June 29, 1954

STATEMENT OF FRANK DELANEY, ATTORNEY FOR THE COLOMDO RIVER WATER CONSERVATION DISTRICT, a Public Corporation Organized Under Colorado Law

BEFORE

THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS ON S. B. No. 1555 TO AUTHORIZE CONSTRUCTION OF THE COLORADO RIVER STORAGE PROJECT

This statement is presented in behalf of the Colorado River Water Conservation District, a public corporation created by Act of the Legislature of the State of Colorado and empowered, inter alia, to

"initiate appropriations for the use and benefit of the ultimate appropriators and to do and perform all acts and things necessary or advisable to secure and insure an adequate supply of water, present and future, for irrigation, mining, manufacturing and domestic purposes within said District." 1/

The District comprises seven (7) counties and part of an eighth county in Western Colorado. It embraces all of the area drained by the main stem of the Colorado River in Colorado, except Grand County. This is an area of 10,180 square miles, including the area in Grand County, which is within the Middle Park Water Conservancy District. Said District concurs in this statement. The combined population of these Districts is between 90,000 and 100,000 people.

1/ See Chapter 220, Colorado Session Laws of 1937, Page 997, and particularly Section 5c, Pages 1,000-1,001.
In this statement the organization I represent will be referred to as the "District."

The District approves the Senate Bill as originally introduced. It opposes the amendments which would further, or aid in any way, the exportation of water from the Colorado River Basin to the area about Denver in Eastern Colorado. That there is no surplus water for trans-mountain diversion is the basis for our opposition to such diversions.

We favor storage on the Colorado River wherever storage sites may be found to control and equalize the erratic fluctuation in stream flow. We prefer storage as high on the streams as possible, but if sites are not available, storage lower down may serve the same purpose by use of the system of exchange of downstream-stored water for the direct flow on the upper reaches of the stream.

The District for which I speak does object to the inclusion in this Bill of any amendments or proposals for or in aid of the diversion of Colorado River water from the Pacific Slope of the Rocky Mountains to the Atlantic Slope. The reasons for that opposition appear in the statement made in behalf of this District at pages 620 to 628 of the Hearings before the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs of the House of Representatives, 83rd Congress, Second Session, on the bills relating to the Colorado River Storage Project. The reasons for our opposition to any amendment which will aid exportation of water through the Continental Divide are explained in that statement. We ask that said statement be considered.

To summarize the contents of said statement, we say that any
acknowledgment by Congress of any claim by others to export water from
the Blue River in Colorado will undermine the investment of the United
States in the Colorado-Big Thompson Reclamation Project in which the
United States has already invested $160,000,000; it will be a repudia-
tion of Senate Document No. 80 and a violation of the protective provi-
sions designed to safeguard the rights of the water users of Western
Colorado in the use and operation of the Green Mountain Reservoir.

Any such action will affect, directly or indirectly, the liti-
gation now pending in Federal Court in which the question whether the
United States has the superior right to the use of the waters of the
Blue River in and through the Green Mountain Reservoir, or whether Denver
has the superior right to the same waters, is raised. Such effect must
necessarily be adverse to the interests of those whose rights were to be
protected under Senate Document No. 80.

Denver does not need the water of the Blue River. We base this
assertion upon the testimony of J. R. Riter, Chief Planning Engineer of
the Bureau of Reclamation, formerly Chief Hydrologist of said Bureau.
The city has water rights from the South Platte River and its tributaries
and from certain tributaries of the Colorado River for a firm, dependable
supply of 183,500 acre feet per annum, evidenced by absolute and conditional
decrees. The decrees are conditional only because the works for diversion
have not been completed and, therefore, the water has not been used. This
is enough water, according to Denver’s own record of use, a use which is
conceded to be largely unmetered and extravagant, to serve a population
of 770,000. This is approximately 200,000 more persons than the popula-
tion of Denver and its metropolitan area according to the last United States
census and reliable estimates of subsequent growth. Now the city wants another 177,000 acre feet of water. This would supply an additional population of approximately 700,000.

In the present year of 1954, water is short everywhere in Colorado and this condition undoubtedly applies to Denver.

The answer to Denver's problem is more storage reservoirs to utilize high run-off of the streams in Western Colorado from which the city already has appropriations. It does not matter how many direct flow rights the city has, evidenced by decrees, from the streams if there is no water in those streams at the time water is needed. Let me illustrate by giving you some figures on the Green Mountain Reservoir, the replacement slope feature of the Colorado-Big Thompson Project: Senate Document No. 80, Page 3, Paragraph 5-A provides: "The Green Mountain Reservoir, or similar facilities, shall be constructed and maintained on the Colorado River above the present site of the diversion dam of the Shoshone power plant, above Glenwood Springs, Colorado, with a capacity of 152,000 acre feet of water with a reasonable expectancy that it will fill annually."

On April 22, 1954, when the amount of water stored in said reservoir was at the lowest for the year 1954, 43,767 acre feet of water was in the reservoir. This included 7,757 feet of dead storage. On June 22, 1954 the total storage had been increased to 97,000 acre feet only. The flood period in the river was then at an end. Hence, the maximum amount of water which could be stored during the run-off period of 1954 was a little over 54,000 acre feet of water. There was and will
be no water available for exportation from the Blue River in 1954.

We further assert that all of the water of the Colorado River to which Colorado is entitled can and will be used in Western Colorado. The cost of such utilization will be less and the purposes for which it is used will afford a greater measure of security and benefit to the nation as a whole than any use which might result by exportation of the water from the basin. In support of this assertion, we refer you to the potentials shown in the statement of Judge Dan H. Hughes appearing at page 347 of the printed Hearings before the House Committee and the statement of C. H. Jex, Engineer, submitted before this Committee.

When Senator Edwin C. Johnson was Governor of Colorado, a state policy was adopted whereby uses of water for agricultural and industrial purposes within the basin were given preference. That policy is embodied in Senate Document No. 80 and in the works constructed pursuant thereto. Before controversies arose the policy was acclaimed as fair and just. If the policy was right then, it is right now.

The inclusion of one city in such a program may establish a precedent under which all other cities may ask Congress to finance additions to municipal water supplies as a part of any and every type of flood control and stream improvement measures.