MEMORIES OF JOHN CARLSON

As you all know there are some stand-out men you are destined to meet in a lifetime. Especially if you have spent time in the Water Business.

There is no question in my mind that Land, Water and Air can have no price tag tied to these great blessings to mankind. This has to be especially true in areas of sparse precipitation as is Western United States.

The west was developed to a large extent by the diversion of waters of streams to the land by true pioneers. Water is the key ingredient to producing life and one of its great necessities. Now here in Colorado the priority system was adopted long before the territory was admitted to statehood. This truly brilliant way to control the use of water, FIRST IN TIME FIRST IN BENEFICIAL USE, set the water development of the State of Colorado. As a result agriculture, not because it's people were smart but by necessity, became the state's first big water users.

As you all know as more people are populating Colorado, the more there is competition for water.

We have good water years and bad water years. Colorado had survived the dirty thirties (bad water years) when World War No. 2 broke out. Military men were trained in many camps throughout the U.S. You know I really believe the movement of the military gave many a young man the idea Colorado was a fine place to live. As I remember it, there were no great big problems in water matters till after the war.

Some Colorado cities had a very large influx of people. Their water supply had not been over-taxed up till then (but soon would be).

There was in the Arkansas Valley a ditch company organization known as Arkansas Valley Ditch Association. These ditch companies had banded together for mutual protection in the first Colorado Kansas Lawsuit, 1901. Now each canal company had some very knowledgeable people on their ditch boards. Each board sent its representatives to Arkansas Valley Ditch Association meetings. I became involved along in 1954 when one of our outstanding water authorities, John Beaty, of Catlin Canal Company passed to the great beyond. This was when I became acquainted with a whole host of knowledgeable water men. They had fought the battles over water for years and had the scars to prove it. In a few years after the help of these fine water men, I was elected President of AVDA. Now the jealousy of the ditch companies would preclude any local lawyer as spokesmen. Sabin of La Junta and Watt McHendrie of Pueblo were gone from the scene. A group of us went up to Holland and Hart seeking to employ an attorney for the association. Steve Hart said
he had a young lawyer he thought would fill the bill. As a result Phil Danielson became our counsel.

One thing I will say Phil got quite an education from these old seasoned water warriors on 50's and early down to earth running of water.

It is my opinion the 1960's were the start of the big changes and water demands. Also the big machinery, to change the scene, big pumps, ponds and terrace farming, big dams, government programs. The ditch association got along pretty good with Phil.

It was in 1968 Danielson was a delegate to the Presidential Nomination (a democrat, of course). Poor Phil got so carried away with Civil Rights discussion he fell over dead on the floor of the convention.

So the ditch association people went back to Steve Hart for more counsel.

John Carlson, a young lawyer that grew up in Montana attended Oxford University and Yale Law School, was to replace Phil Danielson. As I remember it, John Carlson showed up at the Arkansas Valley Ditch Association Meeting in La Junta his first time. John was a tall gangly young man with long light colored hair. He was wearing half spectacles and had on a checkered brown suit. Poor John had three strikes against him before he started. I will not say whether he was the hippie type or not. You know in them days many young people were just beginning to assert themselves. Anyway at first blush the old able water men were not impressed and the ditch association said they could not use young John. John went his way and Sandy White was sent down as a replacement. Poor Sandy fared no better. Well anyway, the competition of cities, recreation and agriculture was on a collision course.

John started his own law firm in 1985. Carlson was counsel for Colorado Springs and Pueblo the cities seeking to expand use of Trans Mountain water supplies and firm up their water claims. Over the years there is a mutual respect that develops among those people seeking to solve those problems that water creates. It was at some of the sessions that I really got to know John Carlson. John only wanted what he considered fair and right. It is my opinion John, more than anything, valued honesty and fair play above all, and his highest value was a fine reputation.

Thru the years our AVDA and cities have had many discussions. Colorado Springs was seeking to get use and reuse of their Trans Mountain water supplies. John Carlson and Harold Mitscal wanted me to give them a tour of the diversions on the river from Pueblo down. As you know the Springs water system uses the Fountain River in some of its exchange plans. We met in Pueblo to start the tour.
I said, "Where do you want to go first, down to the confluence of Fountain River and the Arkansas River?" "But I suppose you are both well acquainted with this stretch of the river since it is in all your exchange cases." The answer I got was, "Hell, Frank, we ain't never been there." I never lost the opportunity to rib those two guys on that score.

Anyway we toured the canal diversions down to the Fort Lyon Canal in North La Junta. At that time we were harvesting tomatoes by machine. So we ended up out in the tomato field. I gave John and Harold each a salt shaker and said, "Help yourselves." They both really enjoyed themselves.

We were to have many other tours of the river down to the Kansas line. We toured the Fountain River. John rode in the pickup with Elmer Bauman and me the whole way. Course we argued to beat hell all the way. Poor Elmer thought we were both mad. Far from that these excursions only made our friendship stronger.

It was in the fall of 1990 John Carlson, Bob Jesse and Duane Hilton came down to tour some of the river in connection with the Kansas lawsuit. After we had finished we were near the huge onion house of the Arkansas Valley Produce Company. I said, "Do you buzzards want to see the most onions in one place you ever saw?" Owner, Glenn Grimsley had around 25,000 50 pound bags of graded onions on the floor at that time, ready to ship to the market. It always done me good to watch John surveying all these sacked onions. John told me many times he wanted to come back again so he would really believe what he saw, the crops we grew and the marketing of the crops.

Sometimes John and the AVDA were on the same side. Rex Mitchell and John made a hell of a team. It was a pleasure to attend court with these guys performing. The one thing that stands out in my mind was John's summation in the Public Service case. Public Services was seeking to move Las Animas Consolidated water to Pueblo Reservoir. John took 42 minutes to sum up the deal. He never had a note, he never was at a loss for words. I think that summation was the best command of the English language I ever heard.

John, Rex and I had many a discussion of the Catlin case. Every time we got a favorable ruling from the Colorado Supreme Court, we each got a call from John. Incidentally all four decisions were favorable. I have always had "an in" with lawyers since my brother was a lawyer, who practiced in Cortez, Colorado. The analytical mind of John was always in gear. It is my opinion John analyzed the situation, (in this he had no equal), and wanted only what he believed was fair and just. I had always told John, "Hell we do not want your water, we only want what's ours." His reply was always the same, "I want for my clients the same damn thing."
Our granddaughter was graduating from CU in December of 1990. Carolyn had chosen the subject of water for her thesis. I told her to contact my good friend, John, to look over her endeavors. Carolyn did contact John and went down to his office for a chat. Seems as though they hit it off very good from the start. Carolyn was really taken by John's great knowledge and the warmth of his great personality. They also became fast friends. We really hated to call her and tell her of John's passing. She too had lost a valued friend along with all of us.

John was attorney for Rio Grande Water Users Association and San Luis Valley Irrigation District. John had planned a trip to the valley and I was to go along to see the valley. This one trip we would never make. Time ran out.

Now I know John Carlson always had a warm spot in his heart for farmers. He had been raised on a ranch in Montana. He told me many a time, "You know Frank, I like you farmers that are in the water business, you only want what's right." Many a good laugh we had when John said I was the only man that fired him.

I know the people from the farms that knew John developed a very high regard for this outstanding man that was a man first and then an honest attorney.

In my experience with lawyers I have run into only one John Carlson. May God rest his soul.

The legal profession and the people of Colorado and the West have lost a true Norwegian master.

A friend,
Frank Milenski
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