



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

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March 3, 2015

The Honorable Scott Tipton
United States House of Representatives
218 Cannon HOB
Washington, DC 20515

Dear Representative Tipton:

CLUB 20 is a 60 year old coalition of businesses, individuals, and local governments with members representing 22 counties west of the Continental Divide in Colorado. Our members have been working together over the past six decades to discuss matters of mutual concern to Western Colorado communities and citizens, and to examine potential resolutions addressing these items. Throughout our tenure, water has often been a focal point for CLUB 20 members as there are far reaching implications to many of the industries, communities, and residents on the West Slope regarding privately held water rights in the region.

Water rights are considered private property under Colorado water law and are managed under a strict system that has served the state well for over fifty years. Additionally, Colorado's Water Rights Determination and Administration Act of 1969 required that surface and ground water rights be administered together. CLUB 20 policy has opposed, "...any federal requirement that permittees assign water rights to the United States in order to obtain, renew, or modify federal permits." Additionally, CLUB 20 supports the requirement that Federal agencies recognize the state's authority related to "evaluating, protecting, allocating and/or adjudicating groundwater through any methods including "rulemakings, permitting, directives, water court adjudications, resource management planning," or any other policy or similar such actions.

Our members have openly opposed and continue to oppose the efforts of the United States Forest Service (USFS) or any other federal management agency to unilaterally require industry members or individuals to turn over their privately held water rights to that agency as a condition of obtaining, modifying, or renewing a permit to conduct permitted activities or maintain infrastructures to convey water on federally managed lands. We further oppose any such provision, policy, or ruling that may apply to other private water rights with regard to natural resource development interests, municipal water use, or other domestic water interests.

CLUB 20 has received explanations from federal agencies for the “taking” of privately held water rights, often developed at great expense to the owner, attempting to justify these actions by claiming that they wish to maintain the designated use of the water for the permit. This rationalization is disingenuous at best for the following reasons:

1. Requiring that any United States agency, directly or indirectly, be named the owner of valid, existing water rights is a taking of a private property right without just compensation and appears to be a violation of the Fifth Amendment to the United States Constitution.
2. Federal ownership of these rights could be used to disallow future use of the permitted area as a designated enterprise because the agency that holds title to the water rights could deny permits based on their withholding of those same water rights.
3. Once promulgated by a federal agency, such as the USFS, for specific uses, such as ski area snowmaking and agricultural production, similar decisions and actions could be made regarding mining rights, milling rights, energy rights, municipal water rights, or any feasible use of a water right.
4. The recent efforts by the federal government’s management agencies seek to undermine states’ rights with regard to water management which is wholly unacceptable.

With the changing of USFS’s water management policies more than three times in the past ten years, the need to codify states’ rights has never been more dire and necessary. Any attempt to change policy or regulations with regard to water and water rights creates uncertainty and instability for industries of all sorts, which stalls our ability for economic growth and development. Additionally, once held in the name of the United States Government via land management agencies, there is no guarantee that these water rights won’t be redirected, withheld, or otherwise made unavailable to those who made significant investments in developing those rights.

CLUB 20 supports the critical protections provided by the “Water Rights Protection Act” and we urge the passage of this legislation without delay.

Sincerely,



Christian Reece
Executive Director
CLUB 20