"The lack of water will never limit United States economic destiny because we have developed in time a public awareness and understanding of our problems, and we are initiating programs to resolve them."
(Rep. Wayne N. Aspinall (Colo), September 11, 1967)

**COLORADO WATER CONGRESS NEWSLETTER**

Vol. 10, No. 11  
November 1, 1967  
C. N. Feast  
Newsletter Editor

OFFICIAL PUBLICATION OF THE COLORADO WATER CONGRESS

Gordon H. Scheer  
Executive Director  
1550 Lincoln St #204  
Denver, Colorado 80203

**CAP PROJECT BROUGHT TO LIFE**

LIFE WAS BREATHED INTO the Central Arizona Project when the House Interior Committee Chairman Wayne Aspinall (Colo) and Rep. John Saylor (Penn), ranking Republican member of the committee, agreed that the committee will take up the Senate passed CAP bill late next January or in February.

This action came after Senator Carl Hayden of Arizona, sponsor of the bill, had secured Senate Appropriations Committee approval to tack the bill as a rider on the House passed public works appropriations measure. Hayden had defended the use of the rider as a means of passing legislation which he contended could not be voted on otherwise.

The compromise move allowed Senator Hayden to withdraw his motion which cleared the way for the $4.7 billion public works appropriation bill to sail through the Senate virtually the same as passed by the House. Colorado's share of this measure is in excess of $54 million.

Senator Gordon Allott (Colo) said, "By withdrawal of Senator Hayden's motion, we now have assurance that the House Interior Committee
will be allowed to work its will on the CAP bill." Rep. Aspinall, however, has been quoted as saying that he may well oppose any legislation his committee might turn out.

GAME, FISH AND WATER RIGHTS BILLS INTRODUCED

TWO BILLS have been dropped into the U.S. Congress which are designed to protect state water rights from federal encroachment in the western reclamation states and to determine the policy by Congress with respect to the primary authority of states to control, regulate and manage fish and wildlife within their territorial boundaries and to disclaim any power of the United States with respect to the control thereof.

The water right bill, introduced in the Senate by Sen. Thomas H. Kuchel (Calif), would clarify federal and state rights to waters in those states west of the 98th Meridian. Kuchel said his bill would force the federal government to disclaim any water rights claimed through the mere reservation or withdrawal of land by the government. The Kuchel bill would require the government to designate what waters are claimed and in what quantities, and it would set up water use priorities in accordance with the state laws. Senators Gordon Allott and Peter H. Dominick of Colorado were joined by seven other western states senators in co-sponsoring the measure.

The game and fish right bill was introduced in the House by Rep. E. S. Walker (N.M.) as a result of a long-standing dispute between the states represented by the International Association of Game, Fish and Conser
vation Commissioners and the Secretary of the Interior over the question whether, under existing law, the states or the federal government has the exclusive authority to control and regulate the taking of fish and wildlife found on federally owned lands. The controversy was brought to a head recently by the issuance of an opinion by the Solicitor of the Department of Interior which in part says:

- Articles of value on the land - timber, hay, water, resident game and wildlife - may be protected by control over the land and persons on the land. A state has civil and criminal jurisdiction over lands within its limits belonging to the United States, but this jurisdiction does not extend to any matter that it not consistent with full power in the United States to protect its lands, to control their use and to prescribe in what manner others may acquire rights in them.

- The United States, constitutionally empowered as it is, may gain a proprietary interest in land within a State and, in the exercise of this proprietary interest, has constitutional power to enact laws and regulations controlling and protecting that land, including the persons, inanimate articles of value, and resident species of wildlife situated on such land, and that this authority is superior to that of a State.

Members of the executive committee of the International Association of Game, Fish and Conservation Commissioners, convening in Toronto, Canada on September 12, asked John Gottshalk, director of the U.S. Fish and Wildlife Service, if he intended to enforce the Solicitor's opinion. Gottshalk's response was, "Yes, until it is countermanded by the Solicitor or until it is changed by federal law." Gottshalk also was asked whether the opinion applied to other agencies in the Department of Interior, to which inquiry he answered, "I cannot speak for them, but I presume so."
The various States have pledged themselves to support vigorously and endorse the passage of the Walker bill, and the objectives of the Kuchel bill already have the expressed endorsement of the National Reclamation Association.

(Editor's note: Both organizations should pool their influence.)

**RIO GRANDE WINTER DIVERSIONS CURTAILEO**

**NO WATERS ARE TO BE DIVERTED** for irrigation in the Rio Grande Basin in Colorado from November 1, 1967 until late in February 1968, according to instructions given to Wayne M. Crosby, engineer Division No. 3, by Ralph Owens, state engineer.

"It is the feeling of this office, the Colorado Attorney General, the Coordinator of Natural Resources, and irrigation people in the San Luis Valley that such uses of water (winter diversions) are not fully beneficial and that much more value can be received by storing in these months in the pre-compact reservoirs," Owens said.

Owens pointed out that in some instances small flows will be required purely for stock watering purposes and in which case he is leaving such diversion to the judgment of the local Water Commissioners.

**James Geissinger**, assistant attorney general for the State Engineer's office said this action will help Colorado meet commitments on river flows according to the Rio Grande River Compact. Geissinger also revealed that legislation which would authorize construction of the first phase of the San Luis Valley Closed Basin Project has been drafted, and as soon as approved by the Colorado Water Conservation Board and the newly created
Rio Grande Water Conservation District will be submitted to Congress. This project is envisioned as an administrative solution to Colorado's position of indebtedness under the provisions of the Compact.

INTERNATIONAL CONSERVATION GROUP ENDORSES WILD RIVERS LEGISLATION

THE INTERNATIONAL ASSOCIATION of Game, Fish and Conservation Commissioners, meeting in Toronto, Canada on September 12, adopted a resolution endorsing the concept of scenic and wild rivers preservation as contained in U.S. Senate bill 119, and it recommended that Congress establish a system of classification and environmental protection of wild rivers on a national basis. Other actions of the Association included these resolutions:

- Urged Congress to restore the necessary funds in the Department of Agriculture appropriation bill to continue the Cropland Adjustment Program of the Food and Drug Act of 1965 which would open additional private land acreage to public hunting, fishing, and outdoor recreation.

- Urged Congress to ensure that Public Law 566 (Small Water Project Act) be implemented to give equal weight to all purposes such as municipal and industrial water supply, recreation, fish and wildlife habitat improvement, agricultural water management and flood control.

- Opposed the charging of federal access fees for hunting and fishing on National Wildlife Refuges.

- Asked Congress to include sufficient funds in appropriations to the Bureau of Reclamation and the Corps of Engineers to (1) study solutions to water problems and (2) enable the states involved to formulate and implement studies of existing game and fish resources for the purpose of developing plans for their protection and enhancement.

- Urged Congress and the various state legislatures and the Atomic Energy Commission to assure protection of natural resource values during planning, construction and operation of atomic facilities.

- Urged the Federal Water Pollution Control Administration not to set water quality control standards below those established by the various states.
ITEMS IN BRIEF

The Upper Colorado River Commission, meeting in Jackson Hole, Wyoming on September 21, approved a formal resolution that water quality criteria on the Colorado River should not preclude or interfere with reasonable use of Colorado River water within the terms of the Colorado River Compact of 1922. The resolution also proposed that water quality criteria for dissolved solids in the Colorado River should not be adopted by the states of the basin or by the secretary of the Interior until studies currently being made by the Department of the Interior have been completed.

Ed. C. Johnson of Colorado was re-elected vice chairman of the commission, and I. J. Coury of Farmington, New Mexico was re-elected treasurer.

* * * * *

University of Colorado and the Environmental Science Services Administration announced they have jointly formed an institute for research and training in environmental sciences. The institute will be devoted to research and advanced training in the field of weather modification.

* * * * *

A Colorado legislative committee, headed by Rep. Bill Gossard (Craig), directed representatives of the three types of Colorado power companies to work out a satisfactory plan for creating a Power Planning Council to determine the needs for new generating plants. The committee is studying state laws on public utilities and their administration by the Colorado Public Utilities Commission.

Behind the proposal was the intent of preventing situations similar to that when Colorado-Ute, an association of rural electric cooperatives, built a $30 million steam plant at Hayden which the Supreme Court later declared to be illegally constructed. Colorado Rural Electric Association has approved a resolution pledging cooperation with the proposed Council.

* * * * *

Department of Interior approved development of the Narrows Unit on the South Platte River above Fort Morgan. The feasibility report on the project now goes to the states of the Missouri River Basin and to interested federal agencies for their review and comments. From there it goes to Congress.

* * * * *
Colorado Ground Water Commission at its September 18 meeting in Colorado Springs, again delayed action on the proposed Designated Upper Black Squirrel Creek Ground Water Basin. In excess of twenty farmers and ranchers in the area are fighting the proposal contending they do not want to be governed by an authority other than the state engineer. "To do so would interfere with their decreed water rights," Glenn Saunders, Denver water attorney, told the commission. Saunders charged that it would be unconstitutional for the commission to appoint a regulatory board superimposing the state engineer.

The commission elected Simon Elliott of Pueblo as chairman replacing John Cuykendall of Roggen. Elliott's term expires in two years.

Adams County Water Advisory Board, at a meeting of 100 water representatives held in Brighton on September 25, proposed the formation of a metropolitan water district composed of Adams, Arapahoe and Jefferson Counties. The purpose of the district would be to concentrate and coordinate the area's quest for water.

Charles H. Starks, president of the Central Colorado Water Conservancy District, proposed that these and other Metro Counties join the District and that they join the crusade to promote a East Slope-West Slope water diversion project which would include Roberts Tunnel, Dillon, Chatfield, and Cherry Creek Reservoirs and the proposed Narrows Reservoir.

Robert M. Gildersleeve (68), deputy director, Colorado Water Conservation Board, retired on October 21, 1967. Gildersleeve first came with the Board as chief of survey on July 1, 1937. Highlights of his career include the first preliminary survey of the Fraser River diversion for the City of Denver and the Twin Lakes Project for the Arkansas River. He graduated from Colorado State University in 1921 with a degree in civil and irrigation engineering. He is a registered professional engineer and a member of the Colorado Society of Engineers.

Governor John A. Love of Colorado was named regional co-chairman of the newly created Four Corners Economic Development Commission. Governor David F. Cargo of New Mexico was named alternate co-chairman. Their terms of office expire on July 1, 1968. The purpose of the commission is to develop the economy and the natural resources of the Four Corners area. Moab, Utah and Farmington, New Mexico have top billing on the list for a possible headquarter site which must be selected by the majority of the governors of Colorado, Arizona, Utah and New Mexico.
E. A. Moulder, chief of water resources, U.S. Geological Survey, reports that his agency has developed a new technique for estimating the effects of well withdrawals on the depletion of stream flow. The method, Moulder said, was developed by Clifford T. Jenkins, senior engineer. "It will permit the ready computation of the effects of any well or group of wells on the depletion of the rate or volume of flow in streams such as the Arkansas River," Moulder said.

THROUGH THE WATER METER

Ed C. Johnson, former Governor of Colorado and now Colorado's representative of the Upper Colorado River Commission, was named Citizen of the Year by the Colorado Association of Real Estate Boards . . . Major pollution of the South Platte River in Colorado should be ended by 1971, according to an announcement by Frank Rozich, director of the Colorado Water Pollution Control Commission . . . Concrete work on the Morrow Point Dam, one of the three power producing structures in the Curecanti Project on the Gunnison River, has been completed . . . Palisade Irrigation District upped its landowner assessment from $3.25 an acre to $4.25 . . . A new filter plant in Delta, the second phase of a $600,000 water system improvement program, is expected to be in operation by March 15 . . . New U.S. Forest Service regulations require the payment of a fee for year-around use of designated recreational facilities . . . The United States will use a trillion gallons of water a day by the year 2000, according to a recent report by the Worthington Corporation. Such a demand will require that the available water be re-used ten times or more before being released to the sea . . . Reports from southern Colorado indicate a cool reception to the Corps of Engineer's proposed $64 million flood
control and channelization program on the Arkansas River. Corps of Engineers said no to a proposed flood control project on Ute Pass west of Colorado Springs. Game, Fish and Parks have filed suit in district court in Las Animas for a 10,000 acre-feet storage right in John Martin Reservoir. The water would provide a minimum pool to preserve fish life.

Residents of Colorado City dedicated a new swimming pool by pouring in a bottle of Vietnam water sent by C. W. O. James L. Leland, formerly of Colorado Springs, now serving in Vietnam. Stearns-Roger, Denver manufacturer, was awarded a contract to install the steam generators in the new atomic energy power plant near Platteville. Reports from Sterling indicate that many irrigators in the Lower South Platte Water Conservancy District believe a "basin cash register" plan launched by Natural Resources Coordinator R. T. Eckles is a step toward progressive long-range water management in the South Platte Basin. House Banking Committee approved a bill providing federal aid to help underwrite flood water insurance. U.S. Fish and Wildlife Service plans additional trout rearing units at its Delta National Hatchery near Hotchkiss.

State Rep. Anthony J. Mullen (Northglenn) announced he will introduce a bill in the next legislative session to tighten the state's water quality standards and to require certification of water plant operators. Western Conference of the Council of State Governments adopted a resolution which called upon the federal government to plow some of its holdings back into private ownership. The Bureau of Outdoor Recreation says the Land and Water Conservation Fund is not producing enough
money to take care of federal, state and local recreation needs during the next ten years . . . The Wilderness Society, a national organization claiming 40,000 members, joined the Colorado Open Space Co-Ordinating Council in opposing construction of Interstate 70 Highway through the Gore Range-Eagle's Nest Primitive Area. Harry Woodward, director of Game, Fish and Parks, says the highway would damage wildlife and wildlife habitat . . . John B. Barnard, Jr., Boulder attorney, and Jon K. Mulford, Denver attorney, have taken over the law firm of the late John Barnard and son, Duane, of Granby, Colorado.

COMING EVENTS


Highlights of program include such notables as Congressman Wayne N. Aspinall (Colo), chairman of the House Interior Committee; Raphael J. Moses, Boulder, Colorado, chairman, Western States Water Council; Senator Henry M. Jackson (Wash), chairman, Senate Interior Committee; Floyd E. Dominy, commissioner of Reclamation; Lt. Gen. Wm. F. Cassidy, Chief of Engineers; Congressman John J. Rhodes (Ariz), Appropriations Subcommittee, on Public Works; James M. Quigley, commissioner, Federal Water Pollution Control Administration; Congressman Michael J. Kirwan (Ohio), chairman, Subcommittee on Public Works.

* * *