"We should start giving serious thought about the future of Colorado's water in all its aspects. The Legislature should initiate a study as to how the state can and must participate in continuing water planning, legislation, and appropriations." (State Sen. Wayne Denny, Cortez, chairman, Executive Committee of Legislative Council Committee on Water, September 15, 1970).

WATER CONGRESS MEMBERS POLLED ON WATER LAW

YOUR HELP IS NEEDED! A questionnaire is enclosed for you to fill out and return to the Colorado Water Congress office giving your opinions on Colorado water law. You are urged to fill out and return the enclosed form immediately.

The questionnaire was developed by the Colorado Water Congress Advisory Committee in cooperation with the Water Law Section of the Colorado Bar Association.

The questionnaire is intended to obtain state-wide opinion on Senate Bill 81 and recommendations for related legislation. The subject matter included in the questionnaire was developed from questions raised by water users, engineers and attorneys at the various meetings held throughout the state by the Executive Committee of the Legislative Council Committee on Water this past summer.

Robert W. Fischer, chairman of the Colorado Water Congress and the Colorado Water Congress Advisory Committee, emphasized nothing in the questionnaire is intended to express any opinion of the Committee but questions are designed solely to gain information.

All Water Congress members are urged to cooperate to the fullest extent possible in filling out and returning the questionnaire.
WATER LEGISLATION BEGINS TO JELL

THE EXECUTIVE COMMITTEE of the Legislative Council Committee on Water launched its 1971 Legislative program at its meeting in Denver on September 15. **Speedy progress** on the program was urged by Committee Chairman Sen. Wayne Denny of Cortez and by Alternate Chairman Rep. Harold McCormick of Denver.

In a spirited session devoted primarily to **problems concerning Senate Bill 81**, the role of the State Engineer, actions by referees, tabulations, deadlines, and well integration provoked considerable comment and testimony:

Charles Biese, attorney for the Southeastern Colorado Water Conservancy District, said "the way the law is operating in many cases makes it possible for the State Engineer to be **circumvented** and it places an obligation on the water conservancy district to **police the river**, and under certain circumstances it may find itself protesting an application of one of its own tax paying members."

Biese made this comment relative to complaints that in many cases referees, in the process of making determinations, have not always consulted with the division engineer as required by the law. "This has resulted in the awarding of **controversial decrees** about which the State Engineer was not originally aware."

Speaking on tabulations, Biese argued that the listings as compiled are not fulfilling the purpose for which they are intended and tabulations should separate tributaries. "Replications should only include corrections and changes."

Robert Welborn, Denver attorney, speaking on the role of the State Engineer as compared to the referee, said "eventually Senate Bill 81
should be amended to go back to the concept of the Bill as it was originally drafted which would have authorized and directed the division engineer to make the first determination. This would have brought the division engineer directly into each determination, and his action would have been an administrative one as a condition precedent to a court awarded decree just as a well permit is a condition precedent to a well adjudication."

Charles L. Thomson, manager of the Southeastern Water Conservancy District, urged that corrective amendments should be introduced as early as possible because a case the district now has before the court on the subjects under discussion will test every aspect of Senate Bill 81.

James Geissinger, assistant attorney general for the State Engineer's office, in response to a question on well adjudication and integration, gave this advice to all well users throughout the state:

"If a well owner seeks an independent water right and wants a true appropriation date on his well, he must make application to the Water Court before July 1, 1971, otherwise he will take a date junior to the last date awarded in the previous year."

Geissinger pointed out that a well owner can always tie his well to a surface right regardless of when he makes his application to the Water Court.

Sen. Dan Noble, Norwood, speaking on financing for water development projects, urged the people of Colorado to intensify their efforts in supporting a state-wide water development program, and he especially urged the people to support demands for federal appropriations for the completion of the Crystal Dam, the last phase of the Curecanti Project on the Gunnison River. "Full power production by the Curecanti Project is
necessary for Colorado to obtain adequate funds for participating projects."

These subjects for proposed legislation were placed in the agenda for further study by the Committee:

- Creating a Water Management Fund.
- Creating a Water Project Construction Fund.
- Amending the Ground Water Management Act.
- Amending Senate Bill 81 providing for delays in deadlines.

Glenn G. Saunders, Denver Water attorney, suggested to the Colorado Water Congress that the incoming Legislature give consideration to all the legislation developed as part of the package authorized by Senate Bill 407 which failed to make the grade in 1969.

YELLOW-JACKET WILDLIFE MITIGATION DENIED

COLORADO WATER CONSERVATION BOARD at its meeting in Meeker on September 11 voted to disapprove a request by state and federal wildlife agencies for the purchase of 14,000-acres of private land on Oak Ridge adjacent to the proposed Yellow-Jacket Project near Meeker. The idea of the purchase was to mitigate alleged game damages resulting from project operation. The Board adopted instead a resolution proposed by the Yellow-Jacket Water Conservancy District which embodies these principles:

- That $400,000 of project funds be allotted for improvement of game habitat, landowner agreements, easements, and wildlife conservation practices, and that at least half of the funds must be spent on lands under the canals.

- In the event that changes in costs make these figures unrealistic, expenditures thereon as a project cost shall not be more than one percent of the total cost of the project.
The Board in another action voted to request the Bureau of Reclamation to conduct a reconnaissance study on a proposal to extend the Uncompaghre Project near Montrose, the study to determine if a feasibility study should be made on the proposal as a participating project from funds generated by the Colorado River Storage Project.

Board member Si Berthelson in a statement to the Board again urged the state to spend $3 to $5 million annually on water development. Berthelson first made this request speaking before the Legislative Council Executive Committee on Water meeting in Steamboat Springs on July 6.

ITEMS IN BRIEF

President Nixon signed legislation authorizing the Narrows Dam on the South Platte River near Ft. Morgan. Felix L. Sparks, director of the Colorado Water Conservation Board, speaking before the Lions Club in Ft. Morgan, said he feels that pre-construction money will be available next fiscal year.

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Department of Interior announced the award of a $7,541,053 contract to the Granite Construction Co. of Watsonville, California for the construction of the first section of the Hunter Tunnel; and the award of a $7,521,642 contract to the Peter Kiewit Sons Co. of Omaha, Nebraska for construction of the Nast Tunnel. Both are phases of the Fryingpan-Arkansas Project.

Robert Evans, project manager for the Bureau in Pueblo, reports that progress on the Fry-Ark Project is running on or ahead of schedule.

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Colorado River Water Conservation District reports these contributors to an industry-public study called CORSIM PHASE II designed to study flow volumes of the Colorado and White Rivers by computer simulations: Colorado River Water Conservation District; Colorado Springs Department of Public Utilities, Public Service Co. of Colorado; Northern Colorado Water Conservancy District; Denver Board of Water Commissioners; Atlantic Richfield Co.; Carter Oil Co.; Chevron Oil Co.; Cities Service Oil Co.; Cleveland-Cliffs Iron Co.; Getty Oil Co.; Mobile Oil Corporation; Sohio Petroleum Co.; Oil Shale Corporation and Union Oil Co. of California.

"The project will aid participants in determining water availability to water rights along each river," according to Rollie Fischer, secretary-engineer of the Colorado River Water Conservation District.
Colorado Game, Fish and Parks Division recently purchased Two Buttes Reservoir in the lower Arkansas Valley in Colorado from the Two Buttes Mutual Water Association. The Division paid $1,050,000 out of the game cash fund for the project. Involved in the purchase are 1,178 shares in the Two Buttes Water Association and all water rights decreeing 40,918 acre-feet of storage water.

The project has long been an important goose shooting area in Colorado and GF&P plans call for the development of a multiple-use recreation area on the lands and waters purchased.

The Closed Basin Project in the San Luis Valley designed to supply underground water to meet the Rio Grande Compact commitments is reported to face strong objection, even though the Bureau of Reclamation recently reported the project to Congress as feasible.

The Bureau of the Budget has declined to approve legislation authorizing the project, and Bureau of Reclamation Commissioner Ellis L. Armstrong recently told the House Irrigation and Reclamation Sub-committee that the administration would not approve the project unless Colorado agreed to pay for it.

Rep. Wayne Aspinall (Colo.), chairman of the House Interior Committee, angrily charged the federal government with ducking its responsibility to help solve the Rio Grande Compact problem. "The federal government shares in the responsibility and it is in no position to deny responsibility on the Compact because it was in on it from start to finish," Aspinall said. He pledged to put the project on high priority next year if re-elected.

Time Magazine, in its August 3, 1970 issue, reports a backlash developing toward the environmental and "ecological" movements now sweeping the Nation. Time said that if marginal operations are shut down, economic havoc could result from increased unemployment.

From Omaha, Nebraska (AP) comes this bit of Women's Liberation chatter overheard on a transit bus:

"I figured every woman ought to protest some way, so I threw a glass of cold water on my husband while he was taking a hot shower."

Cash revenues from the Colorado River Storage Project operations during the fiscal year ending June 30, 1970, were sufficient to repay
$4,859,149 toward the repayment of investment principal, according to the Department of the Interior . . . Colorado State Forest Service recently signed a 25-year agreement leasing the 70,700-acre Colorado state forest near Rocky Mountain National Park to the Colorado Game, Fish and Parks Division for recreational development for a $25,000 annual rental . . . Two mobile water testing plants have been installed in the Las Animas area to determine if the quality of the Arkansas River can be improved. The study is being made by the Office of Saline Water . . . Southeastern Colorado Water Conservancy Board approved a 1971 budget in the amount of $369,355. The budget, $210,000 in excess of the 1970 figure, includes $165,000 for purchase of water from the Fryingpan-Arkansas Project . . . Residents of the Central Grand Valley Sanitation District approved a bond issue to fund its share of financing a district sewer system. The district received a $614,000 grant from U.S. Housing and Urban Development. U.S. Water Pollution Control Administration and the Four Corners Regional Commission may also assist which would reduce the amount of the bonds to be sold . . . A full load test on the Glen Canyon hydroelectric power plant established that the plant will produce 1,031,000 kilowatts at the present elevation of Lake Powell, which is 81,000 kilowatts greater than rated . . . A move is under way by Trout Unlimited, a national conservation organization, to have the Roaring Fork River above Glenwood Springs designated as a "Wild River" . . . Andrew Horan, retired Mountain Bell executive, has been elected to a one-year term as President of the Denver Board of Water Commissioners. Mr. A. Asborno, Denver banker, was appointed by Mayor McNichols as a member of the Board to serve the unexpired term of Max Brooks who recently resigned due to the press of personal business . . . Pueblo Water Board will join in a petition being
drawn up by Arkansas Valley water users asking the Four Corners Regional Commission to conduct a study on feasibility of a single water treatment plant to serve the 35 Arkansas Valley communities below Pueblo Reservoir in the hope that federal aid can be obtained for building the plant and pipeline . . . Reports are that Canadian officials are steadfastly refusing U.S. overtures to obtain Canadian water for use in the United States. Canada says it wants to know what its future needs will be before it enters into any agreements.

APPOINTMENTS

James A. Bradley, former regional director of Bureau of Reclamation, Region 6, as the Bureau's Chief of the Division of Power.

Kenneth B. Schroeder, former assistant Missouri River Basin Planning Officer, as Southwest Planning Officer for the Department of Interior.

William W. Reedy, as chief of the Division of Planning Coordination, U.S.B.R., Denver, Colorado.

COMING EVENTS

Eagles Nest Wilderness hearing - Frisco, Colorado, October 8, Summit County High School Auditorium. The hearing is to take testimony regarding the U.S. Forest Service proposal to add 13,733-acres of adjacent lands judged suitable for wilderness designation to the present 58,052-acre Gore Range-Eagles Nest Primitive area in Arapaho and White River National Forests. Written statements will also be accepted by the Regional Forester, U.S. Forest Service, Denver Federal Center before November 9, 1970.

A public hearing on this subject is also scheduled in Denver on October 12, Building 56, Denver Federal Center.