

ARAPAHOE COUNTY COLORADO

5334 S. Prince Street • Littleton, Colorado 80166-0001
BOARD OF COUNTY COMMISSIONERS

John J. Nicholl
District No. 1

Thomas R. Eggert
District No. 2

Jeannie Jolly
District No. 3

May 16, 1991

(303) 795-4630
FAX 794-4657

William S. Trampe, President
Upper Gunnison River Water Conservancy District
Gunnison, Colorado 81230

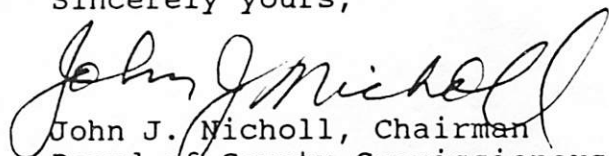
re: Union Park Project

Dear Mr. Trampe:

I regret that the District feels that it is unable to join with Arapahoe County in a constructive dialogue to explore the ways of achieving our mutual interest: keeping Colorado water in the state for use by Coloradans. The District's opposition to the County's efforts to put the excess, unused waters of the Gunnison Basin to a legitimate intra-state use--waters now enjoyed by the downstream states--hampers our mutual concern of keeping Colorado water in Colorado, to the delight of Arizona and California. Your constituents can't be any happier about this than mine are. I have always felt that the state-wide benefits of Union Park far exceed the impact the District believes the diversion will cause, and look forward to the day when the District joins the effort to achieve these goals which are so vital to our state's future.

The Union Park Project will be built, and will include a transmountain diversion of a portion of the now unused flows. This is the principal reason for the County's decision to fund the project. As always, my door remains open for discussions with the District about how we can work together in a manner consistent with the County's goals. It is up to us, the leaders of the state's local governments, to work together to protect the state's water resources from permanent loss to other states. A negotiated resolution, acceptable to both parties, will often be more favorable to all concerned than a judicial resolution. I sincerely hope that the District, under your leadership, can join in the effort to save this resource.

Sincerely yours,


John J. Nicholl, Chairman
Board of County Commissioners

NATURAL ENERGY RESOURCES COMPANY

P. O. Box 567 • Palmer Lake, Colorado 80133 • (719) 481-2003 • FAX (719) 481-4013

June 3, 1991

Honorable Roy Romer
Governor, State of Colorado
State Capitol Building
Denver, CO 80203

RE: Colorado's Most Productive Water Saving Device

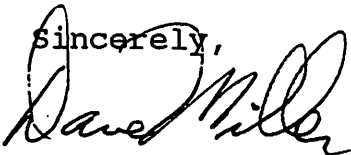
Dear Governor Romer:

Mayor Pena has advised that the Denver Water Department has decided to study the logical alternatives to Two Forks. This new openness is good news for Colorado.

Denver's recent commitment to Front Range water conservation is also encouraging. Low-flow showers and toilets will help. However, Colorado's most productive water saving device will be a major conservation reservoir in the untapped Gunnison Basin. The overlooked Gunnison is wasting about four times current Metro Denver consumption to the down-river states. Denver's water conservation potential is minor compared to the fixable Gunnison leak in Colorado's legal share of the Colorado River.

Your consistent plea for cooperative planning and use of Colorado's wasted compact waters is beginning to pay off for the state's environmental and economic future.

Sincerely,



Dave Miller
President

/tjm

Enclosures: Mayor Pena letter dated May 15, 1991
Rocky Mountain News and Colorado Springs Gazette
letters to editor

cc: Mayor Pena and Denver Water Board Members
Metro Denver Water Provider Board Members
City of Colorado Springs

Federico Peña
MAYOR



City and County of Denver
CITY AND COUNTY BUILDING · DENVER, COLORADO · 80202

AREA CODE 303 640-2721
640-2720 (V/TDD)

May 15, 1991

Mr. Abner W. Watts
Mr. Dale Raitt
11577 W. Arizona Avenue
Lakewood, Colorado 80226

Dear Mr. Watts and Mr. Raitt,

Thank you for your letter concerning the appropriate next steps in light of the veto of Two Forks by the Environmental Protection Agency. I appreciate your taking the time to make me aware of your recommendation against legal action.

As you know, those arguing in favor of a lawsuit have two reasons which they cite for doing so. First, a lawsuit is the only way left to attempt to go forward with the Two Forks project, specifically. Second, a lawsuit is one way to attempt to protect the water rights on the South Platte River for any type of development in the future.

Two Forks aside, your letter rightly points out that there are alternative water projects which the metropolitan area ought to consider carefully. The Denver Water Department is currently studying these options. In the meantime, it is continuing to promote water conservation throughout the Front Range.

The final decision as to whether to engage in a lawsuit over the Two Forks decision belongs to the Denver Water Department. As it prepares to make that decision, I have encouraged the Department's board to keep in mind the kind of argument which your letter presents.

Again, thank you for taking the time to write.

Sincerely,

A handwritten signature in cursive script that reads "Federico Peña".

Federico Peña
M A Y O R

Rocky Mountain News

May 9, 1991 **DENVER, COLORADO** 133rd year, No. 17

Colorado has chance to slake its thirst while helping environment

Colorado's water future is in serious jeopardy. Federal officials are trying to solve California's long-term water shortage with Colorado's unused Colorado River Compact waters. Meanwhile, Colorado's natural resource experts are preoccupied with a confused water development gridlock caused by the Two Forks Dam veto.

Colorado desperately needs a large reservoir to conserve its surplus Gunnison Basin flood flows for drought protection and growth, instead of for California hot tubs. The untapped Gunnison currently loses an annual average of 1 million acre-feet to the thirsty Lower Basin states. This is four times the current Denver area consumption. This serious loss is steadily growing because of improved irrigation technology and the retirement of salty land caused by overirrigation. In contrast, Colorado's drier Upper Colorado Basin has been severely depleted with 18 major diversions to the Front Range.

It is fortunate that far-sighted Arapahoe County has been working for several years on a large Gunnison storage project that would stop the threats to Colorado's water future. This \$468 million Union Park Water Conservation Project is a lower-cost, environment-enhancing alternative to Two Forks.

During wet cycles, surplus Gunnison Basin flood waters would be pumped into Union Park's off-river storage for gravity release to both slopes during critical multi-year droughts. In addition to this urgently needed drought insurance, Union Park can satisfy the Denver area's 50-year growth needs for about half the safe-yield cost of Two Forks.

Colorado water interests can also stop further overdepletion of the Upper Colorado Basin by dropping their less-efficient Two Forks, Homestake II, Muddy Creek, Green Mountain, Williams Fork, Eagle Piney, Straight Creek and East Gore proposals.

Instead of more environmental damage to a single basin, Union Park will enhance the river environments of both slopes.

The current Union Park water right delays will soon be resolved — either by negotiations or Colorado Supreme Court rulings. Although Union Park can guarantee more water in Gunnison rivers, when needed, than ever before, there are still divisive no-growth activists who would rather see the public's water flow to California. However, because of Union Park's unprecedented West Slope benefits, there is excellent potential for negotiated water rights instead of costly court rulings.

Today's water decisions can be the most important in Colorado history. Good faith cooperation is essential.

Dale B. Raitt
Abner W. Watts

*Retired executive engineers
for Bureau of Reclamation
Lakewood*

COLORADO SPRINGS

GAZETTE TELEGRAPH

ESTABLISHED IN 1872


**FREEDOM
NEWSPAPERS**

New options needed for water

A few metro Denver water district managers are trying to cajole their citizen water boards into suing the Environmental Protection Agency over the Two Forks veto.

These lifetime Two Forks backers are building their case on the myth that South Platte storage is the only long-term solution for metro Denver growth. EPA knows better. In fact, insiders know that the environmental studies were purposely manipulated by lawyers to only seriously consider the options that could be built with Denver's old water rights. This failure to consider "all reasonable alternatives" was a serious violation of national environmental laws.

The critical water rights for Two Forks (and its numerous follow-on projects) were secretly bought long ago by surrogates from unsuspecting ranchers in the overdepleted South Platte and Upper Colorado Basins. Denver should open its water right records for public review.

Metro Denver's more logical water options, such as the untapped Gunnison Basin and city-farm recycling, were systematically excluded from the studies in the political push for Two Forks. This flawed evaluation process will continue to worsen Colorado's divisive water development gridlock, until Two Forks is officially put to rest.

The overlooked Gunnison Basin is currently losing more than a million acre-feet of Colorado's legal share of the Colorado River to California growth areas. This serious waste of state resources is about four times current Metro Denver consumption.

It is fortunate for metro Denver and Colorado that far-sighted Arapahoe County will soon have water rights for a large Gunnison water conservation project that is far superior to Two Forks. Under Arapahoe's multipurpose storage concept, surplus Gunnison waters will be pumped during wet cycles into the off-river Union Park site on the Continental Divide.

This saved water will be released to both slopes only when needed during severe droughts. Union Park's unprecedented drought protection benefits will be invaluable for Colorado's environment and economy. The safe yield cost to satisfy metro Denver's 50-year growth needs will be about half that of Two Forks.

Instead of continuing to waste citizen money on the obsolete Two Forks dream, metro Denver water leaders should unite behind Colorado alternatives that make balanced environmental and economic sense.

— Dave Miller
Palmer Lake

May 24, 1991

TWO FORKS -- THE NEXT CRUCIAL DECISION

A few Metro Denver water district managers are trying to save face by cajoling their citizen water boards into suing EPA over the Two Forks veto.

These lifetime Two Forks backers are building their case on the myth that South Platte storage is the only long-term solution for Metro Denver growth needs. EPA knows better. In fact, insiders know that the environmental studies were purposely manipulated by lawyers to only seriously consider the options that could be built with Denver's old water rights. This effective restriction of scope was a serious violation of national environmental laws.

The critical water rights for Two Forks (and its numerous follow on projects) were secretly bought by surrogates long ago from unsuspecting ranchers in the over depleted South Platte and Upper Colorado Basins. Denver should open its water right records for public review.

Metro Denver's more logical water options, such as the untapped Gunnison Basin and city-farm recycling, were systematically excluded from the studies in the political push for Two Forks. This flawed evaluation process will continue to plague Colorado's divisive water development gridlock, until Two Forks is officially put to rest.

The overlooked Gunnison Basin is currently losing more than a million acre-feet of Colorado's legal share of the Colorado River to California growth areas. This serious waste of state resources is about four times current Metro Denver consumption.

It is fortunate for Metro Denver and Colorado that Arapahoe County will soon have water rights for a large Gunnison water conservation project that is far superior to Two Forks. Under Arapahoe's multipurpose storage concept, surplus Gunnison waters will be pumped during wet cycles into the off-river Union Park site on the Continental Divide. This saved water will be released to both slopes, only when needed during severe droughts. Union Park's unprecedented drought protection benefits will be invaluable for Colorado's environment and economy. The safe yield cost to satisfy Metro Denver's 50 year growth needs will be about half that of Two Forks.

Instead of continuing to waste citizen money on the obsolete Two Forks dream, Metro Denver water leaders should unite behind Colorado alternatives that make balanced economic sense in this new age of environmental enlightenment.



Dave Miller
Palmer Lake, Colorado

719 481 2003

NATURAL ENERGY RESOURCES COMPANY

P. O. Box 567 • Palmer Lake, Colorado 80133 • (719) 481-2003 • FAX (719) 481-4013

Honorable Roy Romer
Governor, State of Colorado
State Capitol Building
Denver, Colorado 80203

May 17, 1991

Re: Rocky Mountain Biological Lab -- Arapahoe Water Agreement

Dear Governor Romer:

In your April 11, 1991 letter you cited Rocky Mountain Biological Laboratory concerns as a reason for reserving your position on Colorado's Union Park Water Conservation Project.

You will be pleased to know that the Lab and Arapahoe County have reached a stipulated agreement. Under this out-of-court settlement, two of Union Park's diversion points will be moved to a lower location to avoid impacting the Laboratory's scientific work. Hopefully, stipulated agreements will also soon be reached with the Colorado Water Conservation Board, Colorado Division of Wildlife, and the Colorado Land Use Commission.


It is interesting to note that the Lab is now receiving unreasonable "heat" from local "not one drop over the hill" activists who are unalterably opposed to any form of cooperation with Front Range water providers (see enclosed editorial). Our enclosed answer is another attempt to provide understanding for those who still refuse to recognize Union Park's local and statewide benefits.

It is difficult to understand why our state water management agencies can evaluate and approve key ground water alternatives. But under Colorado's highly legalistic system, these same agencies are not free to study the relative merits of Colorado's renewable surface water options. Colorado is the only Western state that keeps its water resource data, insights, and policies under wraps, while local conflicting interests unnecessarily consume public resources in endless legal battles. Meanwhile, California grows on Colorado's water surplus.

We sincerely believe that this restrictive water management dichotomy at the state level is the root cause of Colorado's divisive provincialism and resultant water development gridlock.

To protect the public interest and Colorado's position in the competitive arid West, we again urge initiation of a Governor's Strategic Water Committee to consider the state's most crucial water management issues.

Sincerely,


Allen D. (Dave) Miller
President

/mjb

enclosures

cc: Colorado legislators, water management agencies, providers.

NATURAL ENERGY RESOURCES COMPANY

P. O. Box 567 • Palmer Lake, Colorado 80133 • (719) 481-2003 • FAX (719) 481-4013

Honorable Roy Romer
Governor, State of Colorado
State Capitol Building
Denver, Colorado 80203

May 6, 1991

RE: Initiative For Governor's Strategic Water Committee

Dear Governor Romer:

Thank you for your farsighted April 11th comments on the Union Park Water Conservation Project.

I wholeheartedly agree with your belief that Colorado must work hard to find cooperative water solutions to prevent "great environmental damage and institutional chaos".

Unfortunately, Colorado is the only Western state that still relies heavily on cumbersome court procedures to manage its renewable surface waters. This system encourages divisive confusion instead of enlightened cooperation. It is especially ineffective for the larger interbasin and interstate decisions in this age of environmental enlightenment. Seventy percent of the nation's water lawyers are required for the state's counterproductive water wars. These conflicts only benefit the less divisive down-river states. Out-of-state interests are also exploiting Colorado's divisive court battles with their own lawyers who oppose storage of Colorado's water for Colorado.

Because of Colorado's extreme provincialism, water cooperation is highly unlikely, unless there is a strong new initiative from the executive branch. The reality is that legislators, water districts, and state water board members represent geographic areas with historically conflicting interests. These officials are influenced by (and often exploit) local unfounded emotionalism to block water developments that would conserve and beneficially use Colorado's threatened compact entitlements.

A good current example of unreasonable local resistance to cooperative water sharing comes from the overlooked Gunnison Basin. This untapped area generates more water per square mile than any other basin. Its consumptive needs are less than half the flow. The annual loss of Colorado River Compact entitlements to California is about four times current Metro Denver consumption. This serious waste of state resources is worsening, because of irrigation improvements and the Gunnison's long-term shift from agriculture to tourism. In spite of these facts, a small group of no-growth activists have used unfounded scare tactics to force local leaders into dropping their Union Park Participation Agreement.

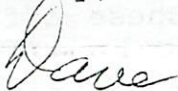
The innovative Union Park Water Conservation Project is uniquely designed to store surplus Gunnison waters during wet cycles for gravity release to both slopes during severe droughts -- when river environments are threatened. The safe-yield cost for Metro Denver water users would be about half that of Two Forks. Incredibly, under Colorado water law, state officials are not free to evaluate and compare Union Park's unprecedented benefits, with other water conservation alternatives. Some state officials are actively trying to undermine Union Park in water court. These officials have no state-wide insight into Union Park's extraordinary capability to solve Colorado's most pressing water issues.

Because of the long lead time for water projects and the competition for water in the arid West, Colorado does not have the luxury of time to modernize its water management by natural evolution. Colorado has an urgent current need to make some strategic water development decisions. The stakes are too high for Colorado officials to remain uninformed and noncommittal, while local water providers continue to struggle without state guidelines in a water development gridlock.

As an interim first step toward saving Colorado's water future, I strongly recommend a Governor's Strategic Water Committee to consider our most critical interbasin and interstate water issues. This non-political group of Colorado natural resource experts would provide objective recommendations to promote cooperative solutions that are in line with the state's fundamental water realities. The necessary data is already available. The committee can quickly complete its task -- if local pressures are held in check for a few months of focused deliberation.

Thank you for considering an initiative that is vital to all future Colorado citizens.

Sincerely,



Allen D. (Dave) Miller
President

cc: Colorado legislators, State water boards, local water districts

STATE OF COLORADO

EXECUTIVE CHAMBERS

136 State Capitol
Denver, Colorado 80203-1792
Phone (303) 866-2471



April 11, 1991

Roy Romer
Governor

Dave Miller, President
Natural Energy Resources Company
P.O. Box 567
Palmer Lake, CO 80133

Dear Dave:

Thank you for your recent letters about the Union Park project. I appreciate your efforts to keep me informed.

I know we agree that the issues surrounding the proposal to build Union Park are complicated. For example, you may be aware of the concern this project has caused for scientists at the Rocky Mountain Biological Laboratory. In addition, the Colorado Water Conservation Board and the Division of Wildlife both have filed a Statement of Opposition to the plan.

While I am listening to both sides of this issue, I also believe it's premature for me to take a position at this time. As with Two Forks, Union Park will require a long approval process. After significant water court hearings, Arapahoe County will need to obtain federal approvals from both the Army Corps of Engineers and the U.S. Environmental Protection Agency for the project. Because East River flows through the Gunnison National Forest, the U.S. Forest Service also will need to approve a special-use permit for the project. Forest Service officials have said the complexity of the project will require them to conduct an Environmental Impact Statement.

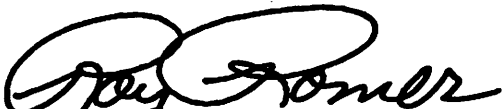
In any event, I believe this project points to larger questions of how we choose to use water in Colorado. I have consistently stated my belief that the Denver metropolitan area must work together and find a cooperative solution to the area's water needs. If not, I believe our state faces a future involving great environmental damage and institutional chaos. I am also concerned that we become more active in promoting water conservation programs. Water is a scarce and valuable resource in our state, and we need to begin using it more wisely. We have

Dave Miller
Page Two

a lot of work to do in both of these areas, but I think we're beginning to make some progress.

Your perspective on this issue has been helpful to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Romer". The signature is written in a cursive style with a large, looping initial "R".

Roy Romer
Governor

RR:bp

Rocky Mountain News

Too many water arguments grounded in fantasy instead of facts

With so many sound arguments concerning the benefits and the detriments of trans-mountain water diversions, why do so many people on both sides of the issue continue to base their arguments on highly emotional mythology?

It happened again in a recent letter to the editor, where the writer based her whole argument on the idea that water diverted from the West Slope to the Front Range would dry up the West Slope.

A whole course could be taught on why this "drying up of the West Slope" myth is wrong. But a few basic facts need to be reviewed:

First, because of snow melt, most water in Colorado roars down from the mountains and out of Colorado in less than two

months each year. Even if we do nothing, that water is gone and western Colorado is "dry" for 10 months anyway, whether the water is used or not. Nor is most of that water really that beneficial during the two months we watch it race by.

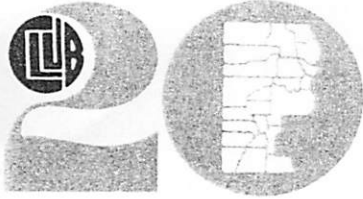
Second, by law, before water is diverted, the Front Range must build compensatory storage on the West Slope, which is designed to protect existing water users and future but unused water needs and rights. So not only are existing and future water rights protected, but the water is there to enhance the environment and maintain minimum stream flows throughout the year, not just for two months.

Colorado, by law, cannot use more than half of all the water produced in Colorado. That wa-

ter must go downriver to other states. Of the water the state is allowed to use, Colorado uses less than half because of the lack of storage, the location of the water, and/or the inability to divert the water. Thus, more than three-fourths of all the water in Colorado flows out of the state without being affected by us anyway. And, remember, part of the 25% of the water that we do use also will flow downhill, join the other 75%, and leave our state.

Let's stop basing our water arguments and water positions on emotion, and argue the facts instead. Otherwise, we will be doomed to water policies based upon fantasies and emotions and not on the real world.

Ronald W. Rutz
Fort Collins



"Voice of the Western Slope, since 1953"
A coalition of counties, communities, businesses & individuals

303 / 242-3264 ★ FAX 303 / 245-8300
634 Main Street, Suite #6 ★ P.O. Box 550
Grand Junction, Colorado 81502-0550

April 22, 1991

Dave Miller
PO Box 567
Palmer Lake, CO 80133

Dear Dave:

Thanks for your latest letter, responding in part to some of the points I made in our earlier correspondence.

Your letter still leaves me with a couple unanswered questions. First, you mentioned the decline in water usage in the Gunnison Basin, and I'm not sure that's been entirely by choice. But in any case, your points about Gunnison water "benefits" are all based upon the understanding that there is tremendous surplus water in the basin, perhaps as much as a million acre-feet. Clearly, there is no consensus among water experts on this point... several doubt that there is that much surplus water in the entire Colorado River system in Colorado. Others tell us that the Gunnison Basin has NO surplus water. How are those numbers quantified?

Second, the Vail Valley example may seem trivial, but our State's history has often shown that populations predictions can be wrong. Perhaps water consumption may decline enough to offset the growth of a town the size of Vail, but how about a town the size of Denver? In the last century, many "experts" thought Leadville would always be the economic center of Colorado, talked of moving the Capitol, predicted a metropolis rivaling New York. Here is the point of the example: we may or may not ever see that kind of growth in the Gunnison Basin, but few Western Slopers are willing to foreclose the option, even those you call "no growth activists." How can you expect these citizens to give away future choices, just to protect someone else's future choices?

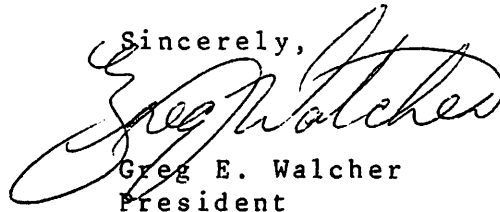
Finally, in at least two previous letters, you have suggested that if Union Park were built, "there would be no need to further dewater the overdepleted Upper Colorado Basin." The justification

water
page 2

for this claim is still unclear, particularly since different entities would own and control these different diversions. How would allowing Arapahoe County to build Union Park persuade Denver not to further divert the Colorado River?

You comment that our suggestion for Arapahoe County to withdraw from the court proceedings "is akin to asking a player to fold with five aces." There never really are five aces... except with a wild card. The court process is necessarily a confrontational one, and negotiation is difficult under adverse circumstances. Arapahoe County should follow Aurora's excellent example of showing its good faith, so that serious talks can begin. We look forward to hearing from you again soon.

Sincerely,

A handwritten signature in cursive script that reads "Greg Walcher". The signature is written in dark ink and is positioned above the typed name and title.

Greg E. Walcher
President

GEW/al

cc: Gerald McDaniel
Executive Committee
Tom Eggert
Paul Tauer

NATURAL ENERGY RESOURCES COMPANY

P. O. Box 567 • Palmer Lake, Colorado 80133 • (719) 481-2003 • FAX (719) 481-4013

Mr. Greg E. Walcher
President, Club 20
P.O. Box 550
Grand Junction, Colorado 81502-0550

May 6, 1991

Dear Greg:

Thanks for your April 22 letter on the continuing saga of West Slope water diversions.

The enclosed letter by Ronald W. Rutz in the May 5th Rocky Mountain News is the best short explanation I have ever seen on this subject. Colorado leaders must get beyond the unfounded "mythology" and start cooperating on the facts.

The enclosed letter to Governor Romer recommends a **Governor's Strategic Water Committee**. The intent of this initiative is to find ways to promote water cooperation in Colorado before we lose by default to the better organized down-river states. Club 20 would surely be represented on such a high priority effort.

With regard to your question on the Gunnison's water surplus, our calculations are based on the record. About 97% of Gunnison consumption is for agriculture. Several governmental agencies can confirm the total irrigated acreage and the volume of water required for the different crops. An average 1.8 million acre-feet leave the basin per year after all in-basin water demands are met. Consumption for all uses is less than 300,000 acre-feet. Population is declining and the agricultural needs are decreasing because of shallow irrigation technology that will efficiently reduce consumption and costly salt build-up that has occurred with traditional deep irrigation methods.

The Uncompahgre Valley is the largest water consumer in the Gunnison Basin. This area has historically diverted about five feet of water for every irrigated acre. If this area were under strict administration based on actual consumption, the volume needed would be less than half that amount. This surplus is why the West Slope river districts supported the Phase I Gunnison Study. The original intent was to determine how the Gunnison's wasted flows could be exported to finance improved irrigation and recreation facilities. Unfortunately, this sound logic was quickly forgotten by West Slope leaders when local no-growth activists started exploiting unfounded fears.

With regard to your concern about giving up future West Slope choices, the decrease in irrigation needs will surely provide for any unexpected reversal of Gunnison's long-term population decline. Even if a "Denver" developed in the Gunnison Basin, the current Gunnison water surplus is many times more than Metro Denver's present needs.

Lastly, you question our premise that with Union Park there would be no need to further dewater the overdepleted Upper Colorado Basin. West Slope leaders should remember that Metro Denver currently has old water rights for at least five major Upper Colorado diversions as a follow-on to Two Forks. Most of these rights were secretly acquired by surrogates before the days of environmental enlightenment. In contrast, Union Park is being openly pursued as a state-wide environment enhancing drought insurance project in Colorado's wettest basin that has never been touched by diversions. We say 18 diversions from the Upper Colorado Basin is enough. Union Park will benefit the Gunnison and all of Colorado -- not just farsighted Arapahoe County. As a by-product to its drought and river compact protection capabilities, Union Park will satisfy Metro Denver's future needs for about half the safe-yield cost of the environmentally destructive Two Forks proposal. The Colorado River Water Conservancy District was jeopardizing the West Slope's economic and environmental future when it agreed to Two Forks for a few pieces of silver. The unprecedented Union Park concept provides massive West Slope compensatory storage to guarantee optimal Gunnison flows for 12 months instead of two.

I hope this information is helpful in your deliberations.

Sincerely,



Dave Miller
President

encl: Rocky Mountain News letter, May 5, 1991
Letter to Governor Romer, May 6, 1991

April 12, 1991

Urgent Public Letter to All Colorado Citizens and Natural Resource Managers

Re: Cooperation to Save Colorado's Water Future

Dear Citizens and Managers:

Colorado's water future is in serious jeopardy. The California drought and the Two Forks veto have brought the threat to a head.

The threat is real. Federal officials are trying to solve California's long-term water shortage with Colorado's unused Colorado River Compact waters. Meanwhile, Colorado natural resource experts are preoccupied with a confused water development gridlock caused by the federal Two Forks Dam veto.

Colorado desperately needs a large water storage reservoir to conserve its surplus Gunnison Basin flood flows for drought protection and growth, instead of for California hot tubs. The untapped Gunnison currently loses an average million acre-feet to the thirsty lower basin states. This is four times current Metro Denver consumption. This serious Colorado loss is steadily growing because of improved irrigation technology and retirement of salty land caused by over-irrigation. In contrast, Colorado's drier Upper Colorado Basin has been severely depleted with eighteen major diversions to the Front Range.

It is fortunate that far-sighted Arapahoe County has been working for several years on a large Gunnison storage project that will stop the external and internal threats to Colorado's water future. This \$468 million Union Park Water Conservation Project is a lower-cost, environment-enhancing alternative to Two Forks.

During wet cycles, surplus Gunnison Basin flood waters will be pumped into Union Park's long-term, off-river storage for gravity release to both slopes during the critical multi-year droughts. In addition to this urgently needed drought insurance, Union Park can satisfy Metro Denver 50-year growth needs for about half the safe-yield cost of Two Forks. Colorado water interests can also stop further over-depletion of the Upper Colorado Basin, by dropping their less efficient Two Forks, Homestake II, Muddy Creek, Green Mountain, Williams Fork, Eagle Piney, Straight Creek, and East Gore proposals. Instead of more environmental damage to a single basin, Union Park will enhance the river environments of both slopes.

Most of the water rights for Metro Denver's Upper Colorado proposals were secretly acquired over many years without regard to the Gunnison's untapped potential and comparative environmental and engineering costs. In contrast, Union Park has been openly pursued after careful review of all viable Colorado water options. Union Park is surely the finest multi-purpose water project ever conceived -- in or out of Colorado.

The current Union Park water right delays will soon be resolved -- either by negotiation or Colorado Supreme Court rulings. Although Union Park can guarantee more water in Gunnison rivers, when needed, than ever before, there are still divisive no-growth activists who would rather see the public's water flow to California instead of Colorado growth areas. However, because of Union Park's unprecedented West Slope benefits, there is excellent potential for negotiated water rights instead of costly court rulings. Today's water decisions can be the most important in Colorado history. Good faith cooperative development is essential.

Sincerely,

11577 W. Arizona Avenue
Lakewood, CO 80226
(303) 985-9932
(303) 237-3449

Dale B. Raitt and Abner W. Watts,
Retired Bureau of Reclamation Executive Engineers

P.S. Suggest citizens concerned with Colorado's environmental and economic future give copies of this letter to friends and political representatives.

NATURAL ENERGY RESOURCES COMPANY

P. O. Box 567 • Palmer Lake, Colorado 80133 • (719) 481-2003 • FAX (719) 481-4013

April 3, 1991

Honorable Roy Romer
Governor, State of Colorado
State Capitol Building
Denver, CO 80203

RE: Saving Colorado's Water Future

Dear Governor Romer:

In the absence of state water policies, plans, and objectives some well-meaning state officials are jeopardizing Colorado's water future. This disturbing conclusion is based on recent events and lifetime experiences of many concerned water resource professionals.

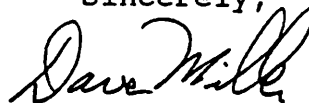
For the last nine years our company has gained considerable insight into Colorado water problems, while working on a large Colorado water storage project. This conservation project will have unprecedented long-term environmental and economic values for the entire state. It will store some of Colorado's wasted (and threatened) compact entitlements for West and East Slope drought protection, while satisfying Metro Denver's fifty year growth projections at half the safe-yield cost of Two Forks. Unfortunately, these invaluable benefits are being improperly delayed by state officials who are following their own agendas.

The enclosed paper provides some astonishing recent examples of how misguided officials are jeopardizing Colorado's water future. We are disclosing these facts with the hope that it will lead to modernization of Colorado's water management practices.

This letter is being widely distributed to alert Colorado citizens to the serious internal and external threats to their water future.

Your views on this vital state matter will surely be of interest to all concerned Colorado citizens. Thank you for your consideration.

Sincerely,



Dave Miller
President

Encl: State Officials Are Jeopardizing Colorado's Water Future.

NATURAL ENERGY RESOURCES COMPANY

P. O. Box 567 • Palmer Lake, Colorado 80133 • (719) 481-2003 • FAX (719) 481-4013

April 2, 1991

Mr. Greg E. Walcher
President
Club 20
634 Main Street, Suite 6
Grand Junction, CO 81502-0550

RE: West Slope Water Concerns And Negotiations With Front Range

Dear Greg:

Thanks for your March 15th letter outlining West Slope concerns with Colorado's Union Park Water Conservation Project. Your points are well taken. It is obvious that I have done a poor job of explaining Union Park's benefits for the West Slope. Hopefully, the following will provide a clearer understanding of the specific concerns mentioned in your letter.

Gunnison Benefits Union Park's large off-river reservoir is uniquely designed to give unprecedented benefits to both slopes. During high run-off years, surplus Gunnison water will be pumped into long-term, high altitude storage. These waters will only be released to both slopes during the critical multi-year drought cycles. Computer analysis has confirmed that Union Park can economically satisfy Metro Denver's 50-year growth needs, while guaranteeing more water in Gunnison rivers, when needed, than ever before. For example, since 1976 the Taylor River's Gold Medal fishery had 728 drought days when flows were less than what Union Park could guarantee in a negotiated water decree. Union Park will also provide a world class Lake Trout fishery, flood control, stabilized Taylor Park Reservoir levels, and Taylor River summer flows 100% higher than the reasonable flows set by the Colorado Water Conservation Board. The guaranteed multi-year drought flows will also enhance the dependability of senior Gunnison water rights.

Future West Slope Needs The Bureau of Reclamation's Gunnison-Arkansas studies in the 40's and 50's showed that the Upper Gunnison had 450,000 acre-feet that were surplus to consumptive needs. Since that time, water consumption in the Gunnison Basin has steadily declined because of improved irrigation technology and retirement of land with excessive salt build-up from traditional deep irrigation methods. Over ninety five percent of Gunnison consumption is for irrigation. A ten percent irrigation efficiency savings could more than double the water available for population and industry growth. The record shows a continuing population and industry decline in the Gunnison Basin. Your Vail Valley example of an unforeseen need would be easily offset with the declining consumption from other long-term trends. Colorado urgently needs to use some of the Gunnison's growing water surplus (currently about 1 million acre-feet) to protect its West and East Slope environments during the critical drought cycles. If not, these Colorado entitled waters

will soon be permanently lost to "use it or lose it" growth pressures from California and Arizona.

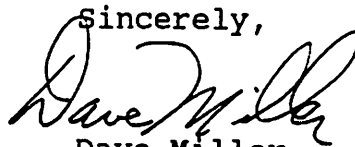
Balanced Water Usage Between Basins An average 60,000 acre-feet of surplus Taylor River water from Union Park will increase the safe annual yield of Metro Denver's existing reservoirs by 120,000 acre-feet. Because of this unprecedented multiplier effect, the safe-yield cost would be half that of Two Forks. This renewable surface supply would be adequate for about 50 years of Metro Denver growth. After that time, Union Park's environmental drought benefits could be further enhanced for both slopes with reversible collection tunnels to other high altitude Gunnison tributaries. With this extraordinary capability, there would be no need to further dewater the overdepleted Upper Colorado Basin. Unlike the 18 diversions from the Upper Colorado, Union Park's high-altitude drought cycle storage is the only concept that has major environmental benefits for both slopes. Because of the negative legacy of previous diversions, this is the key point that is difficult for West Slope water managers to understand and accept. The situation is further complicated when local no-growth activists use false information to incite an uninformed public into "not one drop over the hill" emotionalism. It is easy to yell fire in a crowded theater.

Suggestion To Drop Union Park And Negotiate Your proposal is akin to asking a player to fold with five aces. Arapahoe County should vigorously continue its water right application to protect West and East Slope interests from droughts and the growing down-river threat. Union Park has major statewide benefits that merit full support by the public and all levels and branches of Colorado government. Like many complex matters, reasonable people can usually negotiate fair settlements out of court, when the issues are fully understood. In spite of the current emotionalism, your idea of good faith negotiations should be tried as soon as possible. Why wait for the delay, expense and divisiveness of Supreme Court decisions?

The good offices of Club 20 could serve as an ideal facilitator for organizing a West Slope negotiating team. Hopefully, the East Slope could field a similar group in the interest of Colorado's water future. Someone at state level should probably be the initiator and non-coercive arbitrator.

Thanks for your interest and leadership in Colorado's vital water issues.

Sincerely,


Dave Miller
President

P.S. In the interest of understanding and interbasin harmony, suggest copies of this reply be sent to the entities and media who received copies of your referenced letter of concern.

March 24, 1991

STATE OFFICIALS ARE JEOPARDIZING COLORADO'S WATER FUTURE

In the absence of state water policies, plans, and objectives, some well-meaning state officials are jeopardizing Colorado's water future by pursuing their own personal agendas. Here are a few recent examples:

Colorado River Compact Giveaway. At a March, 1991 pretrial hearing, a U.S. lawyer asserted that the federal government could release water to California from Blue Mesa Reservoir without regard to Colorado's compact entitlements and transmountain needs. If this position becomes practice, Colorado's water future could be seriously jeopardized by federal operating procedures that would effectively give the state's unused compact entitlements to California. Other lawyers representing several Colorado governmental entities also used this astonishing rationale at the same hearing. These officials are apparently supporting this short-sighted position, because they are currently opposing a large Gunnison storage project that will conserve Colorado compact waters for major statewide environmental and economic benefits.

Single Basin Syndrome. Colorado officials and the Colorado River Water Conservation District continue to endorse major diversions (Two Forks, Muddy Creek, etc.) from Colorado's over-depleted Upper Colorado Basin, while working against a superior alternative from the underutilized Gunnison Basin. The Upper Colorado currently has 18 major diversions to Colorado's East Slope. The wetter Gunnison Basin has none, and it is losing a million acre-feet of Colorado's compact waters to the down-river states. On the other hand, Arapahoe County's Gunnison storage alternative will guarantee higher flows in Gunnison rivers, when needed, while providing invaluable drought insurance for both slopes. Arapahoe's unprecedented project will also provide a fifty year growth supply for Metro Denver at half the safe yield cost of Two Forks. Unfortunately, Colorado officials are refusing to recognize the Gunnison's vast potential to solve the state's most critical water problems.

Legislative Catch 22. A recent change in Colorado water law requires a water developer to prove that it "can and will" construct its project. This change is now being used by attorneys who assert that a developer must prove that it will receive all permits, financing, etc. before a conditional water right is granted. The original, legislative intent was to stop speculation with surplus public waters. Unfortunately, these three words are now jeopardizing public and private water storage initiatives in Colorado. How could any water developer prove in advance that all hurdles "can and will" be overcome before conditional water rights are considered? A few brave legislators tried to correct this legislative Catch 22 during this session, but it was defeated after intense lobbying by lawyers who oppose water development. The state agencies charged with water development and conservation had no input in the hearings.

Instream Flow Misuse. In recent years the Colorado Water Conservation Board has effectively managed the state's minimum instream flow program to assure reasonable fish and recreation flows. However, a majority of the Board members recently decided that inundation of stream segments by new reservoirs could cause injury to the state's minimum stream flow rights. This interpretation is a distortion of the original intent of Colorado's instream flow program. The Board's new rationale is already being used as another hurdle to block water storage projects. Individual Board members, representing local agendas, can now override the Board's legislative mandate

to plan, develop, and conserve the state's compact waters for beneficial Colorado purposes.

Political Water Studies. The Colorado Water Resources and Power Development Authority recently completed a \$500,000 water study to investigate transmountain diversion options from the untapped Gunnison Basin. When the draft study was released, Arapahoe County objected vigorously to some cost data that was four times higher than preliminary industry bids. The Authority refused to change the data. As a result, the diversion alternative preferred by the Upper Gunnison River Water Conservancy District appears in the final study report as the lowest cost option. The former executive director of the Authority has since indicated that he "listened" to the agency's in-house attorney when deciding not to correct the study. It has also come to light that most of the state's funds were used to analyze the District's proposal.

Improper Fish Testimony. In a recent water court trial a Colorado Division of Wildlife fish expert verbally testified that flows several times higher than required by the Colorado Water Conservation Board were responsible for the Taylor River's Gold Medal fishery. However, a subsequent review of the expert's written studies revealed the Taylor's excellent fishery is primarily due to reduced fluctuations in water releases from Taylor Park Dam. His studies also disclosed that his court accepted optimal fish flows are unsustainably high, because they were developed at locations several tributaries below the court agreed reference point at Taylor Park Dam. Unfortunately, this misguided state testimony led to a water court ruling that is delaying a large Colorado water conservation project that will store Colorado's wasted compact water to protect both slopes during severe drought cycles.

Colorado Water Policy and Planning Vacuum. Colorado has several water development agencies with overlapping legislative mandates to plan, conserve, develop, and manage the state's compact waters for beneficial in-state purposes. These agencies are severely limited in their effectiveness, because state water laws have been purposely structured by Colorado's powerful water establishment to minimize state involvement in public water matters. Colorado is the only Western state that does not allow a dynamic state water policy and planning process to serve as a unifying guide for developing the state's future water conservation projects. The Colorado Water Congress is the powerful lobby group that champions Colorado water management as the most efficient in the West. If this is so, why do seventy percent of the nation's water lawyers feed on Colorado's self-defeating water wars? Why are Metro Denver home owners burdened with water development tap fees that average four times higher than California cities? Why is Colorado's Blue Mesa Reservoir being managed primarily to benefit the lower basin states? Why do states with strategic water policies and planning continue to build water projects and societies with Colorado's unused compact entitlements?

The time has come in this competitive age of environmental enlightenment for Colorado to supplement its traditional water laws with some honest, non-coercive policy and planning guidelines. Colorado desperately needs statewide insight and unity to protect its private and public water entitlements. If Colorado continues its internal water development gridlock, the state will soon lose its water future to external forces.

Dave Miller
P.O. Box 567
Palmer Lake, CO 80133
(719) 481-2003

times forum

Dear Editor

Arapahoe County should follow Aurora's lead

Club 20 has responded to the most communication from Union Park diversion project proponent Dave Miller, which appeared in the Times recently.

Club 20 members include 22 families, 72 incorporated towns, 15 chambers and other organizations and hundreds of businesses and individuals interested in the economic future of the Western Slope. The group views the issue of Gunnison diversions as vital to all communities on the Western Slope. Dave Miller is the letter Club 20 wrote to your latest letter on Union

Park, you assert that Aurora's decision to withdraw from the Gunnison project is one of two "key" decisions toward solving Colorado's major water problems," the other being EPA's Two Forks veto. You conclude that "the only basic decision left is for Colorado to unite behind Arapahoe County's ... Union Park" project. The decision that would make more sense would be for Arapahoe County to follow Aurora's lead, make a similar show of good faith and withdraw from that project.

You make a couple points that trouble us. First, Union Park would satisfy Denver's needs for 50 years.

Maybe, but who is thinking about Gunnison Basin's needs for the next 50 years? Diversion proponents always assume the Western Slope cannot use all this water. Will that be true 50 years hence? Who envisioned 50 years ago the population of the Vail Valley, where there was no town? Our ability to grow should not be foreclosed by water decision made with only the 50-year future of Denver in mind.

Second, you say Union Park would "help correct Colorado's grossly unbalanced water usage between the untapped Gunnison Basin and the overdepleted Upper Colorado Basin." You have said this

several times, and it implies that Denver would stop diverting part of the Colorado River if Arapahoe County gets Gunnison Basin water. Since Denver has never made such a commitment, the real "imbalance correction" means simply that the Front Range would take water from both basins instead of one.

Commissioner Tom Eggert has said Arapahoe County will not withdraw from its court proceedings. We hope the county will reconsider and follow Aurora's lead, so good faith negotiations can begin.

George E. Walcher
Club 20 president

Page 6 Chronicle and Pilot March 29, 1991

feedback



Aurora decision improves Colorado water future

Dear editor,

The March 15th *Crested Butte Chronicle* quotes Tom Griswold, Aurora utility director, as saying: "Both projects (Aurora's Collegiate and Arapahoe County's Union Park) are subject to the same legal and environmental impediments. Both are widely opposed on the Western Slope. I don't think you can differentiate between them."

That statement is incorrect, self-serving and potentially damaging to Colorado's water future. Griswold is the expert that mislead Aurora into wasting \$2 million on a Gunnison diversion concept that was never technically feasible. Aurora's political leaders wisely halted the travesty with their March 7th decision to drop the Collegiate project.

Collegiate was environmentally and operationally flawed because it would divert continuously to East Slope storage (Two Forks), where the water could not be managed to protect the Gunnison's water based way of life. The project was also not politically feasible, because it would destroy a state fish hatchery and one of Colorado's most scenic tourist routes.

Griswold could salvage his credibility and help Colorado if he would accept the fact that Union Park is a totally unprecedented concept - with statewide environmental benefits when fully understood. Union Park's large, off-river Gunnison reservoir will assure more water in Gunnison rivers, when needed, than ever before. An average 6% of the Gunnison's wasted flood flows will be efficiently used for Metro Denver instead of California growth. The safe yield cost for Metro Denver water users will be half of that of Two Forks. Much of Union Park's large drought cycle storage will be dedicated for added environmental and economic protection of Gunnison water interests.

The Collegiate project has been an unfortunate drag on Colorado's water future, because it has clouded public understanding of Union Park's large reservoir benefits for both slopes. Aurora's leaders can quickly mitigate the damage by joining all Coloradoans in support of the world's finest water conservation project.

Dave Miller

will soon be permanently lost to "use it or lose it" growth pressures from California and Arizona.

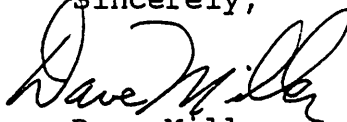
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The good offices of Club 20 could serve as an ideal facilitator for organizing a West Slope negotiating team. Hopefully, the East Slope could field a similar group in the interest of Colorado's water future. Someone at state level should probably be the initiator and non-coercive arbitrator.

Thanks for your interest and leadership in Colorado's vital water issues.

Sincerely,



Dave Miller
President

P.S. In the interest of understanding and interbasin harmony, suggest copies of this reply be sent to the entities and media who received copies of your referenced letter of concern.

Mt. Crested Butte police report

March 17

Police investigated a report from a resident in Mt. Crested Butte who reports his 1987 Subaru had been hit while parked in a condominium complex. Investigation continues, no suspects at this time.

Mt. Crested Butte Police assisted Colorado State Patrol with a traffic accident on Kebler Pass. A vehicle reportedly drove off the side of the road to avoid hitting an animal.

A local Crested Butte resident received minor damage to his vehicle while it was parked in the main parking lot at the ski area. The

damaged vehicle had a note left from the suspect who hit the vehicle. Follow up investigation is being done by the Police Department.

Police assisted the Fire Department on a false fire alarm at the Grande Butte Hotel.

March 21

Police are investigating a theft report of a space heater valued at \$184.00 taken from a Mt. Crested Butte parking lot. No further leads at this time.

Two checks were turned in by two separate businesses for

investigation of forgery. Several suspects have been developed. Investigation is continuing.

March 22

Police responded to a minor fender-bender at Emmons Loop.

Mt. Crested Butte Police assisted Colorado State Patrol with a traffic accident on Highway 135 at the Brush Creek Road.

March 23

Grande Butte Security reported the theft of an audio equalizer from the Roaring Elk Lounge. The equalizer is valued at \$200.00. Investigation is on-going.

Historic water tower to find new home

by Denis Hall

Crested Butte's historic Denver and Rio Grande water tower will be moved to a new location this summer. The water tower and the land on which it rests are owned by Tom Longnecker of Toledo, Ohio; Longnecker wants to sell the structure for \$1500.

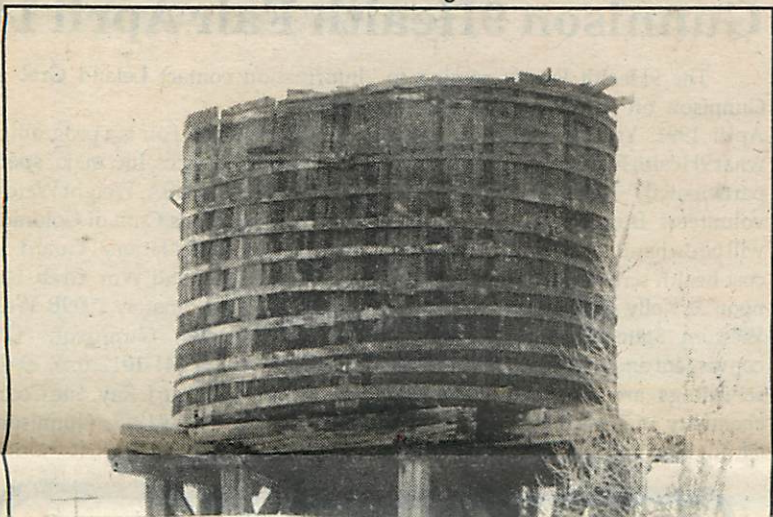
Emme Sedmack, Thelma Cornman and Betty Spehar have

formed an ad hoc committee to explore available ways and means for dismantling, moving and restoring the tower at a new location near the Crested Butte Depot.

The tower rests now where it originally served trains as they made their way through Crested Butte onto the Floresta spur. The Depot location is favored as a potential new site for the tower because of its historic designation and character.

Although plans for the project are still in the early formative stages, Thelma Cornman expressed the desire to have the move and restoration completed by early summer. She is consulting with Fritz Deither of Frostbusters on the best way to dismantle and move the tower, and with John and Darlen Cumby of Dallas, Texas on the best way to reassemble and restore the fragile and partially destroyed construction.

Thelma said that she would like to begin raising funds to pay for the project as soon as possible, but admitted that with off season fast approaching, that feat might prove difficult. Instead, she hopes to be able to raise the needed funds during June, complete the project and hold a dedication ceremony in early July.



Get Away
With

CRPC
29 Nov 91

Club 20 suggests Arapahoe County's withdrawal from Union Park water grab

Club 20 has responded strongly to the latest communication from Union Park diversion proponent Allen "Dave" Miller, which appeared in local newspapers last week.

The organization pointedly challenged Miller's assertion that in light of Aurora's withdrawal from its Gunnison project, Colorado uniting behind Union Park is "the only remaining decision" to solve Colorado water problems. Club 20 suggested that it would make more sense for Arapahoe County to follow Aurora's lead and withdraw from Union Park.

Club 20 members include 22 counties, 72 incorporated towns, dozens of chambers and other organizations, and hundreds of businesses and individuals interested in the economic future of the Western Slope. The group says the issue of Gunnison Basin diversions is vital to all communities on the Western Slope.

But what about the Gunnison Basin?

Club 20 President Greg Walcher wrote, "Planning for the next 50 years of Denver growth is fine, but who is thinking about what the Gunnison Basin will look like in 50 years? Our ability to grow should not be foreclosed by water decisions made only with the future of Denver in mind."

A copy of the letter is attached. Copies were also sent to Arapahoe County Commissioners.

Dear Dave,

In your latest letter on Union Park, you assert that Aurora's decision to withdraw from the Gunnison project is one of two "key decisions

toward solving Colorado's major water problems," the other being EPA's Two Forks veto. You conclude that "the only basic decision left is for Colorado to unite behind Arapahoe County's ... Union Park" project. The decision that would make more sense would be for Arapahoe County to follow Aurora's lead, make a similar show of good faith, and withdraw from that project.

You make a couple points that trouble us. First, Union Park would satisfy Denver's needs for 50 years. Maybe, but who is thinking about the Gunnison Basin's needs for the next 50 years? Diversion proponents always assume the Western Slope cannot use all this water. Will that be true 50 years hence? Who envisioned 50 years ago the population of the Vail Valley, where there was no town? Our ability to grow should not be foreclosed by water decisions made with only the 50-year future of Denver in mind.

Second, you say Union Park would "help correct Colorado's grossly unbalanced water usage between the untapped Gunnison Basin and the overdepleted Upper Gunnison Basin." You have said this several times, and it implies that Denver would stop diverting part of the Colorado River if Arapahoe County gets Gunnison Basin water. Since Denver has never made such a commitment, the real "imbalance correction" means simply that the Front Range would take water from both basins instead of one.

Commissioner Tom Eggert has said Arapahoe County will not withdraw from its court proceedings. We hope the county will reconsider and follow Aurora's lead, so good faith negotiations can begin.

Sincerely,
Greg E. Walcher
President

Gunnison 9Health Fair April 14

The 9Health Fair is coming to Gunnison on Saturday, the 13th of April 1991. You may already know what 9Health Fair is, but have you ever participated? Medical and support volunteers from the Gunnison area will be on hand to provide free and low cost health screenings from 6 a.m. till noon at Kelly Hall on the campus of Western State College. So, they're convenient and the price is right! Basic screenings are free and the blood chemistry analysis is available at each site for the small fee of \$20.00. For more

information contact Leland Greb at 641-1012.

The 9Health Fair is a program of Nine Health Services, Inc. major sponsors are Chevron USA, Weight Watchers, 9K*USA, Lions Club of Colorado and the Colorado National Guard.

Contact Leland Wm. Greb, Site Marketing Coordinator, 1009B West Denver Avenue, Gunnison, CO 81230-3327 (303) 641-1012 (office) 24 hr. machine or Susan J. Ray, Site Coordinator, P.O. Box #1277, Gunnison, CO 81230-1277 (303) 641-3644 (home).

Romer responds to NECO pres

The following letter was written by Colorado Gov. Roy Romer to Natural Energy Resource Company (NECO) President Dave Miller. NECO owns the Union Park project concept and will sell it to Arapahoe County if the needed permits and rights are secured.

Dear Dave:

Thank you for your recent letters about the Union Park project. I appreciate your efforts to keep me informed.

I know we agree that the issues surrounding the proposal to build Union Park are complicated. For

example, you may be aware of the concern this project has caused for scientists at the Rocky Mountain Biological Laboratory. In addition, the Colorado Water Conservation Board and the Division of Wildlife both have filed a statement of opposition to the plan.

While I am listening to both sides of this issue, I also believe it's premature for me to take a position at this time. As with Two Forks, Union Park will require a long approval process. After significant water court hearings, Arapahoe County will need to obtain federal approvals from both the U.S. Army

OCT 22 11:43 AM '91
P/B

Letters Delivered

president on Union Park

Corps of Engineers and the U.S. Environmental Protection Agency for the project. Because East River flows through the Gunnison National Forest, the U.S. Forest Service also will need to approve a special-use permit for the project. Forest Service officials have said the complexity of the project will require them to conduct an Environmental Impact Statement.

In any event, I believe this project points to larger questions of how we choose to use water in Colorado. I have consistently stated my belief that the Denver metropolitan area must work together and find a

cooperative solution to the area's water needs. If not, I believe our state faces a future involving great environmental damage and institutional chaos. I am also concerned that we become more active in promoting water conservation programs. Water is a scarce and valuable resource in our state, and we need to begin using it more wisely. We have a lot of work to do in both of these areas, but I think we're beginning to make some progress.

Your perspective on this issue has been helpful to me.

Roy Romer
Governor

correspondence

Governor hears from Dave Miller on RMBL/Arapahoe deal

Dear Governor Romer:

In your April 11, 1991 letter you cited Rocky Mountain Biological Laboratory concerns as a reason for reserving your position on Colorado's Union Park Water Conservation Project.

You will be pleased to know that the Lab and Arapahoe County have reached a stipulated agreement. Under this out-of-court settlement, two of Union Park's diversion points will be moved to a lower location to avoid impacting the Laboratory's scientific work. Hopefully, stipulated agreements will also soon be reached with the Colorado Water Conservation Board, Colorado Division of Wildlife, and the Colorado Land Use Commission.

It is interesting to note that the Lab is now receiving unreasonable "heat" from local "not one drop over the hill" activists who are unalterably opposed to any form of cooperation with Front Range water providers. Our enclosed answer is another attempt to provide understanding for those who still refuse to recognize Union Park's local and statewide benefits.

It is difficult to understand why our state water management agencies can evaluate and approve key ground water alternatives. But under Colorado's highly legalistic system, these same agencies are not free to study the relative merits of Colorado's renewable surface water options. Colorado is the only Western state that keeps its water

resource data, insights, and policies under wraps, while local conflicting interests unnecessarily consume public resources in endless legal battles. Meanwhile, California grows on Colorado's water surplus.

We sincerely believe that this restrictive water management dichotomy at the state level is the root cause of Colorado's divisive provincialism and resultant water development gridlock.

To protect the public interest and Colorado's position in the competitive arid West, we again urge initiation of a Governor's Strategic Water Committee to consider the state's most crucial water management issues.
Sincerely,
Dave Miller

feedback

CBCP

22 Mar 81

P2

Union Park attacks the symptom ignores the problem

Dear editor,

Dave Miller's solution to meeting Colorado's eastern slope water shortage is a classic example of attacking the symptom and ignoring the problem. The problem is that we waste too much water. A symptom of that problem is that we experience water shortages in some areas.

Devising technically complicated ways to alter natural waterflow patterns does nothing to solve the problem - it eases the present pain of the symptom but leaves the problem to be dealt with by our children. The Union Park and Rocky Point Pumped Storage Projects may ultimately need to be built. They do not need to be built today. They do not need to be built until it has been proven that there is insufficient water to meet our demands in spite of our honest attempts to minimize our water consumption. They do not need to be built until the administration of George "The Environmental President" Bush has exhausted every reasonable effort to encourage and/or force us to conserve. Union Park is not "the ultimate in conservation" by any stretch of the imagination. It is a band-aid that will be financially rewarding to some of us at the expense of others.

If we truly "conserve" a number before the few' energies to the process of development of technology finite resources and that. In the long run, these efforts the construction of dam less damaging than will. They will, in fact, be the provide all of the means his projects. They will most efficient peaking live without that distinct ten ranching families tended and loved for generations "the American way." I forum to encourage conservation his projects, his motive responsibility lies with conservation.

Sincerely,
Chuck Shaw

21st Earth Day coming

Dear editor,

The past year the people of the Gunnison Valley can be proud of the diligent fight they have put forth to stop water developers and other interests who want to exploit your land and water resources. The 21st annual Earth Day Celebration is coming up Sunday, April 21st and I believe it is a good time to

involved in the organization hope to educate more of our forest areas and life of living nowadays, or. The next organization conference room at Earth Day

on Park attacks the symptom, ignores the problem

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If we truly "consider the greatest good for the greatest number before the few" we will commit our funds and our energies to the process of conservation. We will encourage the development of technologies that creatively use less of our finite resources and that produce energy in less harmful ways. In the long run, these efforts will be more effective than will be the construction of dams to divert more water. They will be less damaging than will be the waging of wars to get more oil. They will, in fact, be the "ultimate in conservation" and will provide all of the meaningful benefits that Dave attributes to his projects. They will not give us "the world's highest head, most efficient peaking power facility," but we can probably live without that distinction. They will, however, allow those ten ranching families to remain on the land that they have tended and loved for generations. That seems to me to truly be "the American way." Until Dave uses his access to the public forum to encourage conservation as enthusiastically as he sells his projects, his motives must remain suspect. The responsibility lies with each of us to conserve and to preach conservation.

Sincerely,
Chuck Shaw

21st Earth Day coming up

of the Gunnison Valley can be
y have put forth to stop water
s who want to exploit your land
annual Earth Day Celebration is
t and I believe it is a good time to
ts and what lays ahead to protect
cherish. As a member of the

involved in the organization. As the biodiversity chairman, I hope to educate more people on restoring the natural state of our forest areas and let people know in the speeded-up state of living nowadays, one person still can make a difference. The next organization meeting is March 25th at 7 p.m. in the conference room at Earth Village Institute above Blue Spruce Chiropractic in the Ore Bucket Building.

Kevin Chedd

March 22, 1991

AURORA DECISION IMPROVES COLORADO WATER FUTURE

Dear Editor:

The March 15th Crested Butte Chronicle quotes Tom Griswold, Aurora utility director, as saying: "Both projects (Aurora's Collegiate and Arapahoe County's Union Park) are subject to the same legal and environmental impediments. Both are widely opposed on the Western Slope. I don't think you can differentiate between them."

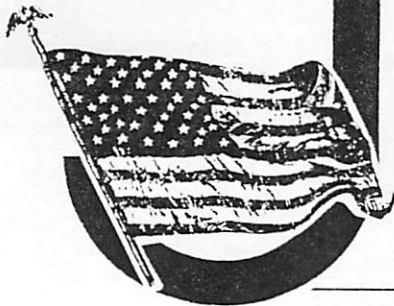
That statement is incorrect, self-serving and potentially damaging to Colorado's water future. Griswold is the expert that misled Aurora into wasting \$2 million on a Gunnison diversion concept that was never technically feasible. Aurora's political leaders wisely halted the travesty with their March 7th decision to drop the Collegiate project.

Collegiate was environmentally and operationally flawed because it would divert continuously to East Slope storage (Two Forks), where the water could not be managed to protect the Gunnison's water based way of life. The project was also not politically feasible, because it would destroy a state fish hatchery and one of Colorado's most scenic tourist routes.

Griswold could salvage his credibility and help Colorado if he would accept the fact that Union Park is a totally unprecedented concept -- with state-wide environmental benefits when fully understood. Union Park's large, off-river Gunnison reservoir will assure more water in Gunnison rivers, when needed, than ever before. An average 6% of the Gunnison's wasted flood flows will also be efficiently used for Metro Denver, instead California growth. The safe yield cost for Metro Denver water users will be half that of Two Forks. Much of Union Park's large drought cycle storage will be dedicated to added environmental and economic protection of Gunnison water interests.

The Collegiate project has been an unfortunate drag on Colorado's water future, because it has clouded public understanding of Union Park's large reservoir benefits for both slopes. Aurora leaders can quickly repair the damage and improve Colorado's water future by joining all Coloradoans in support of the world's finest water conservation project.

DM
Dave Miller
P.O. Box 567
Palmer Lake, CO
(719) 481-2003



Arkansas Valley Journal

"Focusing on Agriculture In Colorado and Adjacent States Since 1949"

Vol. 44, No. 2

Thursday, March 21, 1991

50 Cents Per Copy

Colorado should unite behind Union Park water proposal

Dear Editor:

Two out of three key decisions have been made toward solving Colorado's major water problems.

The first was EPA's courageous decision to veto the damaging and costly Two Forks Dam. The second was Aurora's recent decision to drop its Gunnison diversion concept, because of similar environmental and economic faults.

The only basic decision left is for Colorado to unite behind Arapahoe County's multipurpose, environment-enhancing Union Park Water Conservation Project.

Union Park's million acre-feet of off-river storage on the Gunnison side of the Continental Divide will substantially solve Colorado's four most critical water problems.

(1) Union Park will satisfy Metro Denver's 50-year growth needs, for about half the safe yield cost of Two Forks.

(2) Union Park will provide much needed multi-year drought protection for Colorado's environment and economy on both slopes.

(3) Union Park will help correct Colorado's grossly unbalanced water usage between its untapped Gunnison Basin and its over depleted Upper Colorado Basin. (The drier Upper Colorado supplies all of Colorado's transmountain water via 18 diversions to Front Range farm and urban users.)

(4) Union Park will help save Colorado's unused compact entitlements from being permanently lost by default to water short California.

Union Park's unique reservoir site is truly an invaluable asset for all of Colorado — especially for the Upper Gunnison's water based way of life. The entire project could be paid for in 10 years with Rep. Ben Campbell's idea to temporarily lease Colorado's wasted flood flows to California.

Regardless of who ultimately pays, Colorado environmentalists, water developers, and citizens will soon be united in common appreciation of an uncommon water conservation project.

Dave Miller
President
Natural Energy Resources CO.
P.O. Box 567
Palmer Lake, CO 80133



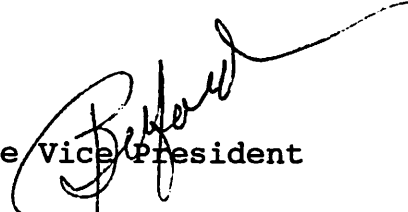
COLORADO FARM BUREAU

2211 WEST 27th AVE. P.O. BOX 5647 DENVER, CO 80217

(303) 455-4553

March 12, 1991

TO: Dale B. Raitt
Abner W. Watts

FROM: Buford Rice, Executive Vice President
Colorado Farm Bureau 

RE: MARCH 4, 1991 LETTER ON TWO FORKS

Just a note to respond to your letter of March 4, 1991.

We supported the construction of Two Forks Dam. While we are also very concerned about legal fees, and all of the costs associated with our water appropriation system, the construction of water impoundment projects is vital to our future.

Whether it is Two Forks or the Union Park Reservoir, we just feel it is a mistake for Colorado not to aggressively seek and build projects that will assure Colorado use of its entitlements.

I sure cannot argue with your enclosure where you make the case that the attorneys are a burden in many ways. We in agriculture always get nervous when the legislature has a "little water bill" that may alter or threaten the holders of water rights.

We are supportive of the State Engineer to be the "watchdog" for us so our farmers and ranchers do not lose their water right.

Thanks for your letter.

BR/jb

NATURAL ENERGY RESOURCES COMPANY

P. O. Box 567 • Palmer Lake, Colorado 80133 • (719) 481-2003 • FAX (719) 481-4013

March 18, 1991

Honorable Roy Romer
Governor, State of Colorado
State Capitol Building
Denver, CO 80203

Re: Large Water Conservation Reservoir For Colorado

Dear Governor Romer:

In Jim Scherer's December 7th speech to the Metropolitan Denver Water Authority (enclosed), he promised that EPA will help Colorado find a large water storage alternative for the vetoed Two Forks Dam. EPA knows that Colorado needs a dedicated conservation reservoir that is large enough to hold several years of wet year surplus for use during severe multi-year drought cycles. Small reservoirs are more useful for seasonal instead of cyclical fluctuations. Unfortunately, Colorado does not have an organized water planning process to evaluate state water issues, such as large reservoirs.

Our company was formed in 1982 by a group of retired Bureau of Reclamation executive engineers, who spent lifetimes planning large water conservation projects for Western states. Since joining our company, these experts have not been inhibited by old water rights and institutional constraints in their objective search for Colorado's optimal large reservoir project. As a result of their experience and freedom, Colorado's Union Park Water Conservation Project was conceived. From our continuing analysis of Union Park, we have no doubt that this ongoing project has environmental and economic advantages that are unprecedented in the water development world.

Union Park's million acre-feet of off-river storage on the Gunnison side of the Continental Divide will help Colorado solve its four most critical water problems: 1) it will protect the West and East slope's environment and economy during the inevitable multi-year droughts; 2) it will concurrently satisfy Metro Denver's 50 year growth needs for about half the safe yield cost of Two Forks; 3) it will also help correct Colorado's severely unbalanced water usage between its wetter, untapped Gunnison Basin and its over-depleted Upper Colorado Basin; and 4) it will save some of Colorado's unused river compact entitlements from being permanently lost by default to California's water crisis and growing political clout. In short, Union Park's multiple benefits far outweigh the impact of inundating a remote, sage-covered bowl that can be the world's most efficient conservation reservoir.

Union Park's unique site and concept are truly invaluable assets for all of Colorado. Although farsighted Arapahoe County is currently carrying the entire development load, there are many good reasons why the project should be supported by the state and all Colorado citizens. With an early statewide consensus, Union Park could be completed in 10 years. It could also be totally funded in less time, if Colorado would temporarily lease half of its wasted Gunnison entitlements to water-short California.

Your personal initiatives to get Colorado moving in the competitive Western water arena will be greatly appreciated by all Coloradoans. We will be honored to provide briefings and free technical assistance for a state/EPA evaluation of Colorado's large reservoir options.

Please advise, and thank you for your consideration.

Sincerely,



Dave Miller
President

/tjm

cc: legislators, EPA, Arapahoe County, water providers

Enclosures: Scherer speech and Union Park articles

LOCAL/STATE WATER NEWS

BUILD PUBLIC CONSENSUS, TRY AGAIN FOR LARGE STORAGE

The following are highlights of the prepared text of the speech by Jim Scherer, Region VIII Administrator, U.S. Environmental Protection Agency, at the annual meeting of the Metropolitan Denver Water Authority on December 7. Reprinted with permission of the Metropolitan Denver Water Authority.

When I agreed to talk with you a couple of months ago, I hadn't expected a Two Forks decision and had planned on skirting the permit issue. Since the timing on that decision changed, I'll give you my perception about where we go from here, but first I want to tell you a little about where the agency is going now and in the future. It is not my normal style to deliver a pre-written speech but with the sensitivity of the issue, I think it is important for me to be fairly precise in what I say.

I wouldn't be surprised to see a few looks of disbelief and maybe even a snicker when I say that the direction of the agency is not the solely regulatory role of the past and is moving to an expanded role of empowering, at the regional, state and local levels: - away from looking at environmental issues from only a single perspective of air, water or hazardous waste to looking at the whole environmental impact of a site or industry and prioritizing how to address the large impacts; - away from purely health risks concerns to more emphasis of overall ecological risks; - away from being an impediment to development to being the technical resource, helping others to make sure that development is done right; - that recognizes that minimizing waste production, preventing pollution, and anticipating problems are the priority.

I actually do not expect this group with your experience of Two Forks to believe all of this, and the transformation is not happening as fast as all of us would like - but it is happening. How does this more proactive role - this desire to be part of the solution, not part of the problem - jibe with a veto of Two Forks?

First, let's talk a minute about the veto and let me spread the blame a little. It's easy to say that the veto was all Bill Reilly, EPA, the environmentalists, and was Federal government driven. But isn't it fair to say that the proponents of Two Forks never convinced the people of Colorado (I mean any more than 50 percent of the people) that the reservoir was needed now and/or Two Forks was the best site? Was the West slope satisfied they were not being sacrificed to Metro interests? Was there even Metro agreement on the site? Did decision makers truly listen to concerns of the people and try to meet these? Did anyone foresee the environmental mood shift in the nation and this state? Did the attempt to be farsighted in looking at a long permit life cloud the lack of support that would come from the perception of "no immediate need?" Were all the benefits of conservation being explored, implemented, and communicated to the public? Little public consensus was

built. I personally agree that decisions should be made on the local level and not in Washington, but the local level decision must be open, completely analyzed; and although no project will come close to full support, a consensus statewide decision must be developed.

I'm encouraged that a consensus process will work and I am encouraged that EPA can be a positive part of that process. One of the parts of the veto document that should encourage you is determination that "No Federal Action" is not a practical alternative. This means that EPA has acknowledged that conservation and other small projects alone will not satisfy the long-term water needs of the Metropolitan area. This certainly does not mean that these should not be pursued vigorously. I am extremely pleased with the conservation initiatives of the Denver Water Board in the past year and think they need to be developed fully. But by the Agency saying definitely that even this will not serve the long-term needs, the environmental community has put on notice that EPA will permit a large basin reservoir at some time in the future and the environmental community better be part of the consensus on the best solution. Stonewalling will only mean no input. *ie. Union Park*

Timing is critical in when this consensus should be developed. With litigation of the veto you may be perceived as standing in the way of further progress. Is time needed before a process should start anyway? Would litigation tend to drive some large, long-term wedges between public confidence and buy in to a consensus process or not? These are questions you need to answer. I think there needs to be some time of healing and maybe even some changes in personalities before a consensus can be formed. Where will the leadership for such a process come from? It would seem that senior elected officials must be part of this solution. Should EPA participate in the process? I think the agency has an obligation to help find an answer and LaJuana Wilcher feels the same way. Should the federal government add some resources to the study needed to determine the two critical question before you: When is real need going to require a Federal permit and what site will best meet the NEPA and 404 Federal requirements while meeting the local cost and supply needs? The leadership should be Colorado, but I think the Federal government must provide assistance.

I'm sure by now some of you are saying, "Some of this sounds reasonable but he tried to speak for EPA once and you know where that ended up." I can tell you that Washington EPA wants to be part of the solution. They have strongly indicated that they expect me or my successor to work toward that solution and that they will stay abreast of all steps in the process so that there will be no last minute surprises. Just as in some of the in-state and provider agreements that began to come apart in the last process, as much as possible must be formalized in agreements so that changes in personnel and politics through the process assures that past steps are not revisited.

None of this will be easy. All of it is necessary. I will be looking for a response from you whether any of it is possible and ideas how we should proceed and what the agency's role should be.

Source: Water Matters, January 1991.

times forum

Let Two Forks die, support Union Park

Let Two Forks die.

Some state legislators are trying to goad the Denver Water Board into federal court to appeal the Two Forks Dam veto. If this attorney-inspired movement succeeds, California will continue to benefit, while Colorado sinks further into years of divisive water development gridlock.

The EPA vetoed Two Forks because Colorado ignored its better alternatives. The wasted million acre-feet from the untapped Gunnison Basin is the most obvious example. Colorado is entitled to these flood flows under the Colorado River Compact. However, instead of storing and using some of these surplus waters, Colorado has allowed the destructive Two Forks idea to dominate its highly legal-political water establishment.

Colorado's intimidated water resource engineers have long known that Two Forks would only worsen the excessive dewatering of the Upper Colorado Basin, caused by 18 diversions to Colorado's Front Range.

While the federal government was wisely vetoing Two Forks, Arapahoe County has been quietly developing the finest multi-purpose water alternative ever conceived for Colorado. During heavy run-off years, surplus Gunnison water will be pumped into the off-river Union Park Reservoir site. This uniquely efficient million acre-feet of high altitude storage will release valuable water to the river environments of both slopes during the critical droughts. Engineering studies have confirmed Union Park can satisfy Metro Denver's future needs for

about half the safe yield cost of Two Forks. Union Park will also provide guaranteed drought insurance for both slopes, balanced water usage between basins, and beneficial use of Colorado's threatened compact entitlements.

Colorado is the only state that tries to manage its water with an army of quarreling attorneys. The state makes absolutely no attempt to evaluate its water options based on comparative environmental and engineering merit. Hopefully, Colorado will start some objective water resource planning, before all of its major water decisions are made in Washington, D.C. or California.

Dale B. Raitt
Abner W. Watts
Lakewood.

Miller urges support of Union Park Project

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Regardless of who ultimately pays, Colorado environmentalists, water developers and citizens will soon be united in common appreciation of an uncommon water conservation project.

Dave Miller
NECO president

James D. Miller
18 Mar 91

Colorado offers water to California

By James Coates 3-3-91
Chicago Tribune

DENVER—Mindful of the popular wisdom in the arid West that "whiskey is for drinking and water is for fighting," Colorado leaders are offering to help drought-stricken California in an effort to stave off an interstate battle over water rights.

The rush to find ways to slake the thirst of the nation's most populous state began Feb. 13 when Interior Secretary Manual Lujan suggested to the Colorado Legislature that other Western states share with Los Angeles some of their rights to water in the mighty Colorado River.

Colorado leaders quickly responded with a promise of 400,000 acre feet of water, roughly the amount used by Denver in a year, so that California would not go after all the states' precious future water rights on the river.

"We want to help Southern California with its drought situation," said Colorado Gov. Roy Romer. "But it also is in our self-interest to get California to live within its entitlements in the river."

Romer wrote a letter on Feb. 21 to California Gov. Pete Wilson offering to give Los Angeles the 400,000 acre feet of water if California would agree to adopt strict permanent conservation rules to cut water use in the future.

With effective conservation measures, Romer told legislators last week, California wouldn't resort to using its substantial political clout to seize a larger portion of the water supply that the state shares under federal law with Wyoming, Utah, New Mexico, Arizona, Nevada and Colorado.

With more than 10 percent of all American voters now living in California and with the 1990 census giving the state seven more House seats for a total of 52, California's political clout far outweighs that of its fellow Colorado River water users, who will combine for slightly more than 20 seats.

Despite the torrential rains that hit California late last week, the five-year dry spell there has prompted state officials to restrict temporarily the amount of water used for agriculture and to cut water supplies to cities.

The Colorado River is the artery carrying the lifeblood of seven Western states. It starts as a bubbling brook not far from the ski complex at Vail, Colo., and tumbles down the western face of the Rocky Mountains, picking up cascading runoffs.

It then pours into the low deserts to carve the Grand Canyon in Arizona before slowing to a trickle and ending in the Gulf of California.

The Colorado River Compact overseen by Congress and signed in 1922 when California was just another sparsely settled Western state gave California annual water rights to 4.4 million acre feet, Colorado to 3 million, Arizona 2.9 million, Utah 1.4 million, Wyoming 840,000, New Mexico 435,000 and Nevada 300,000.

An acre foot, enough to cover 43,000 square feet with 12 inches of water, equals about 330,000 gallons.

This is enough water to meet the needs of three average American households for one year.

Since 1989, California has consumed more than its 4.4-million-acre-foot share while some of the other states, particularly Colorado, have used only a portion of the water they have coming. Colorado has only enough dams to store 2.2 million acre feet and therefore lets 800,000 acre feet that it owns pass down the river.

That water is stored in Lake Mead, the gigantic reservoir outside Las Vegas created by Hoover Dam, which supplies Southern California much of its electrical power as well as its water.

Lake Mead thus amounts to a water bank, which means that Colorado in future years can draw upon the reserves stored there. It is this water that Romer is offering to share with California.

In response to Romer's offer, officials from California and the other water compact states are carefully reading the complex water laws to draft contracts that must be signed by all the parties, a process that officials said will take at least two weeks.

After a meeting in Denver last week with California officials and representatives of the other Colorado River Compact states, a spokesman for Romer said California indicated it wants the water and is considering Colorado's request that it agree not to seek water allocations granted to other states.

The Colorado proposal also urges that California make permanent the temporary cuts in the amount of water used for agriculture. Farmers now account for 83 percent of California's water use, making Colorado's suggestion controversial because of the valuable cash crops at stake.

Meanwhile, Rep. Ben Nighthorse Campbell (D-Colo.), whose district includes much of the Colorado River's headwaters, entered the fray by suggesting that instead of giving the water to California, Colorado should lease it.

The lease money, which Campbell estimates would total billions of dollars, could be used to build more storage reservoirs in Colorado.

This, in turn, would allow the state to keep its entire allocations inside Colorado.

Tom Eggert, a member of the Arapahoe County Commission, said the idea of getting money from California to finance Colorado's own water plans excited him. The county commission is building a pipeline that would pump Colorado River

water from the west side of the Rockies across the Continental Divide and into the Denver area.

"We need to find ways to store our water here in Colorado rather than letting it flow down the river and out to sea where it evaporates and comes back as mountain rains," Eggert said.

"If we don't store it here we're going to lose it to people who will use it to water the sidewalks of Pasadena and to fill the hot tubs of Hollywood."

Arapahoe County's second smart thing *CBCP 17 Mar 91/5*

Hydropower from Blue Mesa: should it take priority over Union Park?

by Laura Anderson

Should the Blue Mesa Reservoir be used for power generation? Or should the water that would have filled it be sent across the Continental Divide to Arapahoe County?

A ruling by Water Court Judge Robert Brown May 6 suggests that domestic water use may take priority over hydroelectric generation. Brown's decision *seems* to reverse an earlier ruling in April, where he

that domestic use may take precedence over power generation.

After Brown's April ruling, which favored the U.S. Government, Arapahoe County filed a motion for clarification. "Arapahoe County did another smart thing when they filed that motion," Bruce Driver, lawyer for the High Country Citizens' Alliance, commented. In clarifying the motion, Brown apparently reversed his first ruling. According to Driver, the new ruling is "opaque.... The issue is very

opposition to Union Park in exchange for Arapahoe County's moving its diversion points below Gothic.

Arapahoe County's Union Park Project would include an enormous reservoir south of Taylor Park, and would divert massive amounts of water to the Front Range from the Taylor Basin and the East River Basin. The concept is being opposed by most people in Gunnison County.

"Arapahoe County did another smart thing when they filed that motion."

indicated that if the priority date of the hydro project was earlier, generating electricity would be senior to domestic use.

The way Colorado water law works is that water rights claimed first take precedence over later rights. Given this, one would think that the Aspinall Wilson dams, built in the 1950s, would be senior to Arapahoe County's Union Park Project, which has a 1990 priority date.

The monkey wrench in the business is the Colorado River Storage Project Act, enacted by Congress in the 1950s. This sets up the Aspinall Wilson Storage Unit, which includes Blue Mesa and gives the U.S. Government the right to use the water in the three reservoirs to generate electricity. But a clause in it indicates

complicated," Driver continued. "My concern is that no one knows quite what he decided."

The issue may be resolved after a trial, scheduled for the entire month of June, which will decide whether enough excess water exists to make the Union Park Project feasible. Driver added that even if domestic use takes priority over hydropower, he does not believe that a transmountain diversion project falls under the definition of domestic use.

The first smart thing

Arapahoe County's "first smart thing," according to Chris Meyer, lawyer for the National Wildlife Federation, was to work out a deal with the Rocky Mountain Biological Lab where the lab dropped its



RE

Havana
Pacific Heights
3 Men & a Little Lac
Bonfire of the Vaniti
Predator II
Sheltering Sky

VCR & NINTENDO RENTAL
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AM

Is Union Park Reservoir an alternative to Two Forks?

The Denver Post (editorial page) D.P. 16 Nov 91 P. 513

Some state legislators are trying to goad the Denver Water Board into federal court to appeal the Two Forks Dam veto. This attorney-inspired movement succeeds, California will continue to benefit, while Colorado sinks further into years of divisive water-development gridlock. EPA vetoed Two Forks because Colorado ignored its better alternatives. The wasted million acre-feet from the untapped Gunnison Basin is the most obvious example. Colorado is entitled to these flood flows under the Colorado River Compact.

However, instead of storing and using some of these surplus waters, Colorado has allowed the destructive Two Forks idea to dominate its highly legal/political water establishment. Colorado's intimidated water resource engineers have long known that Two Forks would only worsen the excessive dewatering of the Upper Colorado Basin, caused by 18 diversions to the Front Range.

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DALE B. RAITT, ABNER W. WATTS
Lakewood

□ □ □

I am writing to express my extreme opposition to Arapahoe County's proposal to divert water from the Gunnison Basin for use by its growing population on the Front Range.

Implementation of such a plan would have catastrophic effects.

First, this massive diversion would permanently transform a lush and expansive subalpine basin, teeming with flora and fauna, into an arid prairie largely devoid of the previous diversity. In an age when such pristine mountain habitats are in short supply, this would be a grave loss.

Second, the proposed diversion would severely threaten the very existence of the Rocky Mountain Biological Laboratory, a world-famous research institute established in 1928 and located near Crested Butte. The plan calls for a large underground pipeline to pass directly through RMBL property. The digging required to construct such a pipeline would drastically and irreparably harm the fragile subalpine habitats of RMBL and the surrounding area. In addition, the dramatically modified water flow in the area's creeks and rivers would permanently disrupt these aquatic ecosystems.

Such thoughtless actions would terminate all of the many long-term studies in progress at RMBL, which are essential for development in basic research, as well as research on such vital topics as global warming, acid deposition and conservation. As an American scientist who has conducted research at RMBL and the surrounding area, I am outraged by this grossly misguided proposal.

J. HALL CUSHMAN, research fellow
Macquarie University,
Sydney, New South Wales, Australia

THE POST INVITES READERS to write to LETTERS, The Denver Post, P.O. Box 1709, Denver 80201. Lengths of 200 words or less are preferred. Sign name, address, day phone number.

Selling Colorado's future down the river

A RECENT Denver Post editorial applied the word "debacle" to the Two Forks Dam proposal. There's a better word for President Bush's environmental rejection of this long-planned Denver metro water project: "wrong."

We're about to see why — in spades. Interior Secretary Manuel Lujan gave the Colorado Legislature a curtain-raiser recently with his plan to send "surplus" water to thirsty Southern California. There really isn't a surplus; that water was given to this area, for growth, by the 1922 Colorado River Compact.

But Interior secretaries often speak bluntly. I recall when former Interior Secretary Stewart Udall, an Arizonan, came to Denver in the 1960s and declared in the Colorado governor's office: "You don't have a water problem here. All you have to do is buy up the water serving northern Colorado agriculture."

There was an uproar, of course, because agricultural water — even when subsidized with low-interest loans — is a pretty good bargain. Californians would agree that agriculture provides needed jobs, taxes and the pleasant environment that comes with the sort of greenbelt we have between Denver and Cheyenne.

Without any artificial water, about all that grows well in the Denver metro area is prickly pear, Spanish bayonet, a few

LEE OLSON

become less competitive against cities with miserable climates, like Omaha and Chicago. Why give away any advantage? Why live in unpleasant surroundings if you don't have to?

Environmentalists may disagree. Some would prefer to see a Denver resembling Rock Springs, Wyo., in the 1940s when water-short residents tried concrete "lawns" painted green. I was there, and that isn't for me. How many of you have turned east from Colorado Boulevard onto East Seventh Avenue on a hot July day? The temperature along that green, well-watered street drops several degrees, at least psychologically. Take that away and you've lost something.

So I'm for lawns. We can conserve on lawns by making them smaller and using Xeriscape plantings, but there comes a point when growth simply requires more diversion of the snowmelt that runs off almost entirely in three spring months.

Compared to the not-so-secret environmental agenda — which is to see Colorado rivers flowing bank-full "naturally" to California — Two Forks' storage of that brief annual runoff would have been a small price to pay for keeping the metro area a pleasant place to live.

nia's long reach may revive Two Forks. But there's a good reason why it should: The decision so far has been very undemocratic. The Denver Water Board sits on its water rights as supplier to a suburban water community about as large as its own, sporadically represented by scores of water authorities. The Denver board and Mayor Peña gave Two Forks a good try. But their hearts weren't in it. When EPA Administrator William Reilly sank his knife in the project, Mayor Peña didn't fight back. Why should he? It was mostly the suburban ox that was being gored.

Now that Denver's percentage of power in the 100-member General Assembly is going to sink to 14 percent — with the six suburban counties totaling 42 percent — the time is ripe to create a metro water board with the power to consult all the water users on water decisions. Many of the million-plus suburbanites — many of who use Denver water — had no constituency at all in the Two Forks process.

I believe a metro-wide vote on Two Forks five years ago would have been favorable and would have given the White House a message: If you want those Republican votes in the suburban congressional districts, don't play environmental footsie with their water supply.

Instead, with the suburbs locked away in the back rooms of the Denver area water

March 11, 1991

SOLVING COLORADO'S WATER PROBLEMS

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Union Park's unique reservoir site is truly an invaluable asset for all of Colorado - especially for the Upper Gunnison's water based way of life. The entire project could be paid for in ten years with Representative Ben Campbell's idea to temporarily lease Colorado's wasted flood flows to California.

Regardless of who ultimately pays, Colorado environmentalists, water developers, and citizens will soon be united in common appreciation of an uncommon water conservation project.

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Arapahoe sticks with diversion bid

Heather McGregor
Daily Sentinel

Arapahoe County will stick with its attempt to divert water from the Gunnison River Basin in spite of Aurora's surprise withdrawal from the project Thursday, said Paul Zillis, Arapahoe County water lawyer.

But jubilation for at least half a victory over the thirsty Front Range was rampant in Gunnison Thursday, where a local bank flashed the news on its electronic message sign.

"People are ecstatic but guarded," said Betsy Beardon, a leader in People Opposed to Water Export Raids.

"We hail this as the mother of all withdrawals," said Chris Meyers, an attorney for four conservation groups.

"This should send shock waves through the Arapahoe County commissioners," he said.

But Arapahoe County Commissioner Tom Eggert said the county will pursue the project in spite of losing its partner.

See Water, page 9A

Water

From Page One

Aurora has spent \$2 million on the \$400 million Collegiate Range Project, which would divert 73,000 acre-feet a year of Gunnison River basin water through tunnels under the Continental Divide.

"We just decided it's time to stop throwing money down the drain in legal fees," said Aurora Mayor Paul Tauer.

Tom Griswold, Aurora's director of utilities, said, "We still hope to work with the people of the Gunnison Basin or on the Western Slope to arrive at some project that's acceptable to everyone.

"Blue Mesa Reservoir is a perfect example, where the Bureau of Reclamation has 200,000 acre-feet for sale," Griswold said.

Aurora may get the same answer however, whether it's talking across a table or a courtroom.

"As far as transmountain diversions go, there's not a budge and there never will be from our end," said Beardon.

"We've got no desire to become involved in any proposal involving transmountain diversions," said Dick Bratton, attorney for the Upper Gunnison Water Conservancy District.

"That's the official position, and I suspect that's the unofficial position on the street," he said.

Grand Junction
Paper
March 8, 1991

WATER MANAGEMENT - COLORADO'S OXYMORON*

A.S. "ANDY" ANDREWS,** P.E.

According to Webster, Oxymoron is defined as a combination of terms that are contradictory to each other. Examples of such self-contradictory words would be "cruel kindness", "burning cold" and "legal ethics".

How can two words such as "water" and "management" when combined become an oxymoron? I submit to you ladies and gentlemen that that is exactly the case in our State. Colorado, with a population of approximately 3.3 million people, has accumulated over 1,300 pages of water related laws, rules and regulations, compacts, and precedent setting court cases. As a result we have created a gridlock which focuses attention on litigation instead of wisely developing and managing our precious water resources. In Colorado, the litigators, rather than water managers, dominate the water agenda.

The thrust of my comments are not aimed at a small water user or local entities engaged in the business of providing water service. These water users and water providers do engage in a variety of water management efforts some of which will unfold here at this conference. Rather, it is at the State level that water management is seriously hampered by unnecessary legal and institutional constraints.

When dealing with water resource management, we must consider a number of constraints that play a major role in the wise use of water. A partial list includes political, legal, institutional, and physical constraints. Over the last twenty years, many intervening forces have changed the relative importance of these constraints. Instead of giving the highest priority to the physical factors, we have instead opted to give top priority to the legal constraints. Colorado institutions established to develop and manage water resources are governed by Boards that are highly political. The mindset is often dominated by a perspective of legal or illegal without considering its physical, moral, technical, and pragmatic implications.

In many areas of the world, the legal constraints take the back seat to the physical constraints that play a more prominent role in managing water resources. I recall a specific experience in the early 1970's when a major water resources project was completed in Philippines. As part of the project team we engaged the services of an attorney experienced in water law. The attorney studied the existing laws and suggested changes in the existing laws or enactment of new laws to ensure that the project can be operated and managed efficiently without changing its technical and physical constraints.

* Presented during the Colorado Water Engineering and Management Conference held in Denver on February 27-28, 1991. The conference organizers were the Colorado Water Resources Research Institute and the Office of the State Engineer.

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The activism of the legal profession, coupled with inaction from other professionals in water policy matters, is the root cause of our water management problem. This situation has created what I call a legal-political complex. This complex has created an institutional and legal system that ignores the basic fundamentals of sound water management.

Attorneys have a very useful role to play in our society. However, their domination of the policy and decision process of water institutions are counterproductive. Attorneys are trained to litigate, win court cases, and be advocates of their client's point of view. They often pay little or no attention to cost and the physical realities. They certainly are not trained to develop policies or management tools that would wisely manage our water resources.

The legal-political complex in Colorado has changed the meaning of a number of traditional activities that have served us well in the past when they were handled by trained water resource professionals. Three such meanings that I wish to share with you today includes political water resources engineering, politicized State water policy making institutions, and special interest water policies created by legislation and litigation. A detailed description of each of these three areas follows:

1. Political Water Resources Engineering

It is rather disturbing to see a number of engineers engaged in what I would call political engineering. There is no reason why two different engineers preparing cost estimates for essentially the same water project should come up with figures that vary by 400%. This is an example that actually occurred in a state sponsored study dealing with the assessment of water resources in a specific basin in Colorado. Similar examples are abundant in the area of water rights engineering where the engineering results are presented and contested in an extremely confrontational and adversarial court setting.

In the past, Engineers, through their problem solving abilities have served the public in exemplary fashion in shaping the standard of living we all currently enjoy. They have played a major role in the planning, design, and construction of numerous everyday necessities that we have come to enjoy and take for granted. A few examples of such necessities include, the water systems that deliver water into our homes, the highways we use to travel to and from work, the airports we use to travel long distances to see our loved ones, and the bridges we use to cross natural obstacles. But despite such a record, we see disturbing trends in recent years of the physical facts being manipulated for political purposes. More policies are enacted and decisions are made without the benefit of the objective and factual input. An example of such a decision is the launch of the Challenger, where an engineer from Morton-Thiokol recommended against the launch, and despite his repeated concerns over the weather conditions, he was overruled, and as a result the tragedy occurred that cost lives and set back our space program. I see parallels in what has happened to the engineer's role in shaping water laws and water policy decisions in Colorado.

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2. Politicized State Water Policy Making Institutions

Another disturbing result generated by the legal-political complex is the highly politicized state policy making institutions. In Colorado there are over 270 Boards and Commissions that represent the backbone of the State government. The Governor appoints over 2,800 people to serve on these policy Boards and Commissions. These appointees enact policies and make final decisions on important matters that affect our communities and our individual lives. The legal/political complex has managed to appoint a disproportionate number of attorneys to serve on these institutions as compared with members from other professions. Examples of institutions dominated in recent years by attorneys would be the Colorado Highway Commission and the Colorado Water Conservation Board.

As of August 1990, there were five attorneys serving on the Colorado Highway Commission out of total of eleven members. The Governor has nominated a sixth attorney to serve on the same commission. It is interesting to note that none of the eleven members serving on the commission is an engineer.

Although I am concerned with the number of appointed attorneys on Boards and Commissions, a larger problem is the process used to select the final members of such Boards and Commissions. I believe the process is flawed, and has been abused by individuals and organizations that seek to gain control and to benefit their own colleagues and industry. I have a problem with a process that has allowed in the past, and could potentially allow in the future, the formation of private committees to interview, screen, and recommend nominees to fill key governmental positions. An example of this was the existence of a private committee in the past comprised exclusively of water attorneys who at least for four consecutive times, and over a period of more than ten years, had screened, selected, and recommended for appointment other water attorneys to fill a high ranking cabinet position in the Colorado State Government. The individual filling the subject position, played a major role in selecting members to a number of Boards. Please, rest assured that I am not here to question the qualifications of the selected individuals, but rather I am questioning the process that excludes consideration of other qualified professionals from the opportunity to serve the State.

I believe that the domination of attorneys on the water policy setting Colorado institutions is not desirable for the following reasons:

1. This domination tends to elevate legal solutions at the expense of what is technically and physically feasible.
2. This domination advances a mindset, where all activities are viewed from a perspective of legal and illegal without considering its moral and pragmatic implications.
3. The legal solutions, thus advanced, manifest themselves in proliferation of more rules and regulations and thus generating bigger government.

4. Domination by one profession, eliminates members of other professions from gaining public policy experience, which diminishes their leadership role in the community.
5. Domination of one profession diminishes the opportunities for creative solutions that could result from broader representation of individuals with diversified experience and points of view.
6. Attorneys, being advocates of their clients position, have a limited agenda to benefit their own clients, thus they cannot advance broad water management concepts that would have far reaching state benefits.

I believe that many State residents with good intentions to serve Colorado have been excluded from serving on Colorado Boards and Commissions. This exclusion has come as a result of a process that is flawed and dominated by the legal profession. In the past, a number of citizens have been interviewed and subjected to questions riddled with legal jargon that only attorneys could answer effectively, and thus were eliminated from further consideration to serve on Colorado Boards and Commissions.

3. Special Interest Water Policies Created by Legislation and Litigation

The third area of activity resulting from the legal/political complex is the domination of water legislation by individuals and organizations engaged in advancing self interest. Organizations such as the Colorado Water Congress have played a major role in shaping the current water laws in the State. Although the Colorado Water Congress does not officially sponsor specific legislation, they engage in supporting or opposing water legislation sponsored by others.

The water rights determination aspects of the law has created a process that is very confrontational, very expensive, and excessively time consuming. This highly complex process serves the financial interests of the legal and engineering communities very well. Could you imagine if all or majority of the real estate transaction in Colorado was determined and decreed by the Courts. Under such a scenario, the real estate market would come to a screeching halt. This approach would add unnecessary costs to real estate transactions. This is exactly the system Colorado has adopted for water rights. Most water rights matters are determined by a Water Court. Colorado uses water Courts as the first step in the water determination process, while in majority of the other states the applicant uses the Court as the last step to appeal a decision made by an administrative body comprised of an appointed or elected individual, board, or commission. Back when the first adjudication act was adopted in 1879, the County Commissioners made such water rights determinations in Colorado. Maybe the time is here to ask ourselves why Colorado is the only State in the union that has adopted such a system that has produced some of the highest water tap fees in America?

On October 5, 1989; representative of the Homebuilders Association of Metropolitan Denver testified before the State of Colorado Interim Water Committee that water and sewer tap fees in the Denver Metropolitan area are the

highest in the nation, averaging over \$7,000 per tap. Equivalent figures from a number of water providers in Texas averaged \$1,153, Arizona \$1,106, Utah \$1,850, and New Mexico \$847. A recent study completed for the U.S. Geological Survey shows that Colorado Water Court transaction costs for water transfers alone cost up to \$1,700 per acre foot. It is rather ironic that Metro Denver's water tap fees are about five times the average for other western cities that depend on Colorado generated water.

The high cost of the water court adjudication process is unfair to the small water user such as a farmer or a small community. Mr. John R. Fetters of Parker in his letter of January 30, 1991 describes the system to the Division-1 Engineer, Mr. Alan Berryman as follows:

"As you know, the "system" favors wealthy entities that can afford to hire expensive lawyers (or have them on staff) in the securing or maintaining of water rights. While we recognize the expense of moving these rights to other locations is ours, we believe the State has an obligation to make the system available to people of normal means."

Applying water policies created by special interest legislation and litigation, without giving proper attention to the physical and natural setting of the different geographic areas, could have a substantial impact on our abilities to wisely manage our water resources. These laws, whether established by the legislature or the Judicial branch of our governments, are increasingly giving rise to doctrines that distract from effectively managing our water resources. An example of such a doctrine is the so-called "Can and Will" Doctrine.

To combat speculation in water, the legislature in 1979 added Section 37-92-305 (9)(b) to the State water laws. This section of law reads as follows:

"No claim for a conditional water right may be recognized or a decree therefore granted except to the extent that it is established that the water can be and will be diverted, stored, or otherwise captured, possessed, and controlled and will be beneficially used and that the project can and will be completed with diligence and within a reasonable time."

Under the requirements of this section the applicant claiming a conditional water right had to demonstrate to the Water Court the capability to actually complete the project and was not engaged in the activity as a speculator.

This new law is now being misinterpreted by the Courts, as evidenced in the recent decision upheld by the Colorado Supreme Court in the FWS Case. In this case the opposers were successful in convincing the Court to require that an applicant for a conditional water right must have all of its land interests purchased or in place, and that all required project permits must be secured prior to the granting of the conditional water right, or that the applicant must prove in the water court that it will get each permit. Imagine the predecessors of the Denver Water Board attempting to convince the Court in 1905, when they sought a conditional storage right for the Two Forks Project,

that they would be able to secure a dredge and fill permit from the Corps of Engineers and that EPA would not veto such a decision. This legal approach creates a "Catch 22" for the applicant, since most permits cannot be secured without valid decreed water rights. This doctrine could further be used to attack existing conditional rights by re-litigating permitting and land acquisition issues. If this decision is not overturned by the legislature, it would be virtually impossible to acquire a conditional water right anywhere in the State of Colorado and illustrates the extremes to which the "Can and Will" Doctrine is being used by those opposing applications in the Water Courts today. We have created a contradictory set of complex laws that are, in reality, a water trust for the down river states.

Another example of the misuse of this doctrine is the City of Florence case in which the Colorado Supreme Court held that all conditional water rights must be taken into consideration in determining water availability before a conditional water right is granted. This case was decided in the Arkansas River Basin which is severely over-appropriated. However, the opposers are asserting the same doctrine in the Gunnison River Basin, where by the U.S. Bureau of Reclamation's own estimates, it currently has a surplus of 250,000 acre feet in the Aspinall Unit, i.e. primarily Blue Mesa Reservoir. The Court agreed with this assertion, forcing the applicants to consider all conditional water rights in determining water availability regardless if any of these water projects, using the subject water rights, will ever be constructed.

The Colorado Legislature attempted to correct this problem by introducing House Bill 1172 in the 1991 session. The bill was killed on February 14, 1991 by a narrow margin in the House Agriculture, Livestock and Natural Resources Committee.

It is abundantly clear that Colorado cannot manage its water resources unless it is capable of ridding itself of the gridlock created by a host of legal constraints that have taken precedent over physical constraints and given rise to the legal/political complex that retards our abilities to manage our water resources wisely. I would like to suggest the following specific actions to remedy this chronic problem that has plagued Colorado in recent years.

1. Professionals from different backgrounds and disciplines must be more actively involved in water policy and planning matters and not leave the matter solely to the lawyers. There is no reason why a water planning session at the Colorado Water Workshop held in Gunnison in July 1987 should have had four speakers, everyone of them was an attorney. I guess things have not changed that much since 1987. Did you notice that all speakers of the Plenary Session of this conference this morning were attorneys.
2. The Governor must appoint to the cabinet positions and to different Boards and Commissions people from diversified professional backgrounds. Just ask yourself the question why the last six Executive Directors of the Department of Natural Resources have been water attorneys.

3. The Legislature should revisit the "Water Right Determination and Administration Act of 1969" and decide whether court determination of water matters is in the best interest of Colorado. We should ask ourselves why a City such as Colorado Springs should spend millions of dollars on engineering and legal fees for its Arkansas River exchange Water Court case. In February 1989, these costs were reported to total \$2.7 million. As of this date the final resolution of this exchange has not been secured from the water court. We must heed Mr. Fetters comment and make the system available to people of normal means.
4. Individual agendas that are carried into water policies advanced by State Institutions and organizations influencing water legislation must be identified and exposed. We should ask ourselves how written comments, representing the views of an individual attorney opposing a proposed water legislation ends up being copied verbatim 47 days later on the Colorado Water Congress stationery. In turn, the CWC letter was provided to the members of the interim water committee in the legislature, that killed the proposed legislation. Organizations such as the Colorado Section of the American Water Resources Association should provide a counter to balance the activities of the Colorado Water Congress in the water legislation arena.
5. Objective and non-political institutions such as Colorado Water Resources Research Institute at Colorado State University and the University of Colorado Natural Resource Law Center should undertake further research to study the impacts of the legal-political complex on Colorado's abilities to manage its water resources wisely. The press, as part of its public responsibility, should investigate the activities of the legal/political complex and educate the public on the details of such activities.

I urge your active participation in bringing about a balanced approach to managing Colorado's water resources. Continuation of the legal control and legal approach to solving our water problems ensures the continuation of the present counterproductive gridlock created by such an approach. Indeed, if we cannot break this gridlock, the water management in our state will continue to have the meaning of an oxymoron. Allowing Colorado's water to flow through our fingers is truly self-contradictory. Colorado's political leaders must take Interior Secretary Lujan's comments appearing in the Denver Post issue of February 13, 1991 seriously when he suggested that the upper Colorado River Basin States help drought-stricken California by donating its unused surplus compact entitled water.

Colorado deserves better. Our future generations will never forgive us if our State compact entitled water continues to flow downstream to the benefit of other States. We must pursue viable solutions with the talents, experience and problem solving abilities available in Colorado today. Together we can make a difference.

March 4, 1991

LET TWO FORKS DIE

Some state legislators are trying to goad the Denver Water Board into federal court to appeal the Two Forks Dam veto. If this attorney-inspired movement succeeds, California will continue to benefit, while Colorado sinks further into years of divisive water development gridlock.

EPA vetoed Two Forks because Colorado ignored its better alternatives. The wasted million acre-feet from the untapped Gunnison Basin is the most obvious example. Colorado is entitled to these flood flows under the Colorado River Compact. However, instead of storing and using some of these surplus waters, Colorado has allowed the destructive Two Forks idea to dominate its highly legal-political water establishment. Colorado's intimidated water resource engineers have long known that Two Forks would only worsen the excessive dewatering of the Upper Colorado Basin, caused by eighteen diversions to Colorado's Front Range.

While the federal government was wisely vetoing Two Forks, Arapahoe County has been quietly developing the finest multi-purpose water alternative ever conceived for Colorado. During heavy run-off years, surplus Gunnison water will be pumped into the off-river Union Park Reservoir site. This uniquely efficient million acre-feet of high altitude storage will release valuable water to the river environments of both slopes during the critical droughts. Engineering studies have confirmed Union Park can satisfy Metro Denver's future needs for about half the safe yield cost of Two Forks. Union Park will also provide guaranteed drought insurance for both slopes, balanced water usage between basins, and beneficial use of Colorado's threatened compact entitlements.

Colorado is the only state that tries to manage its water with an army of quarreling attorneys. The state makes absolutely no attempt to evaluate its water options based on comparative environmental and engineering merit. Hopefully, Colorado will start some objective water resource planning, before all of its major water decisions are made in Washington D.C. or California.

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Lakewood, CO

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Front Range growth comes at too high a cost for Colorado

What do you like best about Colorado? I only lived there for three months, but I can certainly say that one of the things I liked best was the relatively undisturbed beauty of the Rockies, the feel of places that haven't been rendered unhealthy by the march of progress. I'm sure many Coloradans make their get-aways into the nearby mountains and enjoy the same thing.

Unfortunately, I've got to tell you that your elected officials are doing their best to destroy one small part of Colorado's beautiful resources — quietly, so that no one will notice.

Arapahoe County wants to steal water from the East River and Copper Creek, near Crested Butte, forever changing an entire valley.

But there's more at stake here than just a picturesque valley. The East River and Copper Creek support not only their own natural ecosystem, but also the Rocky Mountain Biological Laboratory. RMBL, in turn, supports a variety of research projects and summer classes, and is known worldwide as a top research field station. RMBL contributes greatly to our understanding of the world around us and how we are changing it.

Why is this water-grab being made? To supply growth on the Front Range in already crowded, smoggy areas that can't support further growth on their own. Not only would this plan destroy Colorado's valuable resources, it would contribute to the degradation of the quality of life in Arapahoe County.

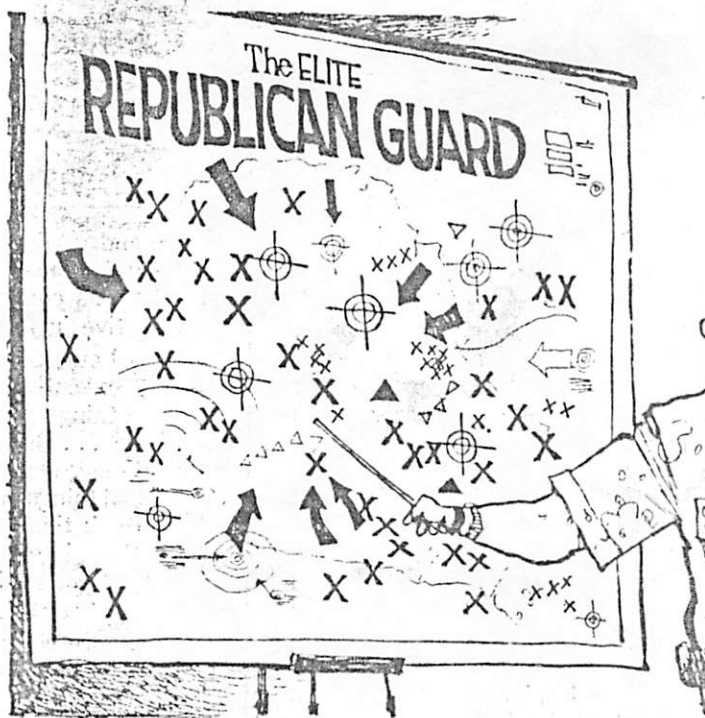
Developers must be told that growth simply can't continue forever at any cost. There is a limit, not only for raping the wilderness, but for crowding people into overdeveloped areas.

RMBL is fighting hard for its life. But it needs your help, not only for its own sake, but also for yours. Please tell the people responsible that you vote them in, and you want them to stop.

Jackie Collier

Carnegie Institute of Washington
Department of Plant Biology
Stanford, Calif.

Everyone wins



"GOOD NEWS... WE BOMBED THEM SO HARD T

Rape remarks reek of sexist beliefs

Regarding the recent article on male rape, I am sure countless other women are feeling the same anger I am experiencing. Psychologist John Traynor was quoted as saying, "If you're male and have been raped, you've been dominated, had your male-ness taken away" and that men "can understand how it could happen to a woman, it happens all the time."

Traynor's thesis is loaded with sexist beliefs and ignorance. When is our society going to realize that rape, regardless of the gender of the victim, has absolutely nothing to do with the sexuality of that person?

Two members of my family have been raped in the "traditional" sense and I was victimized by two women! All three of us felt the same domination and degradation. Fortunately, we were counseled to realize that our "woman-ness" was not, nor could ever be, taken away by the sick, demented actions of our assailants.

My hope is that all victims of this heinous crime (be they male, female, young or old) realize this truth. It is also my sincere hope that our society begin to take a

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Robert E. Schum

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