoir operations. In Wyoming, a federal district judge ruled for the government in a $2.5 million lawsuit brought by farmers for alleged losses suffered by settlers on the Third Division of the Riverton reclamation project.

In a $6 million damage suit against several cities, industrial firms and individuals, City of Los Angeles (in a dispute over subsurface water under the dry bed of the Los Angeles River) contended that defendants were using water granted to Los Angeles by the King of Spain in 1781. Water damage suit, involving problems created by dam construction in 1928, won year 1963 dollars in a recent decision in Western Pennsylvania U. S District Court. U.S. will pay $412,250 to Ford City, Pa. for sewer damages caused by a rising water table after Army Engineers built a dam on the Allegheny River 35 years ago.

GUNNISON COUNTY Chamber of Commerce has not yet taken an official stand on the Dorchester Lake controversy. This was erroneously reported in the last Water Congress Newsletter, in a quotation from National Wildlife Association's Conservation News.
Charles A. Page: "The Gunnison County Chamber of Commerce has never 'officially' been asked to take a stand, one way or the other, on the (Dorchester Lake) proposal. Therefore, it has never voted on the proposal. We do not know where the Conservation News received such mis-information..." (Letter to CWC Newsletter editor, 1-13-64. Mr. Page is manager of Gunnison County Chamber of Commerce.)

NEW IDEAS: Ground water flow into surface streams can now be measured by a new method involving aerial photogrammetry. U.S. Geological Survey engineers photograph a stream with infrared film. Film records, to a fraction of a degree, heat waves radiating from water's surface. Minute temperature differences show where cold ground water enters the main stream. Amount of ground water inflow can be determined by streamflow measurements above and below point of ground water entry . . . Unique algae farming process, which produces high protein animal feed and reclaimed water from municipal sewage, received initial tests recently at California U's Richmond lab . . . Univac barrister, a $2 million electronic computer developed by Law Research Service, N.Y. City, provides lawyers with quick access to more than a million case references. Computer responds to telephone inquiry with almost instantaneous recall of citations and reproduction of complete cases. (Not yet available in Colorado.) . . . Both primary and secondary treatment of sewage is provided at a single plant in Norwich, N.Y. Primary plant is designed to precipitate colloidally suspended waste, thereby producing effluent quality comparable to secondary treatment.
New relay that protects a pump starter and motor during power system voltage drops has been developed by Westinghouse Electric Corp. ... Aluminum culverts 96-inches in diameter were light enough to be installed by hand, without use of heavy equipment, at Laguna Indian Reservation in New Mexico.

COLORADO WATER PEOPLE: E.F. Munroe, Fort Collins rancher, received Four States Irrigation Council's annual Headgate Award for having "distinguished himself by years of persistent devoted service to the development and efficient utilization of water resources in his state." ... Forrest C. Snyder, irrigation division engineer at Pueblo since 1951, retired Dec. 31 after nearly 48 years of service for several state engineers ... Ralph C. Taylor devoted his Jan. 12 Colorful Colorado column (Pueblo Sunday Chieftain) to an interesting historical discussion of early water development and water legislation efforts in Colorado. ... Roy D. Cooper, longtime member of the board of directors of the Fort Lyon Canal Company, recently discussed the Company's 66-year history in a paper presented to the Las Animas historical society ... Fred Paddock, irrigation division engineer at Montrose, is the new president of Colorado Water Officials Association.

SUBSTANTIAL WATER SAVINGS could be achieved in the Arkansas Valley by better water management. U.S. Geological Survey engineers indicate this in a recent report ("Effects of Water Management on a Reach of the Arkansas Valley, La Junta to Las Animas, Colorado", by Moulder, Jenkins, Moore and Coffin). Salvage possibilities:

Up to 9,000 acre feet a year by reducing consumptive use of
phreatophytes. Up to 15,000 acre feet a year by eliminating evaporation from offstream reservoirs. In the 25-mile valley area between La Junta and Las Animas. **Salvage methods:** Eradicate phreatophytes. **Construct large wells** to reduce non-beneficial consumptive use by lowering the water table. Reduce evapotranspiration by storing surface water in ground water reservoirs.

COLORADO CITIES AND TOWNS: Broomfield city council has created a water commission consisting of the mayor, city administrator and four residents (not connected with city government) to be appointed by the mayor, subject to council approval . . . Florence city council rejected a proposal to extend water service outside city limits . . . Town of Dove Creek is making a second application to the federal government for assistance in building a new water distribution system . . . Lamar's Clay Creek Dam construction start has been delayed until at least March, Arkansas River Compact Association officials want to make further studies of potential Arkansas River depletions attributable to the proposed municipal supply and recreation reservoir . . . Pueblo is negotiating with Colorado Fuel and Iron Corp. for purchase of Lake Minnequa.

Pueblo's airborne snowmaker flew 13 hours on cloud seeding missions over the city's mountain water shed, between Nov. 1 and Jan. 8 . . . **Long-lost Fountain River channel** through Pueblo is being uncovered by city crews in a brush and tree clearing effort aimed at flood protection. Most of the work is on private property.
... Broomfield's new water service policy requires developers to deed to the city a specified amount of water from their present sources (credited against tap fees). ... Fort Collins will have a special election Jan. 28 on a city charter change which would give full power to city council to issue bonds for improving the city's water system. ... Thornton is planning to spend $300,000 on distribution system improvements. ... Delta city council authorized issuance of $300,000 in revenue bonds for acquisition of water rights and water system improvements.

Aurora and Colorado Springs expect to let contracts soon totaling $30 million for further work on the Homestake water diversion project. ... Colorado Springs lost an operating fire plug for a while last month. Repairmen found water pouring from the pipe, but no sign of the plug. ... Antonito artesian well is strictly for the birds. Game, Fish and Parks Dep't constructed a well that yields 2,800 gallons per minute. It's supposed to develop waterfowl resting and nesting habitat on state-owned land.

Pueblo Star Journal: "...if the production from the 2,000-foot gusher were utilized entirely to satisfy the thirst of the waterfowl and each of the winged creatures demanded one cup a day there would be enough water for 4,512,000 birds." (12-16-63)

WATER COMPANIES AND DISTRICTS: Trinchera Irrigation Co. in the Fort Garland-Blanca area of Costilla County recently completed a 5.5-mile, 100 SF capacity canal for better distribution
of water from Sangre de Cristo Creek. Cost: $55,000, paid
from mutual share revenues, without added assessments . . .

Fort Lyon Canal Co., largest irrigation company in Colorado,
diverted nearly 147,000 acre feet for 92,000 irrigated acres in
dry year 1963 . . . Orchard Mesa Irrigation District in the Grand
Valley lined more than four miles of irrigations ditches with
concrete (gunite) in 1963. Another four miles will be lined in 1964.
This is part of a five year, $750,000 rehabilitation program.
Bureau of Reclamation is doing the work, under contract with
the district . . . Ute Water District construction (9.2 million
rural domestic water system near Grand Junction) is about 20 per cent
complete . . . Consolidated Mutual Water Co. of suburban Lakewood
in Jefferson County has been having problems with "dirty, smelly
water". CM's recent problems have received headline treatment
and caustic editorial comment in the Jefferson County Sentinel
. . . St. Charles Mesa Water Association is purchasing water
rights and drilling wells to provide domestic water to rural areas
south of Pueblo.

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