"The water resources of this state cannot be properly utilized or managed without extensive ground water use . . . Since we are constrained to preserve the priority of appropriation required by our Constitution, we should also make provision for supplementing existing surface decrees by the use of ground water." (From "State of State" message by Governor John Love, January 12, 1967.)

COLORADO WATER CONGRESS NEWSLETTER

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WATER CONGRESS ASSOCIATES WITH NRA

THE COLORADO WATER CONGRESS, at its annual meeting in Denver on February 10, officially adopted a resolution stating, in addition to its other objectives and goals, that henceforth the Congress will be the official organization of the water users of Colorado to participate in the affairs of the National Reclamation Association.

J. R. Barkley, chairman of the Congress, in explaining the resolution which was recommended by the Rules Committee, said, "to date no reclamation association as such, comparable to those in other states, has ever been formed as a Colorado organization participating in NRA affairs; and while the Colorado Water Congress was not created for the purpose of being the state's participating organization, it can, in addition to its present functions, serve that purpose also." Barkley pointed out that heretofore it was necessary for Colorado delegates to the NRA conventions to informally caucus in an "ad hoc" committee to develop Colorado's position; and that this new arrangement should lend official stature to Colorado's delegation.
Felix Sparks, director of the Colorado Water Conservation Board, speaking on the current status of Lower Colorado River Basin Project legislation, told the group that Colorado should again make an all-out effort to support a bill similar to that as submitted during the last session of Congress (H.R. 4671). The new bill (H.R. 3300) has been introduced by Congressman Wayne Aspinal (Colo), chairman of the House Interior Committee. This bill includes amendments recommended by the Colorado Water Conservation Board which would eliminate Marble Canyon Dam, provide for a reconnaissance study on imports, and provide more safeguards for the benefit of the upper basin states. Sparks informed the group that "Arizona has stated 'all deals are off' and legislation has been introduced which would, in effect, authorize the Central Arizona Project only, the power for which would be furnished by a high Bridge Canyon Dam (Hualapai)." Sparks said Colorado and California must oppose this type of legislation; and that if a seven-state Colorado River Basin agreement cannot again be achieved, the outlook for good project legislation is "exceedingly dim."

Senator Gordon Allott (Colo), in a timely appearance, told the assembly that he would do everything within his power to represent Colorado's position regarding the Lower Colorado River Project, but his chief desire, considering the confusion now existing regarding this project, is to avoid introducing any bill or making any statements at this time which would tend to defeat efforts in the House to pass a bill "that we can live with." Allott said he is taking this stand because
it has been agreed that this project legislation is to start in the House and he urged the Colorado Water Congress to help by expressing how far Colorado's congressmen can go in extending concessions.

R. T. Eckles, coordinator of Natural Resources, told the assembly that new federal and state legislation for the control of water pollution "is the most challenging and demanding ever passed, as far as the states are concerned." He said, "Agricultural users must recognize that as the years go by, they will be competing more and more with domestic and recreational uses." Eckles urged all Colorado Water Congress members to advocate the elimination of water waste and promote more efficient use of water in the production of crops.

Glenn Saunders, Denver water attorney, and a member of the Water Congress Executive Committee, and R. J. Moses, attorney for the Colorado Water Conservation Board, gave a panel discussion on "current water problems." Saunders presented a digest on pending legislation in the 46th General Assembly and Moses brought the group in attendance up to date on the present suit by the states of Texas and New Mexico v. Colorado involving Colorado's water indebtedness according to the Rio Grande River Compact.

Saunders outlined proposed water law revisions developed by Moses and him which were circulated throughout the state to the water committee of the Colorado Bar Association, water engineers and other interested parties. Saunders explained that these authorities were asked for their comments which would be used to draft final legislation to be
submitted to the Legislature. The main features of the draft would create a new water court of record with three judges who would have the same status as district judges and would have exclusive jurisdiction to review proceedings by the state engineer, irrigation division engineers and the Ground Water Commission on any appeal; would provide for harmonious administration of ground and surface waters; would provide for the conservation of water by a substituted supply for senior appropriators; and would include provisions for payment of the cost of this substituted water supply.

Moses explained the action of Colorado requesting the U.S. Supreme Court not to take jurisdiction over the Texas and New Mexico v. Colorado law-suit. He explained that the main points of Colorado's contention are that the United States is an indispensable party to the suit and that there is already available an administrative solution. Moses pointed out that curtailment of winter diversion by Colorado and the construction of the proposed San Luis Valley Project which would pump underground water into the Rio Grande River would provide the necessary administrative solution.

Other resolutions adopted put the Colorado Water Congress on record as: supporting the official position of Colorado regarding the Lower Colorado River Basin bill and urging the enactment of H.R. 3300 without amendment; urging the state legislature to defeat HJM 1006 which calls on the U.S. Congress to eliminate dam construction on the Lower
Colorado River; urging the executive and legislative branches of the Colorado government to work toward a sound and comprehensive solution to the problems of relating Colorado ground water rights to surface water rights, and not to adopt piecemeal solutions; calling attention to the General Assembly that there is a need for effective and equitable administration of the waters of the state and that sufficient appropriations should be granted to take care of this need; urging the Legislature to adopt a law providing adequate regulation of well installation and equipment to prevent contamination or waste of the underground waters of the state, providing that such a law shall in no way impair the right to make a beneficial use of such waters.

Officers elected for the ensuing year include: Archie Toner, Pagosa Springs, chairman; Quincy Cornelius, Hooper, vice-chairman; R. W. Fischer, Denver, secretary-treasurer. Elected to the executive committee were Ken Balcomb, Glenwood Springs, Clarence Burr, Walden, L. Richard Bratton, Gunnison, Frank S. Maynes, Durango, Clarence Quinlan, Antonito, Sid Nichols, Colorado Springs, J. R. Barkley, Loveland and Glenn Saunders, Denver.

GROUND WATER BOARD APPROVES MANAGEMENT DISTRICTS

COLORADO GROUND WATER COMMISSION, at its meeting in Denver on January 27, adopted a resolution approving the election creating the Plains Ground Water Management District in Kit Carson County. District Directors elected include: James May and H. Eugene Clark, Stratton; Wayne Schiffner, Virgil R. Unruh and Donald Bishop, Burlington; and
Melvin Fall, Kanorado, Kansas. The district office is to be located in the Kit Carson County Extension Office in Burlington.

In another action the Commission accepted the engineer's report on the study of the underground water in the Black Squirrel Creek Basin; and authorized its engineer, George Colburn, to proceed with actions necessary leading to the designation of the basin as a "Designated Ground Water Basin."

The Commission set hearing dates for elections to create these additional ground water districts: North Kiowa-Bijou in parts of Weld, Morgan, Arapahoe and Adams Counties - March 14; W-Y Management District in parts of Washington and Yuma Counties - March 10; and Frenchman Creek Management District in parts of Phillips and Logan Counties - March 10. Colburn said the hearing date on designation for the Black Squirrel Basin will be announced later.

The Commission denied a well permit application by Ogalalla, Inc., and approved an application by Winton Jackson of Texas. Both applications were for permits to pump and export water out of the Bijou-Kiowa Basin. The Ogalalla application was denied on the basis of interference.

**POLLUTION BOARD ADOPTS WATER CRITERIA**

THE COLORADO WATER POLLUTION CONTROL COMMISSION, at its meeting in Denver of January 25, officially adopted its proposed water pollution control regulations to become effective March 1. Briefly an outline of the basic standards applicable to all waters include:
Free of all wastes capable of treatment or control, prior to discharge into any waters of the state, and shall receive secondary treatment with disinfection or its industrial waste equivalent.

Free from substances attributable to municipal, domestic, or industrial wastes, or other controllable sources that will interfere with the classified use of the water.

Free from unsightly floating debris, oil, grease, scum, and other floating material attributable to municipal, domestic, or industrial wastes, or other controllable sources.

Free from materials attributable to municipal, domestic, or industrial wastes, or other controllable sources that interfere with the classified use of the water.

Free from high temperatures, biocides, toxic, or other deleterious substances.

Free from concentrations of radioactive materials attributable to municipal, domestic, or industrial wastes, or other controllable sources.

The Commission also set standards for public water supplies, recreational waters, industrial water supply, agricultural water supply and livestock watering. These standards were set to conform to the pollution control law which provides that the prevention, abatement and control of the pollution of the waters of Colorado is in the public interest and that the regulations are enacted in the exercise of the police powers of the state.

**RECENT COURT DECISIONS**

The Colorado Supreme Court, on January 23, ruled on three water cases in **Error to the District Court of Grand County** affecting adjudication of rights on water proposed to be imported from the upper tributaries of the Yampa River to the eastern slope:
In two cases, Four Counties Water Users Association v. Colorado River Conservation District and Four Counties Water Users Association v. Middle Park Water Conservancy District, et al (Nos. 21358 and 21566), the court reversed the decision of the District Court and ruled that, as to adjudication dates granted by the trial court for the proposed Troublesome, Rabbit Ears, Wessels and Toponas Projects, there was not an appropriation by either the Districts or the Bureau of Reclamation as of the priority dates granted to the Districts. The District Court had granted the priority date as the date when the Bureau of Reclamation had started its surveys of projects included in the original Cliffs-Divide Project. This, the Supreme Court held, was in error and could not be considered "due diligence"; and that instead the priority date should have been the dates on which the Districts actually started their own work on the projects.

The rulings set the priority date for the projects as: Wessels Project - September 1961; Toponas Project - February 1963; Rabbit Ears Project - November 2, 1959; and the Troublesome Project - August 5, 1959.

These rulings, in effect, placed the conditional decree granted to the Four Corners Association for its Yampa River transmountain diversion as of June 2, 1958 as senior to the four projects involved in the suit.

In Four Counties Water Users Association v. Colorado River Conservation District (No. 21627) the Court affirmed the action of the District Court which denied the Association the right to contest the continuation of the decree granted the District on the Juniper Project. The Court held that the Association yet has a legal remedy in a separate case which is pending.

WATERGRAM

- Expect continued opposition by conservationist groups to any proposed Colorado River Basin bill which would include dams on the Lower Colorado River.

- Expect the Salt River Project of Arizona to go to court in an attempt to force the Federal Power Commission to assume jurisdiction of the Colorado-Ute Electric Association power plant at Hayden. Such an action is probable if present negotiations with investor-owned utilities collapse.

- Expect the town of Penrose to form a water district and apply for a federal grant to improve its water system.

ITEMS IN BRIEF

Secretary of Agriculture announced the appointment of two Colorado
men to the National Forest Service Advisory Committee: Leonard Horn, Wolcott rancher; and Dr. William E. Morgan, president of Colorado State University.

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Charles Conklin of Delta was named assistant director of the Public Land Law Review Commission according to an announcement by Milton A. Pearl, commission director. Conklin served in the Colorado House of Representatives.

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T. H. Quackenbush, irrigation engineer for the Soil Conservation Service in Washington, D.C., told the Brighton Agriculture Institute that water losses can be reduced through more efficient irrigation methods. Quackenbush urged reduction in waste by the elimination of "over-irrigation." He deplored the use of 6 to 8 inches of water on crops when three-quarters of an inch is sufficient.

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A three-way contract has been approved by stockholders of the Fire Mountain Canal and Reservoir Company. Other parties to the contract are North Fork Conservancy District with the Bureau of Reclamation and the Leroux Creek Water Users Association. The contract provides for the reduction of shares from the 95,000 set out on June 5, 1948, to 65,000, the amount of water known to be available in Leroux Creek for exchange purposes under the Paonia Project. Fire Mountain will retain the 30,000 shares not to be issued. Royden Girling, Robert Stewart, Henry R. Swanson, Orin Housewart and C. F. Holybee, all of Hotchkiss, were re-elected to the board of directors.

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City of Montrose selected April 4 as the election date for the voters to approve or reject a general obligation bond issue for the improvement of the city's water supply.

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A water agreement between the City of Grand Junction and the Ute Water Conservancy District has been reached. The agreement, if approved by the City Council and the Ute Board, would provide the key for design recommendations on a new city water plant. "In essence, the proposal provides that residents north of Patterson road will be served by Ute, and those south of the road will be served by the city," according
to an announcement by City Manager, Richard Gray. (The Daily Sentinel, Grand Junction, January 26, 1967)

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The master contract between the Purgatoire Water Conservancy District and the U.S. Government relating to the proposed Trinidad Dam on the Purgatoire River west of Trinidad has been signed by Dr. James E. Donnelly, president of the conservancy district and Max Torres, secretary, both of Trinidad, and H. P. "Pat" Dugan, Director of Region 7 of the USBR for the United States.

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The President's budget included nearly $2.3 million for Colorado for the control of water pollution. The Federal Water Pollution Control Commission, a unit of the Interior Department, said the expanded program would be "another stepping stone toward achieving the administration's objective to enhance the quality and value of the nation's water resources."

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The Colorado River Water Conservation District elected Allen A. Brown of Delta, president; R. S. Gerbaz, Woody Creek, vice president and the following members to its executive committee: Anthony Williams, Mesa County; Amos Horn, Eagle, Pitkin and Grand Counties; Purvis Vickers, Hinsdale, Saguache and Gunnison Counties; and Wesley E. Signs, Routt, Moffat and Rio Blanco Counties. Brown and Gerbaz represent Delta, Montrose, Ouray, Garfield, and Pitkin Counties.

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Grand Mesa Water Users Association has slated a 3-month cloud seeding program on the south side of Grand Mesa beginning February 1.

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Colorado Game, Fish and Parks Commission approved an agreement with the Bureau of Reclamation and the Grand Valley Water Users Association regarding the Department's proposal for the construction of the Highline Reservoir near Mack. A $310,310 contract has been signed with the Fast Construction Co. of Strasburg to build the project which will create a 137 acre recreation lake. The reservoir will be fed by springs, spills from the Highline Canal and flows from Mack Wash.
Voters of the Salt Creek Water and Sanitation District, Pueblo, voted to authorize the district to issue $230,000 in bonds at 6 percent interest for the development of a water supply. A federal grant of $75,300 has been obtained to help finance the project.

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Aurora City Council authorized its manager to notify the Denver Water Board that it would lose Aurora as a water customer on April 7. On or before that date Aurora will switch over to its new Homestake water system which is expected to be completed early in April.

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A $16,000 diversion dam to provide water for 37,000 acres of farmland in the San Luis Valley was recently completed in the Seven Mile Plaza area near Monte Vista. The project, built by the Monte Vista Canal Co. and the Rio Grande and Piedra Valley Ditch Companies, included a new diversion dam on the Rio Grande River replacing an old one in need of repair.

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Colorado Water Pollution Control Commission approved sewage treatment projects for Pueblo, Breckenridge, Highland Hills subdivisions at Greeley, LaSalle and Fruita. All the projects are approved for federal aid.

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John C. Gatlin, regional director of the U.S. Bureau of Sports, Fisheries and Wildlife at Albuquerque, New Mexico, retired in January 1967 after nearly 50 years of service. He was replaced by William T. Krummes who served as deputy director at the time of Gatlin's retirement.

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S. Keith Jackson, regional hydrologist, and Francis M. Bell, staff hydrologist, both with the U.S. Geological Survey, Denver, retired on December 30. Jackson, long active in river-basin activities, was appointed by President Eisenhower as Federal Representative and Chairman of the Sabine River Compact Administration in 1957. Bell, for six months following W.W. II, served as a scientific consultant on General MacArthur's staff in Japan. At the time of his retirement, Bell was Federal Representative and Chairman of the Arkansas River Compact Commission.
A grant of $18,800 under Title III of the Water Resources Planning Act of 1965 has been made to Colorado by the National Water Resources Council. This money, to be matched by the state, will be available for use in new water resource planning. This will be Colorado's first allotment, according to Don Hamburg, water resource analyst for the Colorado Water Conservation Board.

THROUGH THE WATER METER

Game, Fish & Parks announced that costs for land acquisition have increased 500 percent since 1941. . . The Colorado River Water Conservancy District Board voted to contribute up to $5,000 in promotion of the Colorado River Basin Project legislation which would include five projects on the Upper Colorado River in western Colorado. . . The Bureau of Reclamation announced it has no intention of buying the Hayden Station of Colorado-Ute Electric Association, according to a release in the Daily Sentinel, Grand Junction. . . Colorado Claims Commission recommended that the State of Colorado should waive its sovereign immunity and allow persons who claim they suffered over $1 million in damages when the Clay Creek Dam owned by the Colorado Game, Fish & Parks Department washed out in the 1965 Arkansas Valley flood to sue the State of Colorado. . . City of Trinidad authorized the Edison Metal Products Co. and New Mexico Concrete Vault & Construction Co. to proceed with the construction of two, 1½ million gallon capacity, water storage tanks costing $493,239. . . Construction of a new soft-water system for the residents of Swink has been completed by the Riverside Water Company. . . Morton W. Bittinger and Associates announced the opening of a consulting water resources engineering office, P.O. Box 1592, Fort Collins, Colorado.