"Prosperous and well-fed nations are not warlike nations. The wild promises of a communistic state find most fertile ground for growth in the hungry bellies of undernourished and poverty-stricken peoples. The more we can implement Water for Peace over the world, the greater will be our chances for survival without a shattering holocaust in which all nations and all peoples will be the losers." (Floyd E. Dominy, commissioner of Reclamation, before the Rivers and Harbors Congress, June 1, 1967)

WATER ADMINISTRATION PRACTICES INVESTIGATED

A DENVER ENGINEERING CONSULTING FIRM recommended that the State Engineer's office review the entire system of Colorado's water administration and develop a set of written policies for guidance of water commissioners and water users. This recommendation was contained in an $18,500 report submitted to Governor Love by the firm of Woodward-Clyde-Sherard and Associates which was retained by Richard T. Eckles, state coordinator of natural resources, to make an investigation of allegations of malpractice in the administration of water rights along the South Platte River.

Governor Love ordered the investigation last November when it was alleged that a South Platte water commissioner had been dealing as a broker in the transfer of water rights. Following the release of the report Love said that to his knowledge no violation of criminal laws is involved, but that he plans to take immediate steps to correct faults in administrative procedures governing water matters along the South Platte River.
Other recommendations in the report call for complete audits of the six public irrigation districts in Water Districts 1 and 64, for tighter controls on seasonal transfers of water rights, for regulations controlling conflict of interest, and for improved capacity tables of reservoirs in the lower part of District 1.

TEXAS AND NEW MEXICO ANSWER COLORADO

"THE BULK OF THE COLORADO RESPONSE is, in fact, an intellectual exercise treating the question of the consequences, both legal and factual, of a hypothetical expansion of the issues in the plaintiffs' Complaint to include the rights and duties of parties below the Colorado-New Mexico state line."

So said the states of Texas and New Mexico in response to Colorado's brief in opposition to their action in bringing a suit before the U.S. Supreme Court claiming water Colorado allegedly owes under the Rio Grande Compact.

Plaintiffs, Texas and New Mexico, oppose Colorado's contention that the United States is an indispensable party in the suit. They argue that the case of Texas v. New Mexico cited by Colorado which was filed in 1951 and was dismissed by a per curiam order of the court under the ruling that the United States was an indispensable party in the suit and was thereby immune, does not apply in the present case.

Plaintiffs point out that in the 1951 case, indispensability was based on the fact that the United States was a Trustee for six communities of Pueblo Indians served by the Middle Rio Grande Conservancy Works, and
that the rationale for the finding of indispensability on this point is immediately apparent. Plaintiffs argue that the record was clear that the United States claimed on behalf of these six Pueblos a prior and paramount right, antedating the sovereignty of the United States, to both natural flow and storage water in the Rio Grande system, and that any manner of relief sought by Texas which included control over the gates of El Vado Dam, would be ineffective in the absence of the United States as owner of the works. (Storage in El Vado Reservoir is used to supply the water needs of the six Pueblos.)

Texas and New Mexico, in their opposition brief, contend that in the present case the only Federal interests in Colorado raised by the Colorado brief are fish and wildlife refuges and Platoro Dam and Reservoir in the San Luis Valley. They argue that the fish and wildlife refuges operate under water rights acquired from the State of Colorado and that therefore the Federal interest in these refuges in Colorado does not make the United States an indispensable party. They further contend they have not sought in any way to affect or interfere with the operations of Platoro Reservoir or the wildlife refuges and that they have requested only, in general terms, that Colorado be required to comply with the Compact by whatever means the court finds appropriate.

The Plaintiff's brief claims if Texas and New Mexico are successful in the present suit the alleged debit position of the State of Colorado, which debit for many years has prevented the use of Platoro Reservoir for irrigation, would be erased and the United States might begin to recover
under its repayment contract, and that the United States can only be benefited in its capacity as owner and operator of the reservoir if the relief sought by the Plaintiffs be granted.

In their concluding remarks, Plaintiffs downgrade Colorado's contention that the construction of the closed basin project in the San Luis Valley will provide an administrative solution. "Far from a project in being, the closed basin drain is merely a paper plan which by Colorado's own admission has been under discussion for many years and still has not been introduced in Congress, and that in point of fact the opposition or suspicion of water users within the San Luis Valley in Colorado has impeded and retarded the development of the closed basin drain plan," Plaintiff's brief contends.

Vince F. Taylor, Texas assistant attorney general, writing in the May 1967 issue of the Texas Bar Journal, said, "The battle lines are drawing tight in Texas and New Mexico v. Colorado. This is one Texas is determined to win."

The U.S. Solicitor General filed a motion with the court that the United States be considered an indispensable party in the suit and urged the court not to act on Plaintiff's motion until October 16, 1967. He advised the court that if no substantial progress has been made on an administrative remedy for satisfaction of the water debt within six months a decision will then be made whether the United States will enter the suit. Reports from Washington state that the United States Supreme Court has put off any action on the case until the October term of the court.
WATER COMMITTEE SUBMITS PROPOSALS

THE LEGISLATIVE COMMITTEE ON WATER, headed by Senator Frank L. Gill (Hillrose), held its first meeting in Denver on May 24. The group discussed the formulation of a program directed toward the solution to Colorado's water problems. These points were considered at the meeting:

- The relationship of ground water use to surface diversion rights and enforcement of H.B. 1066.

- A requirement that underground water should be pumped to meet the needs of senior holders of surface decrees in order to avoid the curtailment of upstream junior water users.

- Water legislation which would be based on a basin concept to create maximum flexibility and greatest possible water use.

- The development of a water management system where water is used and re-used to the fullest possible extent.

- Elimination of waste.

- The use of water conservancy districts as a factor in an over-all water management system.

- An escalating charge for the use of water to pay for effective administration.

- A water evaluation study to determine whether a moratorium on adjudication is needed.

The committee also was asked to consider a proposal that if no sensible and workable solution to the state's water problems can be arrived at, the state could utilize its power of eminent domain and condemnation, recognizing proper due process in every respect. The general assembly could then establish a revolving fund with the necessary appropriations and the accompanying statutory authorization to condemn and purchase water rights for irrigation use on the eastern slope. These rights, in turn,
would then be redistributed and sold, tying in the use of surface and underground water supplies.

Natural Resources Coordinator, R. T. Eckles, speaking before the committee meeting, announced that the firm of Clyde and Criddle, Inc., Salt Lake City water management engineers, has been retained to review the functions and administrative policies of the state water agencies. The contract is for $16,500 to be paid from $50,000 made available under provisions of S.B. 407. "The balance of the money will be used to implement the recommendations of the study," Eckles said.

**WATER WELL REGULATION ANNOUNCED**

"IN THE LIGHT of probable small runoff and continuing demands by irrigation canals, it will be necessary to regulate the diversions by wells which are materially affecting the surface flow of both the Arkansas and the South Platte Rivers." This announcement was made by State Engineer Ralph E. Owens in defining his decision on the regulation of tributary ground water in accordance with provisions of H.B. 1066 and recently enacted S.B. 407. Owens gave this description of the regulation:

- Numerous wells in the alluvial gravels bordering these two streams may be required to discontinue their uses during the period when senior surface decrees are calling for water.

- Only wells actually known to be affecting surface flows will be shut down.

- This policy will only include wells where it can be proved in court that they are near enough to the river to have an adverse effect on surface diversions.

Speaking on the current controversy now existing between well owners
and ditch right holders, Owens said, "The biggest problem exists where a ditch calls for its full surface right and at the same time ranchers under the ditch pump underground water in addition to the surface diversion."

Owens contended that such a practice is generally unfair to junior irrigators and that corrective legislation on this point is badly needed.

Owen's announcement met with the displeasure of Senator Frank L. Gill (Hillrose), chairman of the Legislative Committee on water. Gill announced he would demand that Governor Love call a special session of the State Legislature if the engineer's office begins shutting down water wells along the South Platte and Arkansas Rivers. In response to Gill's statement, Governor Love said, "I am not unmindful of the serious problems involved, but without some specific suggestion as to what a special session would do, I am not inclined to act on it." Love pointed out that S.B. 407 which was passed by the last legislature is designed to study these problems and to develop recommended legislation, and that a special session would defeat the purpose of this Act. (The ink was not yet dry on these announcements when the rains came.)

ITEMS IN BRIEF

"The Western irrigation states are on a collision course with the federal government unless they begin to recognize the water pollution in irrigation water and return flow." This warning was hurled by Robert S. Bird, deputy director of the Federal Water Pollution Control Administration, in an interview with the Washington Bureau of the Pueblo Star-Journal and Chieftain.

James Agee, director of the Administration, agreed with Bird by saying, "The Western states are going to have to treat irrigation water or they are going to have to limit irrigation, or they will be required to import water from other areas to dilute the salinity content of
irrigation water." (Pueblo Star-Journal and Chieftain, June 16, 1967)

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J. Sid Nichols of Manitou Springs was re-elected president of the Southeastern Colorado Water Conservancy District at the May meeting of the board. Others elected to one-year terms include: Roy D. Cooper of Las Animas, vice president; Kenneth R. Shaw of Las Animas, secretary; and James Shoun of Canon City, treasurer. These officers will serve until next April.

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District Judge Fred Calhoun of Delta appointed five directors of the Crawford Water Conservancy District. Returned to two-year posts were Guy W. Albright, representing the town of Crawford, and Tom LeValley and Robert L. Kraai, representing the Clipper sub-division. New appointments include Don M. Reid replacing Enos Hotchkiss and Grant Farnsworth who fills the unexpired term of Clarence Collins, who resigned.

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Ed C. Johnson, Upper Colorado River Commissioner and former Governor of Colorado, writing for a meeting of the Northwest Water Council in Meeker, Colorado on May 10, told those in attendance that he questioned the availability of surplus water proposed to be diverted to the Eastern Slope under water rights owned by the late John Elliott's Four Counties Water Users Association. "All water filings on the Yampa River and its tributaries from the beginning of time up to the present that are of record or adjudicated are senior to Elliot's filings," Johnson said. The group heard a report that the Colorado River Conservation District intends to file an action in the U.S. Supreme Court appealing the recent action of the Colorado Supreme Court which granted certain senior water rights to Four Counties.

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Voters of Hotchkiss turned down by a 100 to 65 vote a $160,000 sewage treatment program. James E. Hopper, secretary of the Hotchkiss Sanitation District, said the vote "came as a surprise" to the district board. Hopper added that another election may be scheduled in order to meet state requirements.

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State Soil Conservation Service has been asked to provide Congress a detailed work plan for a proposed $1.5 million flood control project near Canon City, according to an announcement by F. A. Mark, state conser-
vationist. Sponsors of the program are Canon City, East Canon, Fremont County and the Fremont Soil Conservation District.

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City officials of Pueblo report they have received an approved grant of $235,000 to be used in construction of water mains and sanitary sewers in Eastwood Heights and Hyde Park. The grant clears the way for calling bids on the $647,000 project, the remainder of which will be provided through property assessments.

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Speaking at the opening session of the International Conference on Water for Peace, President Johnson pledged the United States to work in every area which holds promise for helping solve the World's water needs. Mr. Johnson called for the creation of strong regional offices throughout the world to provide leadership and stimulate cooperation among nations for dealing with water problems. He announced he had directed Secretary of State Dean Rusk to establish a U.S. Water for Peace Office.

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Colorado Ground Water Commission, at its May 22 meeting in Denver, issued an order approving the election which voted to create the W-Y, the Central Yuma and the Frenchman Ground Water Management Districts, all located within the High Plains Designated Ground Water Basin in eastern Colorado. The districts were approved by the voters by substantial margins: W-Y by 97.9 percent; Central Yuma by 88.3 percent; Frenchman by 86.3 percent. The Commission acted to hold a hearing on the proposed Black Squirrel Ground Water Basin, the date to be announced later. It also voted to approve the creation of a High Plains coordinating committee to be composed of the presidents of the various ground water management districts located within the basin. This committee will function as a coordinator with the Commission.

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Colorado Water Conservation Board is making an application for a $40,000 federal grant which will be available to the State of Colorado for the fiscal year 1967-1968 under the provisions of the recently enacted National Water Resources Planning Act, according to Don Hamburg, Board legal analyst. Hamburg said the State of Colorado must match this grant, the purpose of which is to develop an over-all, state-wide water resource plan. The program will entail additional personnel and consultant services, according to Hamburg.

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Department of Interior reported approval of a repayment contract with the North Poudre Irrigation Company, Wellington, Colorado, under which the company will repay a $952,000 Small Reclamation Projects Act loan over a 50-year period. The North Poudre Irrigation Company serves about 34,000 irrigated acres of land in north-central Colorado, near Fort Collins. The project includes a 7,155 acre-feet reservoir on Park Creek and several thousand feet of concrete-lined ditches.

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Dam troubles continue to plague Game, Fish and Parks. A leak recently developed near one of the abutments of the dam forming the Highline Reservoir located below Grand Junction. Woodrow Saunders, deputy water commissioner of District 42, ordered the department to draw the water down 20 feet to reduce the pressure. Department officials are considering grouting and the use of bentonite to correct the problem.

THROUGH THE WATER METER

Secretary of Agriculture, Orville L. Freeman, designated the Flat Tops Primitive area, located in the upper areas of the White River, to be included in the National Wilderness System ... Morrow Point Dam, Nation's highest thin-arch, double-curvature dam on the Gunnison River, is nearing completion ... Bureau of Reclamation engineers are using radio-active materials to study sediment accumulation at the bottom of lakes and reservoirs ... Work on Silver Jack Dam of the Bostwick Park Project is reported as ahead of schedule ... Dr. Daryl Simons, professor of engineering at Colorado State University, Fort Collins, released a preliminary announcement that the 12th Congress of the International Association for Hydraulic Research will be held at the University on September 11 to 14 inclusive ... Britain's chief meteorologist, speaking at the International Conference for Water for Peace, asserted that while it may be possible to induce artificial precipitation from
small isolated clouds, there still is no clear-cut statistical evidence that man can cause significant changes in rainfall distinguishable from natural variations. **Bids for the first phase** of work on Chatfield Dam on the South Platte River above Denver will be opened July 18 by the U.S. Army Corps of Engineers in Denver. The bid will be for excavating and back-filling the 520,000 cubic yard cutoff trench. **Wright Hiatt**, staff director of the Western States Water Council, has resigned his post to become effective on July 1, according to an announcement by Raphael J. Moses, Boulder attorney and council chairman. **Army Corps of Engineers** reports that the Trinidad Dam Project will require the resettlement of 1,500 residents. **A 400-acre watershed** on Galena Mountain, 35 miles north of Gunnison, was purchased by the Nature Conservancy of Washington, D.C. for a scientific research and biological study. **U.S. National Park Service** has jurisdiction over more than 230 parks, shrines, areas of cultural interests and other public treasures. **U.S. Department of Agriculture** designated Prowers County an area in which emergency loans may be made to eligible farmers by the Farmers Home Administration. Reason for the designation was the severe damage to wheat and alfalfa resulting from the prolonged drought and the April 30 freeze. **Denver Water Board** has approved a contract to provide water service to part of Greenwood Village, a suburb of Denver which is incorporated and eligible to annex. **Ten Colorado Counties** have been chosen to be the subject of a special study sponsored by the Public Land Law Review Commission. This study, according to Rep. Wayne N. Aspinall (Colo),
chairman, will deal with revenues and payments relating to public lands. Reports are that the oil industry in general is not satisfied with Interior Secretary Udall's new public land oil leasing policy. National Center for Atmospheric Research has completed its first phase of a massive data-gathering experiment designed to compare weather over tropical oceans with photographs of cloud layers taken by satellites. Corps of Engineers has begun detailed studies of $77 million in flood control and related projects in the Arkansas River Basin above John Martin Reservoir. The San Luis Valley Closed Basin and the Narrows Projects recently gained the endorsement of the National Rivers and Harbors Congress. The Arkansas River Compact Commission, at a special meeting in Lamar on June 6, approved construction of the $22 million Trinidad flood control and water conservation project on the Purgatoire River west of Trinidad. Farmers Home Administration approved a direct loan of $462,870 to the Penrose Water District in Fremont County to develop a domestic water system. Colorado Water Pollution Control Commission, on June 12, officially adopted water quality standards for Colorado's interstate streams and major tributaries. This action beat the federal June 30 deadline by 18 days.

ITEMS AT DEADLINE

State Engineer Ralph Owens announced on June 19 he has shut down 40 wells in the Arkansas Basin as the result of a shortage of water in the Arkansas River. The closure affects lands in Pueblo, Crowley and Otero Counties. "At the time of the order, no farmer refused to comply with the shut down order," Owens said.