



Rio Grande Water Conservation District

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Protecting & Conserving San Luis Valley Water

May 17, 2017

The Honorable Scott Tipton
218 Cannon House Office Building
Washington, DC 20515

Dear Representative Tipton:

One of the Rio Grande Water Conservation District's purposes is "for the conservation, use and development of the water of the Rio Grande". We understand that there has been an attempt by certain federal agencies to require federal permittees to assign their private water rights to the federal government as a condition of the permit. If this policy continues it will create a great risk to the water users both in the San Luis Valley and statewide. The Rio Grande Water Conservation District supports The Water Rights Protection Act, and will work with you to garner support for this bill to ensure protection of privately owned water rights from claims by federal agencies.

As we understand, The Water Rights Protection Act was introduced as a means to protect water users from the seizure of privately owned water rights without just compensation. We believe that the Water Rights Protection Act grants no new rights to any party, nor does it in any way infringe on existing rights of individuals, states or the federal government. It appears that this legislation simply reaffirms what has been existing law for generations and which is expressed in numerous places in federal law, including the Mining Act of 1866; the 1897 Organic Act establishing the U.S. Forest Service; the Taylor Grazing Act; and the Federal Land Policy and Management Act of 1976. The bill supports long-established recognition of the primacy of state water law and the title to water rights that are established thereunder.

We are aware of no provision in federal statutory law authorizing or permitting the Forest Service or the Bureau of Land Management to compel owners of lawfully acquired water rights to surrender those rights or to require that they be in the name of the United States. The Water Rights Protection Act does nothing more than assure holders of BLM or Forest Service permits that their lawfully acquired water rights will not be abridged and that federal agencies may not use the permit process to acquire water rights that are owned by non-federal entities.

Thank you for taking a leadership role in addressing this crucial issue and we look forward to working with you on this important legislation.

Sincerely,

Cleave Simpson
General Manager
Rio Grande Water Conservation District