



Sept. 30, 2002

Dear

As a conscientious and active member the Gunnison Valley Community, you are certainly aware of the magnitude and importance of current policies and decisions affecting the Valley's water. Some of the realities which influence those policies and decisions include:

- \* Drought.
- \* The need to honor senior down-stream water rights, especially during times of drought.
- \* Continued attempts by Front Range communities to appropriate Gunnison Valley water.
- \* Consideration by the Upper Gunnison River Water Conservancy District of the possibility of building more dams in our valley at huge expense to tax-payers.
- \* Large, new, down-stream demands by the Federal Government for Gunnison River water during the spring run-off as a way of restoring the Black Canyon of the Gunnison to natural conditions of flood and scour that existed before the Aspinnall Unit was built, and to protect endangered species of fish which depend on those same spring-time flood and scour conditions.
- \* The need for Colorado to meet its own needs for Colorado River water while also fulfilling its obligations to down-stream states, as specified by the Colorado River Compact and the Upper Colorado River Compact.

POWER's current directors, Butch Clark, John Cope, Pete Klingsmith and Marty Hatcher firmly believe that those who make decisions about these crucial issues--to include members of local and state water districts, the Colorado Legislature and Governor's Office--**must** be compelled to consider broad-based citizen input. Otherwise, water boards, legislature and Governor may overlook rather than fulfill the will of the people of the Gunnison Valley as well, perhaps, as Colorado's legal obligations.

Currently there is a serious problems with POWER's ability to act on these beliefs, to wit: There are not enough strongly committed people among POWER's leadership to collect and coordinate local or state-wide opinion in effective efforts to influence water boards, Legislature or Governor.

For the last few years, POWER has, in effect, been managed piecemeal by one person--the current director or by Butch Clark. The result is that the organization has suffered

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from insufficient man power, commitment and expertise in such critical areas as: interpreting and preparing legal documents, communicating with membership, keeping records, communicating with the public, state and federal agencies and in politicking effectively. It is because of this problem that POWER has been dormant for the past year.

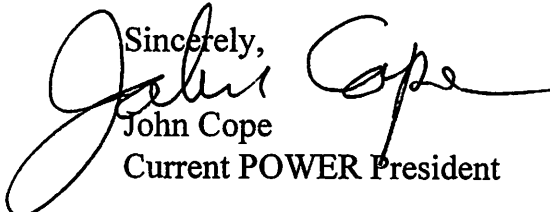
Both because of the magnitude and importance of the current water issues facing our valley, and because of POWER's current lack of manpower, Butch, Marty, Pete and I have decided to reorganize POWER in an effort to recruit a larger, more expert, and younger membership.

That is why we are inviting you to an organizational meeting of a new POWER. The meeting will be held on Oct. 8, 2002 in the upstairs room of the Cafe Silvestre, 903 N. Main, Gunnison at 6:00 p.m. A light meal will be served if the meeting lasts long enough to interfere with people's need to eat.

Topics to be covered at the meeting are to include but not be limited to:

- \* Where POWER has been
- \* Where POWER is now
- \* The nature and make-up of the leadership of a new organization
- \* Where the new organization should go in the future as it helps to protect this community's water.
- \* The name of the new organization

If a new organization emerges from the meeting, Butch, Marty Pete and I will cheer and offer our help. If a new organization does not emerge, POWER will remain dormant and will eventually cease to exist.

Sincerely,  
  
John Cope  
Current POWER President

new rules re reporting by non-profit



FILE 2

P O W E R

Dear POWER Member:

As you may recall, POWER was organized in 1989 to help meet the threat of an Aurora water organization, calling itself NECO, attempting to appropriate and divert water out of the Taylor and East River valleys. The battle over this effort commenced in 1982 and continued until about the year 2000 after the Colorado Supreme Court laid the matter to rest by ruling that only a small amount of water sought was available for diversion. Through the years NECO had conveyed its interest to Aurora, and the interest in the water right finally vested in the town of Parker and other Eastern Slope communities. In addition, the Federal Energy Regulatory Commission filed a plan to develop water and power supplies in the Taylor River valley, which has not been withdrawn.

Now the predicted drought has arrived and what at first was a scheme to make a few investors rich has become a crusade to allow those who want to turn the Denver area into another Los Angeles by continuing its growth up and down the front range. Most of us on the West Slope would think if they want this type of community, go for it. But it probably won't be possible for them to do this without the use of more Western Slope water

Our present opponents, unlike NECO and Aurora are numerous, and well financed, and we must regroup to meet the threat they present.

We do not propose to do this alone. POWER will have to encourage and persuade other people and organizations, here and elsewhere, to not deal with those to divert, even though they may



promise water right owners rich rewards or other inducements. It may surprise you to learn that not all the people or organizations calling the Gunnison Valley home agree with POWER's rallying cry, "Not one drop of water over the hill!" There are many who need to be urged to oppose the diverters, or at least not to consent to <sup>THEIR EFFORTS</sup> ~~such~~.

Consequently a meeting of people who feel as we do has been called to revitalize POWER, and <sup>to</sup> lay plans to oppose any and all <sup>attempts</sup> ~~to trans-~~ ~~mountain~~ divert water from this watershed. This will include, among other things, court opposition, political efforts, education as to <sup>why</sup> such action should be opposed, <sup>analysis</sup> of costs, explanation of the difficulties, <sup>and the</sup> physical and financial devastation such would cause the Gunnison Valley, and indeed the whole state.

We have set the POWER meeting for Oct. \_\_\_\_\_, 2002 at \_\_\_\_\_ o'clock P. M. to be held in the upstairs dining room of the Cafe Sylvester, 903 N. Main Street, Gunnison. A light meal will be served if the meeting intrudes unduly into the dinner hour.

If you have any comments or questions you would like to raise, call any one of <sup>the</sup> persons named below to discuss <sup>SS</sup> them.

\_\_\_\_\_  
Martin Hatcher 641 0654

\_\_\_\_\_  
John Cope 641 1112

\_\_\_\_\_  
Butch Clark 641 2907

\_\_\_\_\_  
Pete Klingsmith 641/1234

POWER Meeting  
2-6-03

Pursuant to the decision of 1-30-03 to hold a forum in April addressing Gunnison Valley citizens' questions about the effects of drought on domestic wells, the meeting of 2-6-03 was an effort to determine which topics and which presenters should be chosen for the first forum.

Accordingly, it was decided that the first forum will be held during the first week in April and that representatives from:

Ranching (Ken Spann)  
Environmental Sociology at W.S.C (Daniel Tress).  
The City (Ken Coleman and Eddie Balch)  
The State Water Engineer (Wayne Shield or Frank Kugel)  
The Upper Gunnison (Kathleen Curry)

should be contacted to see if they are available to make presentations.

At our next meeting (Feb.18, 7 p.m. in the Counsel Meeting Room, upstairs in the Blackstock Building) we will decide what questions should be asked and answered at the forum. We agreed that information conveyed during the forum should not be generic but sharply focused upon the kinds of questions which Gunnison Valley citizens have about the effects of drought on domestic wells and on coping with drought in the domestic sphere.

Subsequent forums may address other issues, as the Steering Committee develops a sense for what topics Gunnison Valley citizens seem interested in.

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Important ideas and information which surfaced during the group's effort to shape and plan the first forum but before or after presenters were picked included:

- \* We need to collect useful information which emerges from a conference in Delta dedicated to the same issues, also planned for early April.
- \* We need to digest information available from the report of the Gunnison Basin and Grand Valley Water Forum, using what is relevant at our forum(s)
- \* It would be good to include as a presenter who is an expert on weather prediction and weather patterns, perhaps someone from NOAA.
- \* Bart Miller was delighted with the \$1000.00 donated to LAW by POWER and will be in Gunnison to Address POWER on Feb. 17. Time and place yet to be determined. Will try for Aspinall Wilson at 7 p.m. Publicity to be arranged by members of the Steering Committee. *The Times* will co-sponsor Miller's talk with POWER.

Rip

10/10/02

P. and C. Klingsmith  
M. and M. Hatcher  
John Cope  
George Sibley  
Scottie Willie  
D. and C. Johnson  
Frank Ventura  
John Minear  
Jim Gelwicks  
Steve Schecter  
Frank Coleman  
Butch Clark  
Ramon Reed  
Steve Glazer  
Duane Vandenbusche  
Jamie Trammel

People who attended our  
1st reorganization meeting  
last Friday

new file: POWER  
mtn: Organization

Schedule  
Met Fri 18th at 10:00 in Oct.  
Discuss POWERS position -

Big meeting Wed Jan 8, 2003

See my thoughts as to what POWER  
should be.

Can you will you appear next  
Wed. at The Fire Brand

I think POWERS position should be  
or that we urge the Water Board to  
take the following positions:

1. Approve the water right claimed by  
The Black Canyon, provided however,  
it does not impair or impinge  
upon any upstream water users  
rights. That the ~~Board~~ <sup>Bureau</sup> will not place  
a call on upstream rights (I don't  
think it would anyway if I understand  
its needs and the usual flow of the river,
2. We should oppose the claim there  
is 240,000 ac ft pool in Blue  
Nessa. There is no proof of this  
IF the prior claims of the Lower  
Basin States are considered. If we  
take over the hill water which is  
owned by the Lower Basin, all of Colo  
would be harshly impacted. So  
Colo first needs to insure itself, by  
reliable measurement, what water is  
available.
3. Our main purpose is to show and  
convince Front Range users there  
is not enough unclaimed water in this



basin to permit any appreciable  
trans-mountain diversion.

PETE



To Marty 10/12/02

I think POWERS position should be -  
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take the following positions:

1. Approve the water right claimed by  
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## Article I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters and the protection of life and property from floods. To these ends the Colorado River Basin is divided into two Basins, and an apportionment of the use of part of the water of the Colorado River System is made to each of them with the provision that further equitable apportionments may be made.

## Article II

As used in this Compact: -

(a) The term "Colorado River System" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River System and all other territory within the United States of America to which the waters of the Colorado River System shall be beneficially applied.

(c) The term "States of the Upper Division" means the States of Colorado, New Mexico, Utah and Wyoming.

(d) The term "States of the Lower Division" means the States of Arizona, California and Nevada.

(e) The "Lee Ferry" means a point in the main stream of the Colorado River one mile below the mouth of the Paria River.

(f) The term "Upper Basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah and Wyoming within and from which waters naturally drain into the Colorado River System above Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System above Lee Ferry.

(g) The term "Lower Basin" means those parts of the States of Arizona, California, Nevada, New Mexico and Utah within and from which waters naturally drain into the Colorado River System below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System below Lee Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial and other like purposes, but shall exclude the generation of electrical power.

## Article III

(a) There is hereby apportioned from the Colorado River System in perpetuity to the Upper Basin and to the Lower Basin respectively the exclusive beneficial consumptive use of 7,500,000 acre feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.



(b) In addition to the apportionment in paragraph (a) the Lower Basin is hereby given the right to increase its beneficial consumptive use of such waters by one million acre per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River System, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then, the burden of such deficiency shall be equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The states of the Upper Division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of October next succeeding the ratification of this compact.

(e) The States of the Upper Division shall not withhold water, and the States of the Lower Division shall not require the delivery of water, which cannot reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River System unapportioned by paragraphs (a), (b) and (c) may be made in the manner provided in paragraph (g) at any time after October first, 1963, if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their Governors, may give joint notice of such desire to the Governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the Governor of the signatory states and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the Upper Basin and Lower Basin the beneficial use of the unapportioned water of the Colorado River System as mentioned in paragraph (f), subject to the Legislative ratification of the signatory States and the Congress of the United States of America.

#### Article IV

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its Basin, the use of its waters for purpose of navigation shall be subservient to the uses of such waters for domestic, agricultural and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, water of the Colorado River System may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.



MORATORIUM ON WATER TAPS?

# Exploiting water to target growth

**T**his year's drought has inspired some foes of Colorado's growth to think up a new scheme to shut it down: Have the Denver Water Board stop issuing new water taps to developers.

This suggestion was made most recently at a privately sponsored "drought forum" in Jefferson County a week ago, but has no doubt occurred to many people.

It's an interesting idea, but it wouldn't be legal and in fact isn't necessary, either.

First of all, growth is a policy issue that should be handled by political bodies responsive to the voters. The water board is not such a body. It is an executive panel appointed by the mayor of Denver whose job is simply to provide water to its customers.

Some members may have strong views on growth, but they are not authorized to use the board as a vehicle for implementing them.

The board is obligated by the city charter to supply water not only to all residents of Denver itself but, under contract, to numerous suburbs as well. The contracts typically require the board to give municipal customers up to six

years' notice if it plans to cut off new taps.

The good news is that this has never happened and probably never will. As Chips Barry, head of the

Growth is a policy issue that should be handled by political bodies responsive to the voters.

**Republican incumbent**  
Strickland meet outside

**W**e're anxious the profile of late candidate Strickland in

*Sunday Denver Post*.  
*Post* apply the hatchet to land the same way it a Sen. Wayne Allard on Sep

The Allard profile was the most biased locally stories in recent memory perfect example of how a paper can profess to tell both of an issue. The *Post* quote as many Allard supporters ics, but, in the end, read left with a distinct point — that Allard is a zealot, tious and a rube and does the tickets to be a U.S. sen

Starting with the he "Colorado's stealth keeps 'em guessing," the paints Allard as an unknown as using his farm-boy char keep his "ultra-right-wing da" secret from his constit If those charges are true the *Post* must back it up didn't.

But there's a larger issue *Post* finds fault with Allard' servative views. That's not a ment the *Post* should be m in the news pages of the pap doesn't take long for the re er, Susan Greene, to set the da. She doesn't quote an These are her words: "Few ize how conservatively



The good news is that this has never happened and probably never will. As Chips Barry, head of the water department, puts it: "Solving this year's drought and long-term water supply issues are very different."

Unless this year is the start of a cataclysmic change in climate, the Denver water department isn't short of water. Most years there has been plenty, and there will be plenty again for customers both inside and outside the city. (Whether communities not served by Denver are pursuing reckless growth policies is a separate question. A few probably are, while others have solid supplies.)

It's not that we're against limiting water demand. We've supported the board's recent restrictions on use — and especially those that seek to limit demand through price. We were glad to see the board take a belated initiative in this regard recently, charging higher rates for higher tiers of water use — a sort of reverse volume discount.

If this tactic is used effectively it can, in most non-drought years, eliminate the need for circle-diamond-square days, restrictions on outside watering hours, and other regulations that require "water cops" to cruise the neighborhoods looking for violators. So long as you're willing to pay the price, you should be able to water when it's convenient to you rather than when the board says you can.

The board will be able to tweak its pricing policies more effectively once it goes to monthly instead of bi-monthly billing.

Just because the water board can't, and shouldn't, prohibit new water hookups doesn't mean it can't adjust their cost in drought years. Wednesday it voted to impose a surcharge of 20 percent on the current fees (\$1,070 plus 26 cents per square foot for single family homes inside Denver; \$1,500 plus 37 cents outside). The surcharge has a built-in sunset which, interestingly, isn't a specific date but whenever the reservoirs return to 80 percent full from the current 52 percent.

That makes sense to us. There is an intrinsic difference between pricing water taps and eliminating them altogether.

Those who want to restrict growth should continue to concentrate their efforts on the legislature, or on local governments, and leave the water board alone.

These are her words: "Few  
ize how conservatively  
votes... Despite all his  
meetings, critics say his p  
reflect an ultra-right-wing i  
gy that's out of step with n  
ate Colorado values." And  
the paragraph ends with  
journalistic stunner of a  
tence: "Just because he sh  
doesn't mean he's liste

## Coverage of resort ad campaign great

Kudos to Rachel Brand, *Mountain News* advertising marketing reporter, for her series on the ad campaign for Breckenridge Ski Resorts. Her ads called 'retro,' 'cre' Sept. 6, and "Resort dumps chy ski ads," Sept. 7).

Brand's coverage of this campaign didn't blindly toe the line of the resort and the advertising agency that these ads are "edgy," but instead she spoke up for what they were: a questionable campaign that was offensive to many. From one perspective, these ads perpetuate the attitude and language of dominance that is prevalent in both sexual assault and domestic violence. Brand's coverage brought this perspective to the attention of Roy Carthy of Breckenridge, who resulted in a satisfactory resolution.

Again, kudos to Brand for speaking at this with an independent critical eye. That's what journalism is.

Jill Mc  
Executive d  
Colorado Coalition  
Sexual  
Trish T  
Executive d