

**Statement of Congressman Scott Tipton**  
**April 25<sup>th</sup>, 2013**  
**Before the House of Representatives Committee on Natural Resources**  
**Subcommittee on Water and Power**  
**Oversight Hearing on, “*Federal Impediments to Water Rights, Job Creation and Recreation:***  
***A Local Perspective.*”**

Thank you Chairman McClintock for holding today’s hearing on what I consider one of the most critical issues facing the West and our way of life. I also want to thank our witnesses for making the trip to testify; in particular I would like to thank Geraldine Link from Colorado for her work on protecting water rights and ensuring a bright future for recreation in Colorado.

While easterners may find it a little difficult to understand, many of my colleagues on this Committee need no reminder that in the West, state water law and the rights it protects are sacred to westerners of all political stripes. Our system of water law is what allowed for westward expansion, the population of our cities and towns, the responsible use of our natural resources, and is today, the bedrock of our livelihoods and domestic security.

In the fall of 2011 it came to my attention that the Forest Service was attempting to upend this long held framework by requiring the relinquishment of private water rights as a condition to obtain a ski area permit. No compensation was to be offered for this act, and very little public notice was given about the policy. At that time I wrote to Secretary Vilsack urging him to retract the directive and develop a water clause which would respect state law and the private water rights protected by it. Although this directive was struck down in federal district court due to the agency’s failure to properly notify and engage the public, the Forest Service has announced that it is going to attempt this onerous water grab once again, putting ski areas and recreational opportunities at immediate risk in the coming ski season.

In addition to seeking the relinquishment of water rights through ski area permits, the Forest Service has come up with new ways to attempt takings of private water rights. I have in my hand the written testimony of Gary Derck, a local business owner in my district who operates Durango Mountain Resort near Durango, Colorado. Although he has been a good steward of the environment and his water rights, the Forest Service has repeatedly denied him access to develop those water rights, jeopardizing his rights under state law. This is nefarious and coercive and it has to stop.

This policy isn’t limited to ski areas. The Forest Service has also been implementing a similar requirement for grazing permits in several western states. Many of the ranchers I represent can’t afford drawn-out and costly legal battles with the Forest Service to protect what is rightfully theirs under state law. To add to the list of federal threats to state water law is the recently issued Department of Interior Secretarial Order establishing the National Blueways System; a “source to mouth, watershed-wide” federal program about which little is known and which has raised the fears of many local water conservation districts who are already doing an outstanding job of managing precious water supplies.

The bottom line is this: we continue to see a trend of federal intrusion into state water law which protects all of the uses we hold dear, from recreation to irrigation, domestic use and environmental protection. To undermine this system is to create risk and uncertainty for all western water users. This isn't a political battle, it's a regional one. Water is the lifeblood of the West. I once again commend the Chairman for bringing this issue forward.