

EXTENSIONS OF REMARKS

IN SUPPORT OF H.R. 3189

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 2014

Mr. TIPTON. Mr. Speaker, I would like to submit the following:

GRAND JUNCTION AREA
CHAMBER OF COMMERCE,

Grand Junction, CO, November 22, 2013.

Hon. SCOTT TIPTON,
Cannon House Office Building, Washington, DC.

Hon. JARED POLIS,
Longworth House Office Building, Washington, DC.

DEAR HONORABLE REPRESENTATIVES TIPTON AND POLIS: As the voice of business on Colorado's western slope, representing over 900 businesses, we want to thank you for introducing H.R. 3189 as a way to ensure that water rights are continually protected in Colorado. It is absurd that the federal government requires ski resorts to relinquish their rights as a condition of granting permits, and this practice must be stopped.

The Grand Junction Chamber of Commerce offers legislative guidelines on water that include the following points: Water rights in Colorado and the West have been considered a vital asset and personal property for many years. Water is an essential component of the economic, social and environmental quality of life that we enjoy. The preservation and protection of private ownership and the right to use water, its conservation, and its wise use are necessary to preserve the public health, safety and welfare of the citizens of western Colorado and the entire state. Furthermore, industries in Colorado such as agriculture, small businesses, tourism, and natural resource development require steady reliable and high quality water supplies.

The passage of H.R. 3189 would ensure that tourism operations as well as other businesses' private property rights are protected when it comes to water. It will also help the regulatory uncertainty and remove the concern that if a ski area wants to grow or expand it will not lose its property. This helps create a sure business climate in Colorado. Thank you for sponsoring this bill. We urge the passage of H.R. 3189.

Sincerely,

MICHAEL BURKE,
Chairman of the Board.

Garfield County, CO January 13, 2014.

Re Garfield County Board of County Commissioners' Letter of support for pending legislation H.R. 3189: Water Rights Protection Act

Hon. SCOTT TIPTON,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE TIPTON: The purpose of this letter is to provide you with unanimous support from Garfield County Board of County Commissioners (the Board) for H.R. 3189, "The Water Rights Protection Act." Many of the Counties in Colorado are largely comprised of federal lands. For example, 2/3rd of Garfield County (or approximately 2,000 sq. miles) is held and managed

by either the Bureau of Land Management (BLM) or the U.S. Forest Service (USFS). Many private businesses and industries in Garfield County including but not limited to ranching, agriculture, guiding and outfitting, and the ski industry (Ski Sunlight) to name a few, rely on the use of these federal lands to operate and thrive. Land management decisions made on these lands can have a significant socioeconomic impact on the County and, more importantly, to the private businesses and activities that have operated here even prior to statehood.

It is these businesses that make up key portions of the fabric of our local communities and are important contributors to our local economies. Moreover, they have lawfully obtained and privately paid for water rights necessary to the success of their operations. However, because of their use of federal lands for their operations, they also are also dependent on permit approvals from federal agencies to continue operate in Garfield County. Specific to pending H.R. 3189, the Board supports this legislation as it protects existing water rights obtained and held by these private businesses from an arbitrary and uncompensated taking by the federal government through the use of conditions on permits or any other regulatory mechanism. Moreover, it is unconscionable that the federal government shall attempt to hold these businesses hostage in order to 'take' their water rights without legal authority. To do so shall, no doubt, render private businesses as victims and casualties of government overreach and possible failure in the ability to control their future.

We are encouraged to see such wide bipartisan support for this legislation which clearly underscores its value and hopeful passage into law. It is rather unfortunate that it takes legislation such as this to reaffirm what are long standing existing rights, but the Board is pleased to see your efforts be put to such a good cause on behalf of citizens and businesses in Garfield County.

Please do not hesitate to contact us if you have any questions about the position of the Board outlined above.

Very truly yours,

JOHN MARTIN,
Chairman, Garfield County Board of County Commissioners.

MIKE SAMSON,
Commissioner, Garfield County Board of County Commissioners.

TOM JANKOVSKY,
Garfield County Board of County Commissioners.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, October 4, 2013.

Hon. SCOTT TIPTON,
Cannon House Office Building, Washington, DC.

Hon. JARED POLIS,
Longworth House Office Building, Washington, DC.

DEAR REPS. TIPTON AND POLIS: On behalf of more than 6 million Farm Bureau member families across the United States, I commend you for your introduction of H.R. 3189, the Water Rights Protection Act. The Amer-

ican Farm Bureau Federation endorses the Tipton-Polis bill, and will work closely with you to broaden bipartisan support for this measure and to gain its swift consideration and approval by the House of Representatives.

H.R. 3189 grants no new rights to any party, nor does it in any way infringe on existing rights of individuals, states or the federal government. 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.

There is no provision in federal 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 acquire them in the name of the United States. Thus, H.R. 3189 does nothing more than assure holders of BLM or Forest Service permits that their lawfully acquired rights will not be abridged and that federal agencies may not unlawfully use the permit process to acquire rights they do not currently possess.

We look forward to working with you on this important legislation and again commend you for your leadership in this important area.

Sincerely,

BOB STALLMAN,
President.

FAMILY FARM ALLIANCE,
Klamath Falls, Oregon, October 8, 2013.

Re Support for "Water Rights Protection Act" (H.R. 3189)

Hon. SCOTT TIPTON,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN TIPTON: On behalf of the Family Farm Alliance, this letter expresses our formal support for your "Water Rights Protection Act" (H.R. 3189). This important legislation would prohibit the conditioning of any federal permit, lease, or other use agreement on the transfer, relinquishment, or other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture.

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. The Alliance has long advocated that solutions to conflicts over the allocation and use of water resources must begin with recognition of the traditional deference to state water allocation systems. Federal agencies must recognize and respect state-based water rights and develop their management decisions according to state law and abide by state decrees defining both federal and non-federal rights. Federal agencies need to work within the framework of existing prior appropriation systems instead of attempting to fashion solutions which circumvent current water rights allocation and administration schemes.

Unfortunately, in recent years, some agencies within the federal government have repeatedly demonstrated they will not abide by this philosophy. These efforts constitute

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a federal overreach and a violation of private property rights.

For example, the U.S. Forest Service (USFS) has attempted to implement a permit condition that requires the transfer of privately held water rights to the federal government as a permit condition on National Forest System lands. There is no compensation for the transfer of these privately held rights despite the fact that many stakeholders have invested their own capital in developing the rights. Additionally, federal land management agencies are leveraging Western water users in an effort to acquire additional water supplies for the federal government by requiring water users to apply for their rights under state law in the name of the United States rather than for themselves. USFS continues to take private water rights hostage through their permit conditions, despite objections from elected officials, business owners, private property advocates and a U.S. District Court ruling.

Our farmers and ranchers rely on their vested water rights to secure operating loans, as well as irrigate crops and water livestock. Federal agencies should not be able to leverage those water rights against farming and ranching families who have long depended upon federal permits and leases to support actions like grazing.

The Water Rights Protection Act would protect communities, businesses, recreation opportunities, farmers and ranchers as well as other individuals that rely on privately held water rights for their livelihood from federal takings. It would do so by prohibiting federal agencies from extorting water rights through the use of permits, leases, and other land management arrangements, for which it would otherwise have to pay just compensation under the 5th Amendment of the Constitution. The Water Rights Protection Act protects privately held water rights, prohibits federal takings, and upholds state water law by:

Prohibiting agencies from implementing a permit condition that requires the transfer of privately held water rights to the federal government in order to receive or renew a permit for the use of land;

Prohibiting the Secretary of the Interior and the Secretary of Agriculture from requiring water users to acquire rights for the United States rather than for the water user themselves;

Upholds longstanding federal deference to state water law;

Has no cost to the American taxpayer.

Some Family Farm Alliance members in Arizona and Colorado have expressed some concerns with language contained in the original bill. We understand that they are working with you and Rep. Gosar to modify the language so that changes can be easily made by the Water and Power Subcommittee. We support H.R. 3189 with those changes.

Thank you for this opportunity to provide support for your bill, which is very important to the family farmers and ranchers of our membership. If you have any questions about this letter, I encourage you or your staff to contact me at (541)-892-6244.

Sincerely,

DAN KEPPEN,
Executive Director.

DURANGO MOUNTAIN RESORT,
Durango, CO, October 15, 2013.

Re Letter of Support for Water Rights Protection Act (H.R. 3189)

Congressman SCOTT TIPTON,
House of Representatives,
Durango, CO.

Congressman JARED POLIS,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN TIPTON AND CONGRESSMAN POLIS: Please consider this letter as Durango Mountain Resort's formal expression of support for the Water Rights Protection Act (H.R. 3189). We applaud you for sponsoring this legislation to prohibit the conditioning of any permit, lease, or other use agreement on the transfer, relinquishment, or other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture. We also hope you will consider our suggested amendment language to prohibit the Secretaries from denying access to or use of a water right.

Durango Mountain Resort (DMR) provides its local community with significant jobs and recreational opportunities that support the economy of Southwestern Colorado. And DMR has consistently shown excellent stewardship of the environment, taking careful measures to eliminate negative impact on its land and resources. In fact, the resort received an "A" grade on its SACC Environmental Report Card this year. The resort is proud of its grading and continuously strives to exceed environmental standards.

Durango Mountain Resort, like many resorts in the southwest region, relies heavily on access to its water supplies for healthy operation of the resort. This is especially true during periods of drought which have plagued southwestern Colorado for several years now. DMR has proven resourceful in its ability to come up with alternative methodologies to produce snow during these dry winter years. Unfortunately, due to recent restrictions imposed by the U.S. Forest Service (USFS), the resort is no longer able to count on water from the Cascade Aqueduct for its snowmaking water. The USFS essentially shut down one of DMR's major water sources by imposing an in-stream flow requirement that reduced DMR's water supply by 95% of its historical amount. When DMR then submitted an application to access and develop its prior water rights in Hermosa Park, the USFS refused to process DMR's application, denying DMR's rights that were reserved through a prior USFS land exchange agreement with the USFS. DMR believes these actions by the USFS are a blatant attempt by the federal government to extort water rights through the violation of existing water appropriation agreements and systems.

DMR has offered countless remedies to the USFS to circumvent the dire consequences these restrictions have imposed. Each time the USFS has shown it is not willing to consider alternative solutions even though it was made clear that their actions could easily put the resort out of business and unilaterally eliminate the jobs and recreational offerings it provides to the community.

The Water Rights Protection Act would protect communities, businesses, recreational attractions, farmers and ranchers, as well as other individuals that rely on privately held water rights for their livelihood, from federal takings. It would do so by prohibiting federal agencies from extorting water rights through the use of permits, leases, and other land management arrangements, for which it would otherwise have to pay just compensation under the 5th Amendment of the Constitution. The Water Rights Protection Act protects privately held water

rights, prohibits federal takings, and upholds state water law by:

Prohibiting agencies from implementing a permit condition that requires the transfer of privately held water rights to the federal government in order to receive or renew a permit for the use of land;

Prohibiting the Secretary of the Interior and the Secretary of Agriculture from requiring water users to acquire rights for the United States rather than for the water user themselves;

Prohibiting the Secretaries from denying access to or use of a water right;

Upholding longstanding federal deference to state water law, and it has no cost to the American taxpayer.

Thank you for the opportunity to provide support for the Water Rights Protection Act (H.R. 3189). This legislation is very important to Durango Mountain Resort, its employees, business partners, guests, and surrounding communities. If you have any questions about this letter, please contact me at 970-426-7242.

Sincerely,

GARY S. DERCK,
President and CEO.

COLORADO SKI COUNTRY USA,
October 4, 2013.

Hon. DOC HASTINGS,
Chairman, House Natural Resources Committee,
Longworth House Office Building Washington, DC.

DEAR CHAIRMAN: I am writing on behalf of Colorado Ski Country USA (CSCUSA), the industry association and global voice of skiing and snowboarding in Colorado, in support of H.R. 3189, the Water Rights Protection Act. CSCUSA represents twenty ski areas in Colorado that operate on National Forest System lands under a special use permit from the U.S. Forest Service. These public land resorts hosted over 6.3 million skier visits in Colorado in the 2012/13 ski season alone, and skiing and snowboarding constitute a \$3.0 billion annual economic impact to our state.

CSCUSA supports H.R. 3189 because it would prohibit the U.S. Forest Service from requiring our resorts to transfer valuable water rights to the Forest Service as a condition of receiving a permit, or to apply for water rights in the name of the United States, without compensation.

While the Forest Service insists that such actions would be intended only to maintain the long-run viability of the resorts as ski and snowboard areas, requiring resorts to transfer the water rights they need to operate so as to prevent their sale to a third party is a solution in search of a problem. Moreover, required transfers of water rights that are critical to ski area operations would politicize their use, with each change in administration changing priorities for water use.

Furthermore, requiring transfer of valuable water rights to the NFS as a condition of receiving a permit raises serious Fifth Amendment concerns. Our member resorts' water rights were acquired and developed at great expense pursuant to Colorado law, and in some cases predate the Forest Service itself. If the NFS wants to secure its own water rights, it should buy them on Colorado's well-regulated water market like everyone else.

Thank you for scheduling a hearing on H.R. 3189 and for your leadership on this issue. It means a great deal to CSCUSA and our member ski resorts operating across Colorado on NFS lands.

Best Regards,

MELANIE MILLS,
President and CEO.

HONORING THE ST. JOHN BOSCO
HIGH SCHOOL FOOTBALL TEAM

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 2014

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I rise to congratulate the St. John Bosco High School varsity football team on their numerous accomplishments during their 2013–2014 football season. The St. John Bosco Braves are an outstanding football team from Bellflower, CA. The Braves were named the 2013 California Interscholastic Federation (CIF) Pac5 Division Champions, CIF Southern Regional Champions, CIF State Champions, and National Champions by Max Preps.

The historic season for the St. John Bosco Braves began with the school's second ever CIF Finals appearance against their longtime rival, Mater Dei High School. After an uncharacteristically slow first half, the Braves came out firing in the second half and ended up beating the Mater Dei Monarchs 34–7, thus crowning the Braves CIF Pac–5 champions, the first football title in the school's seventy-three (73) year history. A week later, St. John Bosco routed the Corona Centennial Huskies 70–49, thus giving the Braves yet another award to add to the season, CIF Southern Regional Champions. The next and last game on the schedule had the entire Bosco community on edge as it was not only the State Championship game, but that it was against the De La Salle High School Spartans who headed into the State Championship game with a 40 game winning streak. After four grueling quarters of football, the Braves came out on top 20–14, ending the Spartans' winning streak and crowning the Braves 2013 CIF State Champions; the first in school history.

The St. John Bosco Braves finished their season 16–0, which propelled them to the top of the national football rankings along with Allen High School from Allen, Texas and Washington High School out of Miami, Florida. On January 27th, the ninth annual MaxPreps Football Tour of Champions arrived in Bellflower, CA to award the Braves with the National Championship trophy. This award came with the nation's number one ranking out of 15,000 schools and is a feat never accomplished by any sport in the school's history.

Due to such a successful season, Head Coach Jason Negro was awarded various accolades, including the MaxPreps High School National Coach of the Year award, the Press-Telegram Dream Team Coach of the Year, the American Football Monthly Magazine National Coach of the Year, and CIF Southern Section Pac–5 Coach of the Year. In addition, earlier in the year Coach Negro was selected to coach the West Team at the 2013 U.S. Army All-American Game and was awarded the Xenith/Bill Yoast National Coach of the Year presented by the Army All-American Bowl.

As a result of the hard work and dedication displayed by the Braves in the 2013–2014 football season, made evident by their list of accomplishments, it was no surprise that several varsity football players received full rides to study and compete at the college level. On February 5th, 2014, the following players committed and signed their National Letters of Intent to their respective universities: Brett Bald-

win (Air Force Academy), Malik Dorton (University of Southern California), Shay Fields (University of Colorado), Naijeli Hale (University of Washington), Chandler Hawkins (Naval Academy), Chandler Leniu (University of California, Berkeley), Damien Mama (University of Southern California), Jacob Tuioti-Mariner (University of California, Los Angeles), and Jaleel Wadood (University of California, Los Angeles).

I once again would like to recognize and congratulate the St. John Bosco Braves and Coach Negro on their historic season and numerous accomplishments. I wish all of the players continued success as they pursue their goals in athletics, academics, and their careers.

IN SUPPORT OF H.R. 3189

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 2014

Mr. TIPTON. Mr. Speaker, I would like to submit the following:

MONTEZUMA VALLEY IRRIGATION
COMPANY,
Cortez, CO 81321

TO WHOM IT MAY CONCERN: At their regularly scheduled meeting on October 8, 2013, the Board of Directors of Montezuma Valley Irrigation Company voted unanimously to support the proposed House Resolution 3189 introduced by Representative Scott Tipton and others.

We believe that this Bill is critical to protect water rights held by citizens and entities such as ours from usurpation by Federal agencies. In doing so, it preserves the water rights long held by, and essential to the survival of, agribusinesses, recreational businesses, municipalities, and individuals throughout our state and all states that receive water from rivers and streams originating in the state of Colorado.

Regards,

GERALD KOPPENHAFFER,
MVIC Board President.

MONTEZUMA COUNTY,
October 15, 2013.

Congressman SCOTT TIPTON,
House of Representatives,
Third District, Durango, CO.

DEAR REPRESENTATIVE TIPTON: The Montezuma County Board of County Commissioners would like to strongly express our formal support for the proposed House H.R. 3189, the Water Rights Protection Act.

The USFS and BLM are notorious for attempting to subjugate private property rights through coercion and deception. Recently the USFS has attempted to coerce water users to apply for water rights in the name of the United States rather than the name of the purchaser as a condition to be permitted to operate on federal lands.

This action is unethical, constitutes a federal taking of private property without just compensation, and is a violation of the Takings Clause of the Fifth Amendment of the United States Constitution. Moreover this is a blatant attempt to subvert longstanding state water laws in the western United States which under the United States Constitution belongs under state authority.

These actions have already had a negative effect on ski areas which are critical to western states economies. Since many of the municipalities and agricultural operations rely upon similar storage facilities they are

equally at risk since most of the absolute and conditional water rights in the arid west originate on high altitude federal lands where annual precipitation accumulates as snow fall.

The Water Rights Protection Act, House H.R. 3189, will protect our western communities, family farms, small business, energy development and other economic activities that rely upon privately held water rights for our livelihood and way of life.

This Bill will assist in establishing clear boundaries for federal jurisdiction and help prevent federal overreaches.

The Montezuma County Board of County Commissioners

STEVE D. CHAPPELL,
KEENAN G. ERTEL,
LARRY DON SUCKLA.

MESA COUNTY,

Grand Junction, CO, December 19, 2013.

Re House Resolution 3189—Water Rights Protection Act of 2013

Hon. MARK UDALL,
U.S. Senate,
Grand Junction, CO.

DEAR SENATOR UDALL: As you know, Representative Tipton has authored House Resolution 3189, The Water Rights Protection Act of 2013. H.R. 3189 protects privately held water rights, prohibits federal taking of water rights and upholds state water law.

It is within your power to circumvent these future problems through legislative intervention. The bill would prohibit agencies from implementing a permit condition that requires the transfer of privately held water rights to the federal government in order to receive or renew a permit for the use of land. In addition the bill prohibits the Secretary of the Interior and the Secretary of Agriculture from requiring water users to acquire rights for the United States rather than for the water user themselves. This bill upholds longstanding federal deference to state water law and has no cost to the American taxpayer.

On behalf of the 150,000 constituents of Mesa County, the Board of Commissioners asks for you to support this legislation, not simply through non-binding administrative action but rather by making this action law. The Commissioners fear that without supporting this bill to law, any temporary administrative "patch" will lead to future crisis of water rights in Mesa County.

Thank you.

Sincerely,

Board of County Commissioners.

STEVE ACQUAFRESCA,
Chair,
ROSE PUGLIESE,
Commissioner,
JOHN JUSTMAN,
Commissioner.

MESA COUNTY BOARD
OF COUNTY COMMISSIONERS,

Grand Junction, CO, December 19, 2013.

Re House Resolution 3189—Water Rights Protection Act of 2013

Hon. MICHAEL BENNET,
U.S. Senate,
Grand Junction, CO.

DEAR SENATOR BENNET: As you know, Representative Tipton has authored House Resolution 3189, The Water Rights Protection Act of 2013. HR 3189 protects privately held water rights, prohibits federal taking of water rights and upholds state water law.

It is within your power to circumvent these future problems through legislative intervention. The bill would prohibit agencies from implementing a permit condition that requires the transfer of privately held water rights to the federal government in