My name is Allen Mitchem. I am an attorney engaged in private practice in Denver, and I appear here as a representative of the Board of Water Commissioners of the City and County of Denver at the request of the manager of the Water Board.

Some twelve or more persons from the Denver metropolitan area appeared before this committee last year in support of S-1555 and particularly in support of a section in that bill which would enable Denver to utilize its rights to water from the Blue River, a tributary of the Colorado River. Among those who appeared were the Mayor of Denver, officials of the Denver Water Board, representatives of both the junior and senior Chambers of Commerce, private citizens, and representatives of nearby towns, cities and communities.

Mayor Newton gave the official position of the City and County of Denver on page 312 of the report of the committee hearings when he stated that he and the other members of the delegation were here in support of S-1555 with amendments then being proposed.

The record made in last year's hearings shows that the City and County of Denver is the greatest single economic unit served by the upper Colorado River, that as a regional distribution and manufacturing center, Denver is the hub of a rapidly expanding regional economy that is dependent upon Denver just as Denver is dependent upon the region.

The Denver water system today, as a year ago, serves a rapidly growing metropolitan area, comprising over 37% of the population of the State of Colorado. A point emphatically made by the testimony last year, and which bears repeating this year, is that with the present rate of growth of the Denver metropolitan area, the city will exhaust its present water resources by 1962. Seven years of construction works are necessary to bring in additional water, and that work can't be started without
adoption of the part of this Bill that affects Denver, or some equivalent.

The only additional source of water within reach of the city is the Blue River, a tributary of the Colorado, which river’s water will have to be brought to Denver through a 23-mile tunnel which will require a minimum of seven years to complete.

A continuation of draught conditions has made Denver’s need for additional water even more critical, and has tended to increase Denver’s feeling of urgency for passage of S-500 as introduced and containing Section 11, the section specifically relating to Denver’s Blue River Project.

As explained in the testimony of Glenn Saunders, attorney for the Denver Water Board, on pages 328-9 of last year’s report, there was at the time of those hearings a case pending in the Colorado Supreme Court involving an adjudication of the waters of the Blue River. In that action Denver had sought a 1921 priority date for 1600 second-feet of Blue River water. Last October, the Colorado Supreme Court announced its decision, sustaining the trial court’s action in awarding Denver a 1946 priority for 788 second-feet together with a storage priority for 252,000 acre-feet for a proposed reservoir at Dillon, Colorado. These priorities awarded would afford Denver the full amount of water which would have been available under Denver’s original plan, but for the presence of the government’s Green Mountain hydro-electric plant whose priority is currently being considered by two courts but will, of a certainty, have a priority date senior to that of Denver.

Section 11 of S-500 has nothing to do with uses of the Green Mountain Reservoir for replacement storage for the government’s Colorado-Big Thompson project, or with compensatory storage for western Colorado appropriators. It has to do solely with use of the government’s hydro-electric installation.

Denver contends that under the provisions of the Colorado River Compact (Article IV, subdivision (b)) and the Boulder Canon Project Act (section 13) a power use is subservient to Denver municipal uses.
However, the legal machinery for evidencing any superiority of right in Denver has not yet been sufficiently tested to enable attorneys to know with any degree of certainty how these provisions of the Colorado River Compact and Boulder Canon Project Act can be made effective when those power rights are owned by the federal government. If these power rights were privately owned, Denver could of course condemn them, but not so when government owned.

A means of eliminating this bottleneck is provided in section 11 of S-500 by giving authorization to the appropriate agencies of the United States government to convey to the City and County of Denver those power rights which are senior in time but subservient in character of use.

Section 11 of S-500 would accomplish an additional objective necessary to the construction of the Blue River project. By authorizing appropriate agreements between the United States and Denver, it would provide a clear-cut method whereby Denver could secure easements and rights-of-way for its Blue River project over federally owned lands, some of which Denver has been attempting to secure through negotiation for more than 25 years.

These then are the two reasons that section 11 of this bill are so necessary to the future of Denver. In this section, Denver is asking for nothing except the right to pay the federal government a fair value for what it buys. In this connection I would like to call attention to the testimony, contained in pages 315-316 of the report of last year's hearings, to the effect that the Denver water system is now serving a great majority of the federal installations located in the Denver area, which have a total value of almost $400,000,000 and employ over 17,000 people exclusive of military personnel. This fact makes clear the stake of the federal government in the future of Denver's water supply.

Through its testimony before this committee last year, Denver felt that it had built a record which justified the authorization contained
in the present section 11 in addition to a $75,000,000 loan from the federal government. Apparently to accommodate any possible objections to this type of federal financing in a reclamation measure, this sub-committee, in its wisdom, saw fit to recommend a bill containing language eliminating the loan feature, which language is identical to the section 11 in S-500.

The present section 11 is in accord with the reclamation policy of the State of Colorado as expressed by that state's policy making body, the Colorado Water Conservation Board. We of Denver feel that it is also in complete accord with the historical purpose of reclamation from a national standpoint in that it will enable unused water to be put to beneficial use where it is badly needed.

Some objections have been voiced within the State of Colorado that the Colorado River Storage Project as originally planned by the Bureau of Reclamation looked too far to the future insofar as use in Colorado is concerned, but Denver feels that with the immediate pressing necessity for serving more than one-third of Colorado's population provided for in section 11 of S-500, this objection is fully met.