The Colorado Water Congress has called upon the Environmental Protection Agency to support efforts of Western states water users to amend PL 92-500 to exempt irrigated farming from the permit requirements of the National Pollutant Discharge Elimination System (NPDES).

CWC initiated its appeal at an EPA-sponsored public meeting in Denver, Oct. 29. The purpose of the meeting was to discuss ways by which EPA could develop a program for issuing permits to agricultural water users under the NPDES program of the National Water Pollution Control Act. More than 200 persons attended from seven Western states: Arizona, Colorado, Nebraska, New Mexico, Texas, Utah and Wyoming. The near-unanimous consensus of those attending the five-hour session was that EPA could not realistically develop a program of industrial-type permit control applicable to irrigated farming, especially in the arid west, and that the law should be changed. CWC is supporting efforts to achieve the necessary legislative amendments.

Although the PL 92-500 requirements in question were approved by Congress in 1972 and EPA began issuing permits to "point source" polluters in 1973, the EPA had exempted irrigation return flows from farms of less than 3,000 acres by administrative rule. A recent decision of the U.S. District Court of Washington, D.C. (National Resources Defence Council, Inc. v. Russell Train), stated that the EPA had no right to make such an exemption and was required by law to develop a permit program applicable to agriculture to cover all "point sources" of irrigation return flow regardless of farm size.

A major controversy centers around the definition of "point source" of pollution discharge as it applies to agricultural water use. Many believe that with few exceptions the source of agricultural pollution, if any, cannot be pinpointed as might be the case with municipal and industrial sources and therefore cannot realistically be issued permits. Any attempt to issue permits to irrigators and to require compliance to unrealistic standards would create serious and costly problems.

Speaking on behalf of CWC, Jack Ross, Colorado's director to the National Water Resources Association (NWRA), told EPA that to meet the unrealistic quality standards of PL 92-500 as it is now written would require tremendous losses in water available for agricultural re-use. In Colorado, he said, "one man's irrigation return flow is another man's livelihood...The waters of the South Platte and Arkansas Rivers are used and reused as many as seven times before leaving the state."
Ross told the EPA that the economic waste involved would be "monumental."

"We are not dealing here with the giants of the agri-business community, but rather the typical Colorado family farm which is usually under capitalized to begin with and must operate within a very tight margin to keep its prices competitive. If the requirements of the program go beyond the capacity of the farmer to produce, he will simply have to go out of business. The loss of the irrigated portion of its agriculture would be catastrophic to the economy of the state of Colorado," he said.

Several delegates testified to the need for Congressional amendments which would marry national water quality goals to realistic Western states water needs in terms of QUANTITY. Westerners want to improve water quality as much as anyone else, they argued, but not at the expense of serious water shortages in already water-short areas.

Ross argued that, "If the only available method for preventing the discharge of poor quality irrigation return flow is to build massive retaining ponds, as common with feedlot operations, then the very lifeblood of the state will have been evaporated away to achieve a goal. The success of such a program would be measured in terms of food and fiber shortages in terms of increased welfare costs to keep alive those who have lost their only means of livelihood, and in terms of the destruction of property and of property rights."

Bert Printz, Washington, D.C., EPA Enforcement Officer and meeting moderator, said the EPA does not want to go through a paper-work exercise in developing a permit program for agriculture, that the agency is simply trying to carry out the mandate of the court. He said that when the program was first initiated the EPA was not aware of the peculiar problems of the west. He said legislative clarification is needed if EPA is to change its present approach to issuing permits to irrigators and getting those amendments would be difficult.

Wyoming rancher Don Budd told the audience, "What is politically feasible is what is going to happen. Agriculture today should exert the greatest effort ever to get the rules changed. Congress responds to its constituency and we, as members of that constituency, must speak up."

Participating in the drafting of the CWC statement in addition to Ross were John Sayre, Denver, CWC Rules Committee Chairman, and Ralph Adkins, Pueblo, CWC Secretary-Treasurer. Copies of the complete statement and other background information are available through the CWC headquarters office.

CLELAND FEAST RETIRES AS NEWSLETTER EDITOR

Cleland Nelson Feast, former director of the Colorado Game and Fish Department, has retired as editor of the Colorado Water Congress NEWSLETTER after 11 years of service. Feast, who is 71 years plus, began as editor in 1964.

A native of Colorado, Feast is a graduate of the University of Colorado, B.S.C.E., and holds an educational certificate from Adams State Teachers College. He is also a graduate in Economics, Armed Forces Industrial College. He is a Major, US Air Force Reserves, retired.

A licensed Professional Engineer, Feast was formerly engineer with U.S. Fisheries Service and the U.S. Forest Service, was Director of the Colorado Game and Fish Dept., and engineer with the Denver Water Department. He has been active in the Kiwanis Club, Optimist International and the National Sojourners.
Feast is listed in Who's Who in the West, American Men of Science and Men of Achievement. He is honorary life member and past president of the International Assn. of Game, Fish and Conservation Commissioners and has been active in the Masonic Bodies. He resides at 1100 Florence Street, Aurora, Colo. 80010.

COLORADO WATER LAW BOOK AVAILABLE

COLORADO WATER LAWS: A Compilation of Statutes, Regulations, Compacts and Selected Cases, as compiled by George Radosevich, Donald Hamburg and Loren Swick, is now available through the Center for Economic Education. The cost of the publication is $20.00 and annual updates will be $5.00. To order, write or call the Center for Economic Education, Department of Economics, Colorado State University, Fort Collins, Colorado 80523. Phone (303) 491-5706.

GOOD NEWS---BAD NEWS

...The water engineer began his talk by saying, "I have good news for you and some bad news. From now on we'll all have to drink recycled sewer water!!!" ..... (Silence.) Someone in the audience bravely asks for the good news. "THAT WAS THE GOOD NEWS," he replied. "The bad news is that there won't be enough to go around."

GROSS VALUE OF CROPS PRODUCED ON RECLAMATION LANDS SET ALL-TIME RECORD IN 1974

Western farmlands irrigated by Federal Reclamation projects during 1974 produced crops valued at more than $4.6 billion—an all-time record—and enough food to satisfy the annual needs of about 33 million people, according to a Department of the Interior report.

Commissioner of Reclamation Gilbert G. Stamm said Reclamation project lands in the 17 Western States produced over 56 million tons of food and fiber last year on a total of 9,418,000 irrigated acres. The total gross crop value jumped $753 million over the previous year, a 19% increase due primarily to favorable marketing conditions and increased agricultural exports. Average total crop value per irrigated acre increased by $70 to $494 per acre.

The following table indicates "Gross Crop Value, Value Per Irrigated Acre and Cumulative Gross Crop Value of Reclamation Projects by States, 1974" as reported by the department of the Interior and edited to show only those states bordering Colorado:

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<thead>
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<th>State</th>
<th>Total Gross Crop Value</th>
<th>Average Value Per Irrigated Acre</th>
<th>Cumulative Value</th>
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<td>Colorado</td>
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<tr>
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</tr>
<tr>
<td>Wyoming</td>
<td>91,112,000</td>
<td>$252.63</td>
<td>751,000,000</td>
</tr>
</tbody>
</table>
IRRIGATION AGE TO BE OFFERED FREE

IRRIGATION AGE magazine will be offered free to all CWC individual, sustaining and sponsored members who wish to receive it. Subscription cards will be passed along through the newsletter. To receive the magazine free of charge, newsletter subscribers will simply fill in the postpaid subscription card. This is an interesting, educational publication devoted entirely to the subject of irrigation. It is a "controlled circulation" publication and provides subscriptions free to all persons and organizations involved in or interested in the subject of irrigation.

TRENTON---TROUBLE WITH A CAPITAL "T"

The massive economic dislocations and sanitation hardships in Trenton, N.J., when the city's water supply failed are almost over--but the memory lingers on.

Trouble with a capital "T" started August 31 when pumps at a filtration plant next to the Delaware River broke, water backed up under pressure into the plant and caused extensive damage. Within three days, a 110-million-gallon reservoir near the plant was dry. More than 65 percent of the city's water customers went without pipeline water deliveries for approximately a week, and schools, industries and businesses closed to save water. Industrial closings, including such plants as U.S. Steel and General Motors, affected approximately 40,000 workers for more than a week.

Trenton's trouble should not be forgotten. It's a good example of what can happen to a city---a state capital city at that--when someone shuts the water off.

UTE WATER DISTRICT NAMES PERMANENT MANAGER

The board of directors of the Ute Water Conservancy District recently made the appointment of Wayne Weathers as permanent manager retroactive to August 1st. Weathers was appointed temporarily following the death of Rhiney Wilbert. The board also ratified new policies on all water line extensions and all subdivision service agreements.

SALINITY CONTROL FORUM PROPOSALS

Public hearings were held recently on the Colorado River System Salinity Standards and Implementation Plan prepared by the seven-state Colorado River Basin Salinity Control Forum by the Colorado Water Quality Control Commission. Salinity levels proposed were: 723 parts per million below Hoover Dam, 747 parts per million below Parker Dam, and 879 parts per million at Imperial Dam. All three points are in the lower Colorado River Basin and the levels are those existing in 1972.

To keep the salinity at those levels, the Forum proposes the following:

1. Build the Grand Valley unit near Grand Junction, the Paradox unit in the Paradox Valley, and two units in Utah and Nevada. Lining of canals and laterals is part of the project.

2. Construct 12 other units if feasible. These units include the Lower Gunnison, Glenwood Springs, Dotsero, and McElmo Canyon in Colorado West.
3. Placing effluent limitations on industrial discharges.

4. Revising plans for authorized reclamation projects to reduce the amounts of salts they would contribute. The changes would include eliminating lands that would contribute unusually large amounts of salts. Improved irrigation methods such as irrigation scheduling, sprinkler irrigation, and drip irrigation would all be a part of this.

5. Use of saline water whenever possible for industrial uses such as cooling water for electric power plants.

SEEKING EMPLOYMENT

We have received the resumes of two young men seeking employment in the field of water and resources planning and environmental planning. Any organization seeking to fill such a position is welcome to contact the Colorado Water Congress headquarters for copies of the resume's.

PERSONAL PROFILE---CWC PRESIDENT EARL PHIPPS

CWC President Earl Phipps is executive director of the Northern Colorado Water Conservation District and in charge of water distribution for the Colorado-Big Thompson Project. He has been in this field for 24 years. He is 54.

Phipps immigrated to Colorado from Wichita, KA, in 1947 to attend Colorado A & M, having graduated in 1951 with a B.S. degree in Agronomy. Earlier he had served with the 9th U.S. Air Force in Europe, during World War II, with B-26 Air Bomber Crews. He received the Purple Heart, Air Medal and Distinguished Flying Cross for his service.

Phipps, who is also president of the Four States Irrigation Council, is a charter member of CWC and has served on the Colorado River Advisory Committee of CWC to the Colorado Water Conservation Board. He is a member of the Weld County Agricultural Council, the Western Snow Conference, Colorado River Water Users Association, the USICIO, and the Elks Club. He is active locally in his home town of Fort Collins in the Boy Scouts and the Little League.

HARRIS SHERMAN ON WATER AND AGRICULTURE

The Colorado Farm Bureau carried an extensive interview of Colorado Department of Natural Resources Chief Harris Sherman on the subject of agriculture and water use in its October 1975 news-magazine. The following quotes are taken from that interview:

Harris Sherman—"Although we (the Dept. of Natural Resources) don't officially represent the agricultural interests of the state, I can assure you that we are most concerned about the future of agriculture's economy. First of all, we are concerned about agriculture's water in the face of challenges that agriculture is receiving from municipalities and various energy industries. Secondly, we are concerned about maintaining the land that will be required for agricultural development, and thirdly, we are concerned about agriculture having sufficient human resources to carry out its work.

"Hopefully, through careful planning, there will be water for the energy development and for agriculture. But there is no question in our minds that agriculture has a preference here in the sense that we want to retain the integrity of our agricultural economy. We've got to plan carefully so that agriculture and energy can grow side by side."
(Sherman interview continued) "I think the impact of water in the coal area will be much more significant than in oil shale. It takes a tremendous amount of water to convert coal to electrical energy. With oil shale development, there are some processes with which they are experimenting now that do not use a lot of water. As a matter of fact, there are some companies that claim their retorting processes use no water. They believe that the water that will be used will be needed for the reclamation and revegetation of spoil areas and for services to the towns and communities that will support the oil shale industry.

"There is no question that agriculture is going to be competing with the energy industries for water, and we are deeply concerned that agriculture's water rights are not eroded as the result of energy development. Hopefully, we can have both. But, in the event we can't have both, this administration is dedicated to preserving agriculture's water." --Harris Sherman, Farm Bureau Interview.

FREE ON REQUEST FROM CWC

The Colorado Water Congress will be happy to send its readers free upon request a copy of 1) a background paper on the problems associated with EPA's attempts to develop a permit program for irrigation run off, and 2) the CW statement presented at the October 29 EPA meeting (see lead story this newsletter). Ask for "PL 92-500 Background Materials." Write CW, 328 Livestock Exchange Bldg., Denver, CO 80216.
SURVEY OF READER ATTITUDE TOWARD WATER ISSUES
COLORADO WATER CONGRESS
328 Livestock Exchange Bldg., Denver, Colorado 80216

What do you feel are some of the major issues facing Colorado's water users? How do you rate these issues in terms of importance? The leadership of your Water Congress would like to know your feelings toward issues and hear your comments on them. You can let them know by filling in this questionnaire and returning it to the address above.

Be sure to indicate your area of residence and the water user category or categories which best describe your point of view. Then rate the subjects listed in priority: 1) very important, 2) important, or 3) not so important. Comment freely and add issues which you feel should be counted.

1) I am residing in the following watershed area (NOTE the Denver exception):
   ____ City & County of Denver
   ____ South Platte River watershed (exclusive of Denver)
   ____ Arkansas River watershed
   ____ Rio Grande & San Louis Valley watersheds
   ____ San Juan, Dolores & San Miguel watersheds
   ____ Gunnison River watershed
   ____ North Platte & Laramie River watershed
   ____ Colorado River watershed

2) For the purposes of this survey, I should be classified as (check as many as is appropriate):
   ____ Industrial Water User
   ____ Municipal Water User
   ____ Agricultural Water User
   ____ Recreational Water User
   ____ Other type:

3) Water Issues

   Priority THE ISSUES—comment in space provided.
   1, 2 or 3 priority: 1) Very Important, 2) Important, or 3) Not so Important
   NOTE: Priority should be as YOU see it—its importance to YOU.

   ______ The conversion of agricultural water to municipal water through condemnation.
   __________________________________________________________

   ______ River Salinity Standards.
   __________________________________________________________

   ______ Dam Safety Program and dam inspection by the State Engineer resulting in hold orders eliminating storage capacity.
   __________________________________________________________

   ______ Minimum stream flows and minimum lake and pond levels established by the State Water Board.
   __________________________________________________________
ISSUE (and your comments)

Ground water rules and regulations promulgated by the State Engineer with regard to junior appropriators and ground water "augmentation plans."

PL 92-500, Ref. National Pollutant Discharge Elimination System (NPDES) permits for irrigation return flows as "point source" of pollution.

Sec. 404, PL 92-500, re. Corps of Engineers rules and regulations for dredge, fill and discharge permits in navigable streams.

Inflation and rapidly escalating project costs which make even minor delays in projects costly delays.

The proposed Denver Metro Water District.

The futile call controversy. (When a senior right places a call for water on the river, but there is little, if any, water left by time it reaches the final destination.)

Water as a population growth control factor.

Comments and Suggestions for Water Congress activity:

Completed by: ___________________________ Date: ________________

(optional) Survey is designed to determine reader attitudes toward issues and not to establish Water Congress policy on issues. Data will serve as a planning tool.