



Colorado Water Congress

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The Honorable Scott Tipton

Re: Colorado Water Congress Supports H.R. 3189, Water Rights Protection Act

Dear Congressman Tipton:

The Colorado Water Congress is pleased to see the introduction of and hearing for Water Rights Protection Act (WRPA), H.R.3189. The bipartisan bill was introduced last week. This legislation, with the consensus amendments developed by your office, the national ski areas and Colorado water users would prohibit the conditioning of any permit, lease, or other use agreement on the transfer or surrender of any water right to the United States by the Secretaries of Interior or Agriculture.

The issue is of particular importance to Colorado's ski areas that are located in national forests. The U.S. Forest Service, through a 2012 Interim Directive recently attempted to require the transfer of privately owned water rights on federal lands to the federal government as a condition of issuing standard land use permits.

The National Ski Areas Association sued the Forest Service alleging that the directive amounts to a taking of private property rights without due compensation and asked for a declaration that the Forest Service cannot condition a ski area special use permit on the assignment or severance of water rights. In December 2012, the federal district court entered an injunction prohibiting the Forest Service from enforcing the directive. The court found that the Forest Service violated federal procedural laws in adopting the directive.

This matter is of importance to the Colorado legislature that as recently as late August 2013 continues to investigate Forest Service activities in this regard. It is unfortunate that Colorado water users have to had to pursue both litigation and legislation to protect our water rights from takings by our Federal government.

We hope that passage of H.R. 3139 will put us on the right path toward a permanent resolution. We urge the House to pass this legislation without delay.

The Colorado Water Congress supports H.R. 3139. Thank you for sponsoring the bill.

Best regards,

Douglas Kemper
Executive Director