

FOR CRWCU BOARD MEMBERS

YOU MAY SOON SEE CONCERNS FROM OTHER WESTERN STATES REGARDING COLORADO'S SUPPORT FOR FEDERAL POSITIONS IN CO. SUPREME COURT. *Em*

Monday, January 31, 2000

Denver Rocky Mountain News

7A

# Colorado & The West

Richard S. Chapman, State Editor — (303) 892-2783 • e-mail — metro@RockyMountainNews.com

## Owens backs water for agriculture

Southeastern district protests Aurora's purchase of ditch water from farmers

By Deborah Frazier  
News Staff Writer

The state's growth should not come at the expense of agriculture, Gov. Bill Owens warned suppliers and developers. "Agricultural communities are literally held together by their water," said Owens, the luncheon speaker at the annual gathering of the Colorado Water

Congress on Thursday.

"Growth will continue, but I don't believe in losing our agricultural industry to growth," said Owens, adding that irrigated agriculture produces \$1 billion in grain, fruit, vegetables and livestock each year.

Steve Arveschoug, manager of the Southeastern Colorado Water Conservatory District, couldn't have agreed more.

The district, representing farmers and towns in nine counties, is negotiating a \$1.1-billion purchase of Aurora Ford ditch water from 60 farmers. It's the second such sale in 1986, Aurora bought half of the water

from the 13-mile ditch.

"It's willing sellers, but because of the sales to Aurora and Colorado Springs in the last decade and a half, we've lost 60,000 acres of irrigated land," said Arveschoug, a former state legislator.

Farming communities such as Rocky Ford and La Junta have lost jobs and taxes that once came from growing cantaloupes, wheat and onions, Arveschoug said.

As part of the first water deal, Aurora agreed to pay \$13,000 a year to make up for the lost taxes. But Arveschoug and others would like to see the commu-

nities' losses addressed further through water storage projects to help rebuild the area.

"If cities are going to grow, we have to cooperate on how to provide mitigation so that growth doesn't come at the expense of agriculture," he said.

Buyers of western Colorado water, such as Denver and Fort Collins, usually build storage projects as part of the deal, he said.

Owens has met with community leaders and growers from southeastern Colorado about the diversions, said press secretary Dick Wadhams, but the governor wants local residents

to agree on how to mitigate the losses.

"We hope to have a working relationship between the local community and Aurora and the Front Range to see what things can be done to have those rural economies participate in the boom, too," said Doug Kemper of Aurora's water office.

It's not just the water, Arveschoug said.

The district pays 60 percent of the costs for the Pueblo Reservoir, which holds water. Aurora will use the same reservoir to store the diverted water, but the city won't pay part of the costs for the facility.

**NOTE:** Colorado water officials are drying up irrigation farms with behind-the-scenes decisions to oppose development of the state's invaluable high altitude, off-river, reservoir potential. This self-imposed "Water Shortage Strategy" is artificially inflating consumer costs, decreasing state-wide drought protection, and forcing farmers to sell their waters at high prices to Front Range cities. Meanwhile, Colorado is currently supporting new federal policies in Colorado Supreme Court (Union Park High Reservoir Case) that will destroy the state's high storage potential. This will permanently flush Colorado's unused share of the Colorado River (about one million acre feet) to California, Arizona, and Nevada growth areas. Colorado must quickly unite behind an integrated statewide storage program to save Colorado's federally threatened waters for current and future generations.

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January 31, 2000

FRONT RIVER WATER  
CONSERVATION DISTRICT

Will: **Mr. Brown, Chairman**  
Color: **Water Conservation Board (CWCB)**  
1500 **Arman Street, #721**  
Den: **Colorado 80203**

Subject: **Reversal of Colorado's Support for Federal Water Claims in Colorado Supreme Court**

Dear **Chairman Brown:**

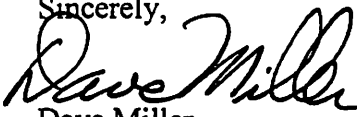
Your January 26, 2000 public hearing (about 30 minutes) on the pending Union Park Reservoir Case in Colorado Supreme Court was an important first step in the right direction. However, to fulfill CWCB legislative responsibilities, your Board must immediately seek reversal of the revisionist Colorado and federal positions in this landmark western water case. Time is critical, because oral arguments may start in 30 days.

Although this unfortunate 14-year legal battle seems complex, the salient state rights vs. federal control issue can be summarized as follows:

- Union Park proponents are trying to exercise their Constitutional right under state and western water laws to store unappropriated state flood waters in the high altitude, off-river, Union Park site. This unprecedented project would then provide invaluable drought and growth protection for multiple river basins on both sides of the Divide. **High reservoirs can greatly enhance the utility and availability of finite Western water supplies during the 21<sup>st</sup> century.**
- Since the early 1990s, a few Colorado and federal officials have quietly created federal policy guidelines that would prohibit trans-basin storage above federal reservoirs in Colorado's Upper Colorado Basin. Their rationale is based on the bogus theory that federal reservoirs within Colorado's interior are not subject to the same rules as federal reservoirs located near state lines. *ref. Rule 620F*
- Both sides agree that since the early 1960s, the Bureau of Reclamation has tried to sell more than 200,000 acre feet from its low altitude Gunnison reservoir for use anywhere in Colorado.

A simple CWCB inquiry would quickly reveal that Colorado's previous Upper Colorado River Commissioner and Director of Natural Resources is largely responsible for these destructive federal actions. *via Jim Lockhead*  
He has also held Engineer positions in Colorado Supreme Court. He was also the State Engineer's boss and chief enforcer for federal positions in Gunnison Water Court. Since his 1987 Upper Colorado River Commissioner appointment, he has successfully blocked all integrated water planning initiatives that would allow for the statewide use of Colorado's largest unallocated water source. This violates national laws that require Environmental Assessments of **all viable alternatives.**

In the name of current and future generations, I respectfully request timely CWCB actions to reverse the State Engineer's devastating support for federal positions in Colorado Supreme Court. Thank you.

Sincerely,  
  
Dave Miller  
Independent Water Planner

cc: Colorado River Commission, Western Governors' Association, and Colorado Legislators