"Environmental protection and its role in resource planning and development occupy national attention and emphasis. I prefer to think positively about our environment and consider ways of enhancing the natural environment for the benefit of mankind. Man is here to stay and we must use the vital elements of the biosphere in such a way as to enhance life."
(Ellis L. Armstrong, Commissioner, Bureau of Reclamation, U.S. Department of Interior, at the Western Resources Conference, University of Denver, Colorado July 8, 1970)

COLORADO WATER CONGRESS NEWSLETTER

Vol. 13, No. 8
August 1, 1970

WATER LAW CHANGES TO BE PROBED

COLORADO BAR ASSOCIATION is engaged in a study to determine the wishes of Colorado's water lawyers, engineers, conservancy districts, ditch companies, and interested water users regarding water legislation to be considered by the 1971 Session of the General Assembly, according to Monte Pascoe, Denver attorney and chairman, Legislative Committee, Water Law Section, Colorado Bar Association.

Pascoe, speaking at a meeting of the Colorado Water Congress Advisory Committee in Denver on July 13, said there are many water users throughout the state who feel that Senate Bill 81 should be amended to change certain provisions of the law which are considered objectionable. "There is also a demand for other water legislation of a definitive and housekeeping nature," Pascoe said.

The form to be used in the study will probably be a multiple choice questionnaire designed to be simply answered to furnish information for use in drafting the legislation.

Pascoe also advised the group that the Water Law Section of the Bar Association will draft a bill authorizing the state to plan and build
James Buchanan, Boulder attorney, will chair a subcommittee to draft this phase of the proposed legislation. Quincy Cornelius, Hooper, member of the Colorado Water Conservation Board, said "state support on water projects is a good idea," and he cited Utah and New Mexico as an example. Cornelius recommended that the Colorado Water Conservation Board administer the program.

Clarence Kuiper, state engineer, speaking before the group, announced that his office has completed and will publish all the tabulations as required by Senate Bill 81. "There were a few delays due to computer difficulties," he said, "but the end of July should see the project fully completed."

Kuiper said the tabulation reflects the priority listing of all decreed water rights on waters of a common source in each Division. Waters not of a common source which leave the state boundaries before reaching the common source are listed separately.

Water use will be administered in accordance with established decrees the same as in the past. "Accordingly, no holder of a decreed water right will lose his water right or its established priority as a result of the tabulation," he said.

Kuiper expressed his belief that should the state enter the water development program, planning and development should be administered by the Colorado Water Conservation Board, and the State Engineer should enter the picture only when water use is to be administered.

Following the discussions by Pascoe and Kuiper, the Advisory Committee voted to assist the Bar Association in drafting and circulating the water law questionnaire; and it authorized the Executive Director of the Colorado Water Congress to represent the Committee at meetings of the Legislative Council Committee on Water.
A copy of the questionnaire from the Colorado Bar Association Water Committee will be furnished to all members of the Colorado Water Congress.

YELLOW JACKET PROJECT CONFLICTS AIRED

"WESTERN COLORADO'S future water development program could stand in jeopardy unless the state gets behind the proposed Yellow Jacket Project near Meeker and irons out the roadblocks which have developed over environmental difficulties." This prediction was made by Frank Cooley, attorney for the Yellow Jacket Water Conservancy District, testifying before the Executive Committee of the Legislative Council Committee on Water in Steamboat Springs on July 6.

Cooley urged the committee to lend its aid in settling the conflict between the Yellow Jacket Conservancy District and the Colorado Game, Fish and Parks Department and the U.S. Fish and Wildlife Service who are recommending that the project cost include the purchase of approximately 14,000 acres of neighboring private land for game range as mitigation for the alleged loss of game range on lands to be developed by the project. Cooley contended that the sacrifice of this private land for equivalent private land to be developed could adversely affect the project feasibility.

Felix L. Sparks, director of the Colorado Water Conservation Board, told the committee he does not buy the idea of purchasing such a large tract of land as mitigation and tying it to the project.

"The biggest obstacle to Colorado's water development is internal dissention. Where local unanimity has been developed, Colorado has not lost a single project in Congress," he said.

Sparks pledged that he is willing to fight the issue in Congress if necessary and he believes the conflict can be whipped.
Colorado Game, Fish and Parks Commission, at its meeting in Denver on July 10, heard representatives of the Yellow Jacket Conservancy District, and then referred the controversial issue for further study by a committee composed of Commissioners Ford Strong of Grand Junction and Milton Cogswell of Meeker.

Gilbert N. Hunter, president of the Colorado Wildlife Federation, appeared before the Commission and presented a statement prepared by the Board of Directors of the Federation opposing the project mainly on two points: Game range destruction by project operation; and reduced fishing and reduced fishery habitat resulting from the high flows proposed to be diverted from the North Fork of the White River.

"The 440,000 licensed fishermen who fish in Colorado, and those who supply them with equipment and services would be better off if the river flowed undiminished down to Arizona--then it would at least remain in our streams long enough for public use within our borders," Hunter said.

Commissioner Strong said "the proposal advanced for land purchase as mitigation is not a demand as is generally believed; it is a recommendation made in conformity with the Federal Wildlife Coordination Act, and it is open to consultation."

The Colorado Water Conservation Board will study the issue at the site when it meets in Meeker on September 11 and 12.

ITEMS IN BRIEF

Colorado Supreme Court declined to reverse a decision made by water Judge Clifford H. Darrow of Glenwood Springs which ruled that the federal government be made a party of Colorado water adjudication proceedings. The U.S. Justice Department which filed the action argued that the federal government can't be forced to follow state law without consent of Congress and asked the Colorado High Court to prevent the water court from exercising jurisdiction over the United States on water matters until a ruling is obtained on a similar District Court decision now before the U.S. Supreme Court.

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A recent report submitted by the Public Land Law Review Commission, chaired by Rep. Wayne N. Aspinall (Colo.), recommended that Congress pass legislation to **limit the amounts** of water that may be reserved on federal lands. The report recommended that federal land use agencies be made to define specifically the surface and underground waters they claim in the management of such lands reserved or withdrawn for specific purposes. The report also recommends that land use agencies provide procedures for contesting claims, require them to state precisely what water they claim, and require them to compensate holders of water rights under state law where claims have been superceded by U.S. Supreme Court decisions. It also recommends that such agencies as the Bureau of Land Management and the U.S. Forest Service state publicly their water requirements for the next 40 years.

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**Pueblo Water Board** should plan to begin this year a long-rang program of allocating $550,000 a year for improving distribution systems and for the expenditure of $1 million a year for the acquisition of water rights, according to a report by Black & Veatch Engineering Company of Kansas City, Missouri.

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Robert E. Evans, an 18-year veteran of the Bureau of Reclamation, was appointed as project manager of the Fryingpan-Arkansas Project, succeeding James L. Ogilvie who recently retired to become manager of the Denver Water Board. Evans will headquarter in Pueblo. A. D. Soderberg, acting manager following Ogilvie's retirement, retired on July 10.

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**House Appropriations Committee** has approved $13.2 million for Chatfield Dam, $20 million for Fryingpan-Arkansas Project, $3.4 million for Trinidad Reservoir, $400,000 planning money for Mt. Carbon Dam on Bear Creek west of Denver, $1,214,000 for completion of Silver Jack Dam in Bostwick Park Project, $2.8 million for power generation equipment at Morrow Point Dam and for resumption of work on the Crystal Dam, $735,000 for advance planning for the Animas-Laplata, Dallas Creek, Dolores and Fruitland Mesa Projects on the Western Slope, $294,000 for feasibility studies of the South Platte River, Arnel, Front Range and Upper South Platte Projects on the Eastern Slope.

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**Four Corners Regional Commission** announced approval of a $53,600 grant for water pollution control on the Arkansas River in Pueblo County. To this amount the Federal Water Quality Administration will add $38,000, and the Blende Sanitation District near Pueblo will provide $22,900 toward the $114,500 project which will connect to the Pueblo Sewage Treatment Plant.

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Rollie Fischer, secretary-engineer of the Colorado River Water Conservation District, speaking before a meeting of District 16, Colorado Water Congress and the Rotary Club in Grand Junction on July 8, announced the digital simulation study, called CORSIM, which is to be made on the Colorado and White Rivers in Colorado is well along its way. Eleven major companies and quasi-public agencies have already joined in the project, estimated to cost approximately $300,000. Fischer said the purpose of the study is to determine the availability of water to existing and proposed water rights on the Colorado and White Rivers, including transmountain diversions.

Fischer urged the Colorado Water Congress and other water agencies to support legislation that would provide protection to the basin of origin of water. "California has such a law," Fischer said.

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Si Berthelson, Meeker, member of the Colorado Water Conservation Board, says Colorado can well afford to spend $3 to $5 million a year in water development. This money, he says, should be used for direct expenditures, matching federal funds, or to meet emergency water management demands.

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State Rep. T. John Baer, Jr. of Loma called upon all conservationists and environmentalists to support a federal program designed to line all canals and laterals in the Grand Valley to reduce loss of water, increase water supply for new lands, and reduce salinity in the Colorado River.

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Colorado Springs City Council voted unanimously to stop the distribution of water to residents in the Woodman district east of the Air Force Academy, effective September 15. The action was taken after the property owners in the area voted against the annexation of their district into Colorado Springs. City Council policy opposes serving water outside the city limits unless the residents agree to annexation.

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Keep Colorado Beautiful NEWSLETTER (spelled correctly) writes: "America has been described as a nation knee-deep in garbage. Today each American throws out 5.3 pounds of waste per day . . . At the current rate of growth this figure will be 8 pounds per day per person by 1980 . . . We are now using the equivalent in square miles of two of our 50 states, Connecticut and Rhode Island, for dumps."

THROUGH THE WATER METER

Lawrence K. Cecil, Tucson, Arizona consulting water engineer, told the delegates to the Western Water Resources Conference, meeting in Denver
on July 9, reuse of municipal water is inevitable as the cost of sewage disposal and water treatment is becoming so high that it will be cheaper to recycle it for reuse ... **Felix L. Sparks**, director of the Colorado Water Conservation Board, says the **three most serious defects** in Colorado's water laws are: The difficulty in defining whether the underground water is part of a natural stream; the difficulty in determining whether flood waters which originate in normally dry water courses are a part of a natural stream; and the difficulty in determining whether spring waters are a part of a natural stream. Sparks said the Legislature should pass legislation defining these questions ... **Colorado Constructors, Inc.**, were awarded a $273,970 contract by the Denver Water Board for stream channel modification on the North Fork of the South Platte River below Grant ... **Leonard Rice**, water engineer, resigned from Wright-McLaughlin Engineers and set up a water consulting engineering firm of his own to be headquartered in Denver under the name of Leonard Rice Consulting Water Engineers ... **The Narrows Project** on the South Platte River above Ft. Morgan has cleared the House Rules Committee and the Senate Interior Committee ... A group of Arizona and Colorado electric utility companies are studying the feasibility of construction and operation of a $1.5 million kilowatt electric power generation project. Sites on the Yampa and Gunnison Rivers are being considered. The group includes the Arizona Public Service Co., Colorado-Ute Electric Association, Public Service Co. of Colorado and the Salt River Project, including the power divisions of Estes Park, Ft. Collins, Ft. Morgan, Longmont and Loveland ... **Clay Bader** of Mancos was appointed by Governor Love to the Colorado Ground Water Commission, replacing Jack Kinkade of Dolores, who recently resigned ... **Pueblo Water Board** approved a fiscal year budget beginning July 1 of
$3,288,500. In another action the board voted to locate a new water treatment plant near the site of the Pueblo Reservoir... Ellis L. Armstrong, Commissioner of Reclamation, announced he plans to trim some of the fat out of the Bureau of Reclamation through a process of reorganization... Four Corners Regional Commission approved a $140,140 grant to the Cortez Sanitation District for sewage treatment and a $25,538 grant to the town of Penrose to complete its water system... Time Magazine in its July 6, 1970 issue wrote that the environmentalist backlash on the $3 billion California water diversion plan has begun. Four lawsuits have been lodged hoping to halt the project which is well along toward completion.

DISTRICT OFFICERS ELECTED

Representative T. John Baer, Loma, was elected district chairman and William H. Nelson of Grand Junction was re-elected member of the Rules Committee of District 16 of the Colorado Water Congress at its meeting in Grand Junction on July 8.