"We will not solve Colorado's water problems until the well owner and the ditch diverter can learn to live 'one with the other.' They must take the time to sit around the conference table and develop equitable solutions to our water problems for the benefit of the whole." (Ralph Owens, state engineer, September 27, 1966)

SMALL PROJECTS ACT AMENDED

SENATOR FRANK E. MOSS, D-Utah, and Congressman Wayne N. Aspinall, D-Colo., successfully piloted the conference report on the bill to amend the Small Reclamation Projects Act through both the Senate and the House.

The bill was introduced in the 1st Session of the 89th Congress by Senator Moss, after the 88th Congress failed to approve similar amendments to the Small Projects Act.

"The changes enacted by Congress to the Small Reclamation Projects Act will benefit irrigation companies and other water users who are waiting now with their projects, but who have been unable to proceed due to an exhaustion of authorized funds," Senator Moss said. "The bill authorizes appropriation of an additional $100 million in loan funds for qualifying small reclamation projects." The change also will result in lower costs through lower interest rates.

Congressman Aspinall noted that under the new provisions federal funds may be furnished in amounts up to $6.5 million on each "small" project (one for which the total estimated cost is less than $10 million). Also, the
amended law provides for local and federal sharing of costs for recreation-
al and fish and wildlife purposes. (Reclamation News, September, 1966)

**LAWSUIT DEVELOPING OVER RIO GRANDE RIVER**

**THE STATES OF NEW MEXICO AND TEXAS** have filed a motion before the U.S. Supreme Court alleging violation of the Rio Grande Compact by the State of Colorado and demanding satisfaction of an admitted debt of 933,000 acre-feet of Rio Grande River water accruing over the past 14 years. Water experts from Texas and New Mexico have met with officials of the U.S. Department of Justice to discuss the proposed suit. The Justice Department has asked Colorado officials to present their side in the dispute.

Attorney General Duke Dunbar said the Justice Department must join in any suit brought against Colorado by the two states, "and it wants to hear Colorado's side before it makes any commitments." Dunbar said he could not set any time limits for Colorado's answer until he had conferred with Colorado water officials but he planned to do so as soon as possible. All interested parties are attempting to ascertain the attitude of the Justice Department, as in 1951 when Texas filed a suit against New Mexico to recover Rio Grande water, the Supreme Court threw out the suit on grounds that the U.S. would have to be an indispensable part of any such suit because of the Indian rights involved.

Rio Grande River water users in Colorado are concerned that a federal water master might be appointed to operate the river as a result of the dispute.
State Engineer Ralph Owens said **Colorado would act to protect itself** if any lawsuit is brought to recover the water.

Attempts to meet the Compact commitments by a **plan to pump underground water** from the lower trough of the San Luis Valley Basin into the Rio Grande River near the state line **have been met with stiff opposition** by water users in the Valley.

Owens, commenting on the case, said that **New Mexico would be in an unusual position** if it joined Texas in a suit against Colorado, as New Mexico also **owes a substantial water debt to Texas**.

On October 18, a group of Colorado water experts including Felix L. Sparks, director of the Colorado Water Conservation Board, Raphael L. Moses, Board attorney, James D. Geissinger, special assistant to the Attorney General, Richard T. Eckles, director of Natural Resources, and Glenn G. Saunders, Denver attorney, met in Washington, D.C., with representatives of the Department of Justice and the Department of Interior to discuss the proposed suit. **Saunders represented the Conejos and the San Luis Valley Water Conservancy Districts and the Rio Grande Water Users Association**.

Saunders, in an interview upon his return to Denver, said that the Justice and Interior Departments gave the Colorado group **assurances that they would not formulate any opinion until they had definitely considered all phases of the issue**; and that they would continue their policy of being available for any possible settlement of the controversy. The Departments' spokesmen stated, however, that they would act to perform their
duties in the interest of the United States.

Saunders said Colorado will file a brief urging the Supreme Court not to accept jurisdiction.

WATER COMMITTEE RECOMMENDS WATER LAW CHANGES

THE LEGISLATIVE COUNCIL Committee on Water, meeting in Denver on August 5, voted to recommend legislative action by the 1967 Session which would amend House Bill 1066 and Senate Bill 367:

H.B. 1066

- Consideration should be given to adopting a statutory definition of "tributary ground water" such as: "to be tributary, water so classified must be available to satisfy prior appropriators during the irrigation season, as to direct irrigation, and for storage as to storage rights."

S.B. 367

- The law should contain authorization for the issuance of permits for replacement wells.

- The law should include a provision for the late registration of wells in undesignated areas. Upon a motion by Senator Floyd Oliver (Greeley) the Council Staff was instructed to prepare an amendment to register all wells drilled prior to 1957 and to register subsequent wells as of the date of application for registration.

- The law should include a provision for the addition of territory to a ground water basin similar to the provisions contained in the water conservancy district law so that in the future, boundary changes can be made without going through the entire procedure as required under the existing law.

- The law should include an amendment defining and clarifying the words "substitute" and "supplemental" as they pertain to wells; and an amendment to clarify the words "stock-watering" and "domestic-use" in relation to the size of the pipe and the flow being pumped for these purposes.

The Committee postponed action on Senate Bill 3 proposed by Senator Frank L. Gill (Fort Morgan) and amendments to Senate Bill 367 as proposed
by Rep. Marvin Woolf (Boulder) until its next meeting to be held in Denver on November 17.

State Engineer Owens, during an appearance before the Committee urged the users of surface waters and people who irrigate with well water to "get together" and settle their problems for the good of the State. Owens said he does not think the 1965 law has worked out very well and "if we rigidly administer it, we are going to paralyze the economy of a great portion of the State, but if we do it haphazardly we will not gain much for the surface users and we will seriously hurt many individuals." Owens said the economy of agricultural communities is changing from raising cheap crops to raising more expensive crops which produce higher dollar yields but require more water.

INTERNATIONAL GROUP URGES WATER-BANK LEGISLATION

THE INTERNATIONAL ASSOCIATION OF GAME, FISH AND CONSERVATION COMMISSIONERS, meeting in annual convention in Kansas City, Missouri on September 16, adopted a resolution urging the prompt endorsement of the water-bank concept to retain runoff waters within small watersheds as long as possible. The resolution urged the Secretary of Agriculture and all other concerned agencies of the federal government to promote the water-bank concept with associated incentive payments to private landowners for wise management of water, land, fish and other wildlife within small watersheds. The resolution stated that a water-bank for small watersheds is essential to hold runoff water rather than removing it rapidly through natural channels, thereby aiding landowners reducing
flood hazards, enhancing the recharge of ground waters and the development of fish and wildlife habitat. Other resolutions adopted urge:

- Extension of the National Wilderness Preservation System.

- Each state to cooperate with and implore all citizen organizations to appear before all future water pollution control hearings and make their views a matter of record.

- Opposition to the construction of the Rampart Canyon Dam on the Yukon River in Alaska.

- The Corps of Engineers to give more consideration to the Fish and Wildlife Coordination Act in its budgeting and development of Corps projects.

- That the classification of the public domain proceed expeditiously and that proper consideration be given to wildlife and recreational values in the classification of said lands. This resolution urged the Bureau of Land Management to expedite the program as implemented by the Classification and Multiple Use Act.

- Opposition to proposed legislation to increase the migratory bird hunting stamp fee from its present $3 to $5.

- The Corps of Engineers to turn the administration of grazing contracts on Corps project lands over to the State Game & Fish Departments and that money collected under the grazing contracts be used exclusively for the development of hunting, fishing, and other recreational benefits on these lands.

- The U.S. Soil Conservation Service to realign its administrative guidelines for the small watershed program (P.L. 566) to encourage greater participation by state conservation departments in the initial planning of watersheds and to develop fish and wildlife habitat while holding water within the watershed. The resolution called for mitigation for habitat destroyed as a result of project construction.

- Opposition to metal mining subsidies unless they are conditioned upon adequate pollution control by the recipients of such subsidies.

- Opposition to enlargement of Grand Canyon National Park.

- Support for strengthening of the Federal Water Pollution Act (S.2947 and H.R. 16076).
- Support for legislation providing for the use of Land and Water Conservation Funds to acquire public access to federal lands for recreational purposes (H.R. 17662).

- Support for legislation to create a National Water Commission to review water problems (S.3107 and H.R. 14151).

- Support for legislation to create a Wild or Scenic Rivers Preservation System (H.R. 12797 and S. 1446).

The officers of the Association urged all game, fish and conservation departments to conduct a grass roots campaign throughout their respective states in support of the Association's resolutions.

WATER BOARD URGES RIVER BASIN PARTICIPATION

THE COLORADO WATER CONSERVATION BOARD, meeting in Durango on September 8, adopted a resolution approving and urging active participation by the State of Colorado under the provisions of the National Water Resources Planning Act (P.L 89-80), and encouraging the conservation, development and utilization of water and related land resources of Colorado and the United States on a comprehensive and coordinated basis. The resolution further urged the State of Colorado to participate actively with other states in the formation of river basin commissions as provided by the law and to seek the elimination of existing inter-agency committees.

Felix Sparks, director of the Board, reporting on the Central Arizona Project said, "Arizona is talking seriously of going it alone. If it does, Colorado must go it alone also." Sparks pointed out that Colorado's desires regarding the proposed Colorado River Basin Bill other than its requests for imported water did not meet with much legislative opposition and that Colorado would continue to "hold to a tough line" for the Colorado projects in any future legislation to be proposed.
WATERGRAM

- Expect the State Engineer to issue orders to division engineers to give notice to all well owners to appear before district court water adjudication proceedings.

- Expect the Federal Power Commission to hand down a decision in November on a petition by nine members of the Colorado-Ute Electric Association requesting that Colorado-Ute continue to serve them with electric energy. The petitioners asked that Colorado-Ute be declared a public utility under federal law and subject to the jurisdiction of the Commission.

- Expect an organized effort to force a public vote on Pueblo Council's proposal for a $2.00 sewer service charge.

- Expect renewed action for the passage of water resource legislation during the next session of Congress -- New legislation for the Colorado River Basin; desalination plant authorization; stronger pollution control laws; and international water investigation studies.

- Expect Grand Junction City Council to increase water rates to users by 20 to 25 percent.

ITEMS IN BRIEF

Trinidad City Council has allocated $400,000 to help push along the proposed Trinidad Project. The money would be used to exercise options taken earlier this year on water rights held by the Model Land and Irrigation Company.

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Directors of the Metropolitan Water District in Southern California have voted to move ahead with the construction of a nuclear-power, 150 million-gallon-a-day water desalting plant, to cost $126 million. The U.S. Office of Saline Water and the Atomic Energy Commission would contribute $61 million. The plant, when constructed, will be the world's largest.

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Senator Gordon Allott announced that the Senate Appropriations Committee appropriated $18,800,000 for the Fryingpan-Arkansas Project and $6 million for initial work on the Chatfield Dam on the South Platte River above Denver.

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All 50 states of the Union have indicated their intent to comply with the provisions of the Federal Water Pollution Control Act. Utah was the last state to file its letter of intent, just getting under the deadline. The next deadline the states must meet is June 30, 1967. By then they must have established guidelines for pollution control and plans for enforcement. If they do not, the federal government will step in where interstate waters are involved.

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The Bureau of Land Management has extended until December 31 the deadline for ranchers and users of the public domain to apply for permits authorizing range improvements. The Bureau says that stockmen who have erected fences, constructed stock ponds or made any other improvements must seek permits for them if the user of the land is to retain ownership and control; and that without these permits the improvements become permanent fixtures of the land.

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The Colorado Supreme Court upheld most of a decree handed down several years ago allowing the Granby Ditch and Reservoir Company in Delta County to transfer storage rights from one reservoir to another. It modified the decree to the extent that the Reservoir Company must show that C. J. Hallenbeck, a rancher in the area, will suffer no injury in his water rights. If an injury occurs, the trial court, after a hearing, shall issue protective orders for the benefit of Hallenbeck.

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Chevron Oil Company has filed a petition asking the District Court to enjoin the formation of the Rangely Water Conservancy District for the administration of the proposed Rangely Project. The company, owner of a large block of land within the proposed district, claims it is being deprived of its constitutional rights. A pretrial conference is scheduled for November 29. The project proposes a dam on the White River above Rangely and it would be paid for by a loan from the Bureau of Reclamation under the Small Projects Act.

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U.S. House has passed and sent to the Senate legislation authorizing a four-year $2.3 billion program to help cities and states fight water pollution. Earlier this session the Senate voted a $6 billion program for a period of six years. A compromise between these two figures is expected. Any plan involving the upper Colorado River Basin would require agreement by at least three of the four upper basin states.
House Appropriations Committee approved a $13,941,000 appropriation for continuing construction of the Morrow Point Dam, starting work on Crystal Dam and completing the Blue Mesa Dam hydro-electric plant, all phases of the Curecanti Project. The appropriation includes money for continuing feasibility investigations on Battlement Mesa, Bluestone, Grand Mesa, Upper Gunnison and Yellowjacket Projects, all on the Western Slope of Colorado.

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Updated water development plans by the State of California include a $10.7 billion construction program to be completed in 1990. Estimated expenditures include $4.52 billion by California, $2.7 billion by the Bureau of Reclamation and $2.17 billion by the U.S. Army Corps of Engineers. The balance, $1.31 billion, is proposed as expenditures by local water agencies. (Western Water News, October, 1966.)

THROUGH THE WATER METER

Game, Fish and Parks ran into a road block in its plan to build a $250,000 dam to create Miramonte Reservoir near Norwood for recreational use. The delay results from faulty titles on the land to be acquired. More than 2,500 water users including both ditch and well owners have been notified of an adjudication hearing to be held on November 10 in Pueblo district court. Otero County Commissioners renewed the easements of the West Grand Valley and the Newdale Grand Valley Water Companies. Robert W. Parker, marketing vice president for Vail Associates recommends the creation of a federal conservation department with cabinet level. Parker's recommendation was heard at the third annual conference of the Colorado Open Space Council on September 25. The demand for uranium is expected to increase as the result of continuing nuclear power plant construction. Interior Secretary Udall has suggested that nuclear power plants be considered in the Colorado River Basin Project instead of the proposed two giant dams on the lower Colorado. Northcutt Ely.
California water lawyer, predicts "a good chance for passage of the Colorado River Basin Project in some form during the next session of Congress". Department of Housing and Urban Development announced a $321,100 grant to Durango for expansion of water facilities. City of Montrose is studying engineering specifications on a supplemental water supply which may result in filings for a right-of-way which will allow the city to tap unclaimed spring water in Cedar Gulch. Voters in Sterling approved, by a vote of 310 to 161, a $450,000 bond issue for new water storage facilities and transmission lines. Construction of 21 earth dams in Moffat County is being planned by the Bureau of Land Management. State Senator John R. Birmingham (Denver) recommends strengthening Colorado's water pollution control laws to provide more adequate enforcement. Silverton plans to construct a sewage treatment plant and extend its collection system. The plans have the approval of the State Board of Health. Metropolitan Denver Sewage Disposal District will soon take bids on 3 sewer interceptor lines and pump stations estimated to cost $1.8 million. The Bureau of Reclamation has a target date of December for completing a definite plan report on the authorized Fruitland-Mesa Project in Delta County. Land classification work on the Savery Pot Hook Project near Craig is continuing. A study is under way by scientists in Portland, Oregon to determine whether astronauts can extract water from lunar rocks when they land on the moon. Pumice beds in Central Oregon are being used as a basis for the study. Senator Frank Church (Idaho) plans to reintroduce his "Wild Rivers" bill in the next session of Congress. Southeastern
Water Conservancy District approved a budget of $837,068 for 1967. Included in the budget is a salary of $15,000 for a manager to fill the vacancy created by the death of Charles Boustead. Felix Sparks, director of the Colorado Water Conservation Board, expects authorization of the Animas-La Plata and Dolores Projects in southwestern Colorado in the next session of Congress. George L. Zoellner, Denver attorney, has been appointed Chief Counsel of the Denver Water Board. Colorado Whitewater Association adopted a resolution opposing the Chatfield Dam. In a letter of transmittal to Mayor Tom Currigan of Denver, the Association gave destruction of recreation as the point of opposition. (Many power boat owners in Denver will not agree). Bureau of Reclamation awarded a $3,539,101 contract for the construction of the Silver Jack Dam, a phase of the Bostwick Park Project in western Colorado, to the joint venture of Johnson Brothers Highway and Heavy Construction, Inc., and D. H. Blattner and Sons, Inc., of Litchfield, Minn. The project will provide full and supplemental irrigation water to some 5,600 acres of land in Gunnison and Montrose Counties.