

CU study on state water issues under fire

By Steve Lipsher

Denver Post Capitol Bureau

A herd of "water buffalo" yesterday attacked a University of Colorado-based report to President Clinton that they say recommends heavy federal influence on western water policy and could be misconstrued as state-sanctioned philosophy.

The report by the Long's Peak Working Group outlines 47 recommendations to the new administration that critics believe could, in many respects, strip states of their power to control water within their borders.

"It's obvious to me this was an attempt to influence this administration in a partisan fashion to overturn existing state and federal law," said Greg Hobbs, a Denver water lawyer.

Gene Nichol, dean of the University of Colorado Law School, defended the study as a nonpartisan, academic effort meant solely to put issues on the table.

The study, funded by the Ford Foundation and published by the school's Natural Resources Law Center, calls for greater federal influence in water issues, including establishing a national water poli-

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cy, and recommends such actions as returning many water rights to Native Americans.

"A major movement toward water policy reform already is afoot at the local, state, tribal, regional and federal levels," the report says.

"Too often, other concerns — including sound fiscal policy and the needs of Indian tribes, other ethnic communities and ecosystems — were ignored."

But lawmakers at a joint meeting of the Senate and House Agriculture and Natural Resources committees lambasted the report as a partisan effort to overturn 130 years of state water law.

Critics noted the conference included representatives from environmental groups such as the National Audubon Society and the Environmental Defense Fund, but none of the thirsty Colorado development interests characterized as "water buffalo."

"Not one of those persons was invited to participate in this forum," Hobbs said. "Not one was given a voice."

Also, committee members expressed concern that because the study emanated from a two-day meeting last December at the University of Colorado — a state institution — it would appear to represent the state's position.

"It looks to have a stamp of approval. And I think that credibility is the problem," said Rep. Bill Jerke, R-LaSalle, chairman of the House Agriculture Committee. "I don't want in any way for us to impede scholarly research," he said.

"But this appears to me to be very one-sided . . . I just ask for sensitivity about advancing what is clearly a political piece that may be construed as what the state of Colorado's policy is."

The report was intended merely

to put issues on the table for consideration, said Larry MacDonnell of the Natural Resources Law Center. "Undoubtedly this is a document intended to make recommendations regarding policy," MacDonnell said. "If that's political, then so be it."

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