



May 18, 2017

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

The Honorable Michael Bennet
United States Senate
261 Russell Senate Office Building
Washington, DC 20510

The Honorable Cory Gardner
United States Senate
354 Russell Senate Office Building
Washington, D.C. 20510

The Honorable John Barrasso
United States Senate
307 Dirksen Senate Office Building
Washington, DC 20510

RE: Garfield County supports Water Rights Preservation Act

Dear Representative Tipton and Senators Garner, Bennet and Barrasso,

It is oft said in the west that “Whiskey’s for Drinking, Water’s for Fighting”; however, closer to home in Colorado, there’s a poem by one of Colorado’s greatest poets, Thomas Hornsby Ferril, etched on the walls of the rotunda in the State Capital Building in Denver which states, “Here is a land where life is written in water....”

Garfield County, like many governments in Colorado and the west remains fiercely concerned over the continued challenge the federal government poses to the supremacy of Colorado water law. To that end, Garfield County places its full support behind Representative Tipton’s efforts to sponsor legislation known as the **Water Rights Preservation Act** as a way to shield and protect the integrity of state water law from federal overreach.

The Garfield County Commissioners have long supported the fact that private water rights are under the purview of the states and should be treated with the deference of any other private property right. These water rights, especially in the State of Colorado, are a critical property right that ranchers, farmers, businesses, communities and the environment depend on for their livelihood. This is noted by the County’s opposition to the previous rulemaking by the Forest Service where they, albeit unsuccessfully, attempted to acquire private water rights though conditions placed on the issuance of special use permits

for Ski Areas. This proposed legislation would prohibit the federal government from conditioning any other public lands permit with the requirement that water rights be signed over, or that water rights usage be infringed upon, or that the permittee apply for a right in the name of the United States. In the same way, it wouldn't be proper and would cause an uproar if the federal government required a rancher to deed over their land to get a grazing permit, nor should they have to do the equivalent with their water rights.

In particular, Garfield County agrees with and supports the policy direction given directly to the Secretaries of the Department of Interior and Agriculture in this proposed legislation where they shall:

- 1) Recognize existing state authority for permitting and adjudicating water use;**
- 2) Coordinate with States to ensure that any policy with similar Federal action is consistent with, and imposes no greater restriction than applicable State water law;**
- 3) Not adversely affect the State's authority to permit the beneficial use of water or in adjudicating water rights; and**
- 4) Not assert any connection between surface and groundwater that is inconsistent with such a connection recognized by State water laws.**

Garfield County applauds your efforts to protect the legal integrity of state water rights from federal overreach and urges the 115 Congress to pass this legislation post haste. Please do not hesitate to contact the Garfield County Commissioners at any time should you wish to discuss further.

Very Truly Yours,



John Martin, Chairman
Garfield County Board of County Commissioners

Cc Garfield County Board of County Commissioners
Kevin Batchelder, County Manager
Fred A. Jarman, Deputy County Manager
Tari Williams, County Attorney