

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,

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

MESA COUNTY, COUNTY
COMMISSIONER, DISTRICT 2,

Grand Junction, CO, October 10, 2013.

Re H.R. 3189

Hon. SCOTT TIPTON,
Washington, DC.

DEAR CONGRESSMAN TIPTON: I sincerely appreciate your leadership in Colorado and Western water matters. H.R. 3189 exemplifies that leadership. I lend my full support to H.R. 3189 with the consensus amendments developed by your staff, the national ski areas and the Colorado River Water Conservation District.

With the clarifying amendments, H.R. 3189 provides responsible side boards to agency actions when permitting allowable activities and uses on federal lands. It prohibits the transfer of ownership of privately held water rights in exchange for required permits. I am also pleased that your staff will prepare a sponsor's statement to confirm that the bill will not change existing law that allows reasonable permit conditions that can protect both the natural environment and present and future downstream water users dependent on the public lands for critical water supplies.

I want to express my genuine appreciation for you and your staff's willingness to develop legislation that accomplishes our mutual goals of protecting private property interests in western water while maintaining the authority to condition permits to ensure responsible exercise of those rights.

Sincerely,

STEVEN ACQUAFRESCA,
Chairman, Board of Commissioners.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 10, 2014.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports H.R. 3189, the "Water Rights Protection Act." This bipartisan bill would protect water supplies and property rights from federal agency overreach by ensuring that the federal government cannot condition its approval of permits, leases, and other use agreements on the restriction or loss of applicable state water rights.

While eastern states typically apply riparian law to water rights questions, western states generally use the prior appropriation doctrine, which is "first in time, first in right." State laws protecting waters for multiple uses in western states have been in existence for over a century. Water rights are obtained by diverting water for "beneficial use," which can include domestic use, irrigation, manufacturing, mining, hydropower, municipal use, agriculture, and others depending on state law.

Recent federal actions have threatened this longstanding federal-state water rights relationship. Agencies increasingly require unnecessary and restrictive use conditions that must be met before land owners can receive or renew a permit. H.R. 3189 would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture.

H.R. 3189 would protect water uses while ensuring that state water laws are upheld by prohibiting federal agencies from imposing permit conditions that requires privately held water rights to be transferred to the federal government in exchange for a new or renewed permit to operate on federal land.

This bill would ensure that the longstanding federal-state water relationship is maintained and not compromised by the placement of unreasonable permit conditions. The Chamber strongly supports H.R. 3189.

Sincerely,

R. BRUCE JOSTEN,
Executive vice president,
Government Affairs.

GUNNISON COUNTY, CO,
October 22, 2013.

Hon. SCOTT TIPTON,
Washington, DC.

Hon. JARED POLIS,
Washington, DC.

HONORABLE REPRESENTATIVES: The Board of County Commissioners of Gunnison County, Colorado commend you for sponsoring "The Water Rights Protection Act." The Board will work closely with you to broaden bipartisan support for this measure and to gain its consideration and approval.

The Water Rights Protection Act would protect 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 water 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.

Note: We are informed that you are diligently working to address the concern that the bill, as introduced, would not provide for the opportunity to condition relevant federal permits regarding transbasin diversion of water to require appropriate "by-pass" flows. We support this clarification and this issue can be addressed—perhaps through a combination of additional language, a well crafted "legislative history", and a "savings clause."

In the main, 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 sim-

ply reaffirms what has been existing law for generations and which is expressed in numerous places in federal law, including the Mining Act of 1872; 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,

The Board of County Commissioners of the
County of Gunnison, Colorado.

PAULA SWENSON,
Chairperson.
PHIL CHAMBERLAND,
Vice-Chairperson.
JONATHAN HOUCK,
Commissioner.

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:

RIO GRANDE COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Del Norte, Colorado, October 16, 2013.

Re Support of the Water Rights Protection
Act H.R. 3189

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

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

DEAR REPS. TIPTON AND POLIS: The Board of County Commissioners of Rio Grande County supports your efforts through H.R. 3189 to protect the privately owned water rights within the State of Colorado.

The control of water within the State of Colorado and any other state in this nation has been controlled and regulated by the State. The Constitution of the United States does not allow the federal government to regulate private water rights.

There is no provision in federal law authorizing or permitting the Forest Services 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 thank you for your attention to this crucial issue, and for supporting our rural communities and our public lands.

Sincerely,

KARLA L. SHRIVER,
Chair, Board of County Commissioners.

RIO BLANCO COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Meeker, Colorado, January 10, 2014.
Re Rio Blanco County Support for the Water
Rights Protection Act
Rep. SCOTT TIPTON,
*Cannon House Office Building, Washington,
DC.*

DEAR REPRESENTATIVE TIPTON, The Board of County Commissioners of Rio Blanco County is very concerned with recent actions on the part of federal agencies that attempt to circumvent state law in order to acquire private water rights. Even more disconcerting is the coercive manner in which these attempts have been made.

As of now, the components of local economies targeted by the Forest Service and Bureau of Land Management are the ski area industry and ranching. There are also many other essential contributors to our economies that rely on water to exist, and we must be certain that none fall prey. Federal efforts to rearrange the legal structure by which water rights are held threaten Colorado jobs and the economic health of rural communities.

Rio Blanco County applauds you and your colleagues in this effort, and fully supports the Water Rights Protection Act.

Board of County Commissioners, Rio Blanco County

SHAWN BOLTON,
Chairman.

NATIONAL CATTLEMEN'S BEEF
ASSOCIATION,
October 3, 2013.

Re Support of the Water Rights Protection
Act H.R. 3189

Hon. DOC HASTINGS,
*Chairman, Longworth House Office Building,
Washington, DC.*

Hon. PETER DEFAZIO,
*Ranking Member, 2134 Rayburn House Office
Building, Washington, DC.*

DEAR CHAIRMAN HASTINGS AND RANKING MEMBER DEFAZIO: The Public Lands Council (PLC) and the National Cattlemen's Beef Association (NCBA) strongly support the Water Rights Protection Act (WRPA), (H.R. 3189). PLC is the only national organization dedicated solely to representing the roughly 22,000 ranchers who operate on federal lands, some of which are U.S. Forest Service (USFS) lands. NCBA is the beef industry's largest and oldest national marketing and trade association, representing American cattlemen and women who provide much of the nation's supply of food and own or manage a large portion of America's private property. Many of our members also hold private water rights on federal lands, which serve as an integral part of their operations; thus, these water rights keep our members in business and rural communities thriving. However, landowners face an unprecedented threat to the future of their water rights on lands managed by the USFS.

The USFS has been notorious for violating private property rights, as they have recently attempted to require the transfer of privately owned water rights to the federal government. The USFS has not provided adequate compensation as required by Article V of the Constitution; instead, they have attempted to acquire these rights in exchange for special use permits, likely in violation of a recent Supreme Court ruling in *Koontz*. Furthermore, the USFS has repeatedly ignored established state water laws in order to perform these takes, which amounts to a vast overreach by the federal government.

H.R. 3189, introduced by Congressmen: Scott Tipton (R-Colo.), Mark Amodei (R-Nev.), Rob Bishop (R-Utah), Tom McClintock (R-Calif.), and Jared Polis (D-Colo.) comes as

a means to combat the recent directive that allows the USFS to execute the seizure of these water rights without just compensation. The language in the directive is applicable to ski areas specifically; however, this issue is a threat to all water users, including ranchers, as they depend on these rights to keep their business viable.

This legislation would prohibit the Secretary of the Interior and the Secretary of Agriculture from, requiring the transfer of water rights without adequate compensation. Additionally, the bill supports long-established state water laws, clarifying that the federal government does not have jurisdiction.

We strongly encourage the Natural Resource Committee to support this important legislation. We thank you for your attention to this crucial issue, and for supporting our members as they continue to be an essential part of rural communities and stewards of our public lands.

Sincerely,

SCOTT GEORGE,
NCBA President.
BRICE LEE,
PLC President.

PNSAA,
La Conner, WA, September 26, 2013.
Re H.R. 3189/Water Rights Protection Act

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

DEAR CHAIRMAN: I am writing on behalf of ski areas in the Pacific Northwest operating on National Forest System lands. PNSAA represents 34 ski resorts in Washington, Oregon, Alaska, Idaho, Montana and California. Of the 34 members 30 operate on public land.

PNSAA supports H.R. 3189/Water Rights Protection Act that would prohibit the Forest Service from issuing permit clauses that require ski areas to transfer ownership of valuable water rights to the United States without compensation. Water is crucial to ski area operations. Ski areas collectively hold water rights worth over a hundred million dollars. We developed these rights through our own effort and expense, and we have no intention of surrendering ownership of these water rights to the U.S. without compensation.

We would like to thank you for your leadership on protecting ski area water rights. It means a great deal to PNSAA and all ski areas across the country operating on NFS lands.

Best Regards,

JOHN A. GIFFORD,
President.

NSAA,
October 4, 2013.

Re Support for H.R. 3189

Hon. DOC HASTINGS,
*Chairman, House Natural Resources Committee,
1324 Longworth House Office Building, Wash-
ington, DC.*

DEAR CHAIRMAN: I am writing on behalf of the National Ski Areas Association (NSAA) in support of H.R. 3189, the Water Rights Protection Act. NSAA represents 121 ski areas in the U.S. that operate on National Forest System lands under a special use permit from the U.S. Forest Service. These public land resorts accommodate the majority of skier visits in the U.S. and are located in the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington and Wyoming. The ski industry generates \$12.2 billion in economic activity annually and is a major employer in rural economies. NSAA would like to thank the

lead sponsors of this bill, Representatives Tipton, Polis, Amodei and McClintock, for their leadership on this critical issue for ski areas.

NSAA supports H.R. 3189 because it would prohibit the Forest Service from issuing permit clauses that require ski areas to transfer ownership of valuable water rights to the United States, or apply for water rights in the name of the United States, without compensation. Water is crucial to ski area operations. Ski areas collectively hold water rights worth over a hundred million dollars. We developed these rights through our own effort and expense, and we have no intention of surrendering ownership of these water rights to the U.S. without compensation.

This bill would prevent the federal government from making an end run around state law by merely taking water rights that it does not own through its permitting authority. It would not only protect ski area water rights—it would protect any water rights owners that operate on federal land.

In closing, we would like to thank you for scheduling a hearing on H.R. 3189 and for your leadership on this issue. It means a great deal to NSAA and all ski areas across the country operating on NFS lands.

Best Regards,

MICHAEL BERRY,
President.

NSAA,
November 14, 2013.

Re Support for H.R. 3189

Chairman MCCLINTOCK,
Water and Power Subcommittee,
Congressman SCOTT TIPTON.

GENTLEMEN: I am writing from the National Ski Areas Association (NSAA) and our ski area members to express the importance of H.R. 3189 to the ski industry. As you know, NSAA represents 90 percent of the ski industry nationally, including 121 member ski areas that operate on National Forest System lands under a special use permit from the U.S. Forest Service. These 121 public land resorts accommodate the majority of skier visits in the U.S. and span 13 states. All 121 of NSAA's public land ski area members strongly support H.R. 3189.

The agency's announcement yesterday of a change in its water policy was well received by the ski industry. We were pleased to see this significant change in Forest Service policy and applaud the agency's leadership on this important issue for ski areas. Ski areas have invested a great deal in water rights, and we rely on these water rights to bring our guests an alpine recreation experience unmatched anywhere in the world. This decision will benefit the millions of people who visit ski areas on the National Forests, and it will also benefit the rural communities in which resorts are located.

Despite this announced change in policy, we still need Congress to pass the Water Rights Protection Act. The policy change announced by the agency this week is the fourth change in Forest Service water policy for ski areas in ten years. These changes are disruptive, create uncertainty and adversely impact our operations, planning and future growth. The ski industry can't afford to be subjected to a different water policy with each Administration. Only federal legislation can give us the long term protection we need of an outright statutory prohibition on the taking of our water rights by the federal government.

H.R. 3189 is complementary to the agency's efforts to develop a new policy. The new policy assumes that ski area water will no longer be taken by the U.S. government, but instead can be sold to a successive owner at fair market value. H.R. 3189 would not interfere with the implementation of this new

policy, as it prohibits forced transfers of water rights "directly to the United States." The Water Rights Protection Act is essential because it would codify the assumption that water will no longer be taken by the federal government without compensation, and thus provides a permanent foundation for Forest Service water policy going forward.

We urge the Committee to move forward with the mark up and passage of H.R. 3189. We look forward to continued dialogue with all stakeholders as the agency develops a new policy to address water resources for the future.

Best Regards,

MICHAEL BERRY,
President.

NATIONAL ASSOCIATION
OF CONSERVATION DISTRICTS,
October 21, 2013.

Re The Water Rights Protection Act—H.R. 3189

Chairman HASTINGS and Ranking Member DEFAZIO,
Committee on Natural Resources, U.S. House of Representatives, Longworth House Office Building, Washington, DC.

Chairman MCCLINTOCK and Ranking Member NAPOLITANO,
Subcommittee on Water and Power, U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN HASTINGS, RANKING MEMBER DEFAZIO, CHAIRMAN MCCLINTOCK AND RANKING MEMBER NAPOLITANO: The National Association of Conservation Districts (NACD) supports the bipartisan H.R. 3189, the Water Rights Protection Act. NACD represents America's 3,000 locally led conservation districts working with millions of co-operating landowners and operators to help them manage and protect land and water resources on private and public lands in the United States. Established under state law, conservation districts share a single mission: to work cooperatively with federal, state and other local resource management agencies and private sector interests to provide technical, financial, and other assistance to help landowners and operators apply conservation to the landscape.

NACD understands that water is a vital natural resource that needs to be protected. This bill would prevent federal agencies from requiring public-lands users to turn over water rights as a condition of issuing or renewing permits. Not only is compelling individuals to relinquish water rights for permits unfair to those who have paid to use their water permits, the required waiver of water rights to the federal government overlooks state laws concerning water rights transfer and ownership as well as Constitutional takings issues.

Stakeholders ranging from individual ranchers and farmers to municipalities rely on private water rights to provide drinking water, provide agricultural water, run their operations, and secure loans. The loss of these water rights would take away their ability to address local water concerns and plan ahead to meet their specific long-term water needs. H.R. 3189 would secure water rights for those that have paid for them and provide stakeholders the stability they need to appropriately plan for and manage natural resources at the local level.

Thank you for your consideration of these important water resource issues as they pertain to H.R. 3189.

Sincerely,

EARL J. GARBER.

MONTROSE COUNTY COLORADO,
BOARD OF COUNTY COMMISSIONERS,
Montrose, CO, October 10, 2013.

Congressman SCOTT TIPTON,
*N. 5th St., Suite 702,
Grand Junction, CO.*

DEAR MR. TIPTON: On behalf of the people of Montrose County, Colorado, we are hereby expressing our earnest support for H.R. 3189 aka the "Water Rights Protection Act". This is a timely and necessary piece of legislation.

Water is an essential property right for business operators ranging from agriculture to ski areas. No operator or property owner should be coerced into surrendering a privately held water right. The opportunity for beneficial use of public lands is a separate right. Federal agencies are charged only with administering permitting and other processes related to public lands. These agencies should have no authority to use these processes as a mechanism to strip rights from lawful water users.

It is noteworthy that even in the midst of the ongoing government shutdown, this bill is coming forward with bipartisan support. This underscores the importance and common sense of H.R. 3189. This bill represents no cost to the public and provides needed protection of lawfully held water rights.

We urge Congress to pass H.R. 3189 and we are happy to provide further support for this effort as necessary.

Sincerely,

RON HENDERSON,
Chairman.
DAVID WHITE,
Vice-Chairman.
GARY ELLIS,
Commissioner.

IN HONOR OF MARALIN MANNING
OF QUINCY, MASSACHUSETTS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 2014

Mr. LYNCH. Mr. Speaker, I rise today in honor of Maralin Manning of Quincy, Massachusetts, in recognition of her decades of dedicated service to her community.

The daughter of the late Gertrude Mandros and the late Theodore Mandros, Maralin is a graduate of St. Mary's, Notre Dame High School and holds a Bachelor of Fine Arts Degree from the Massachusetts College of Art. Maralin is also a graduate of the Executive Training Program at Jordan Marsh, Co.

Mr. Speaker, as a longtime resident of Quincy, Maralin Manning has been involved with countless business associations and community organizations. She was the director of the Quincy Business Association for twenty-two years before it merged with the Quincy Chamber of Commerce serving as the Chamber's business development director. Maralin has actively served a number of community organizations including the Board of Directors for the Maria Droste Services, Quincy After School Program, Kiwanis Club of Quincy, Quincy Salvation Army, Impact Quincy, and the Advisory Board of the Quincy High School Career and Technical Training.

Continuing with her commitment to the Quincy community, Maralin has also served with the American Red Cross, Quincy Historic Commission, Quincy Downtown Development Citizens Advisory, Quincy Medical Center Curry Cancer Walk and the Mayor's Boy

Scout Breakfast, and is a past trustee of the Quincy Historical Society and former board member of the Souther Tide Mill and the USS Salem.

Previously, Maralin was an adjunct instructor at Mount Ida College, served as the director of the Chamberlain School of Retailing and fashion director for Jordan Marsh, Co. She is also an independent lecturer in fashion, color and advertising, and corporate branding.

Prior to living in Quincy, Maralin was an active resident of Milton, Massachusetts, serving as a member of a number of town organizations including the Milton Public Schools PTOs, the Milton Town Republican Committee, and the high school rebuilding committees.

Mr. Speaker, Maralin and her husband Robert are the parents of six children: Patrice Manning Flavin, Moira Manning Shigo, Robert Manning, Gregory Manning, Theodore Manning and Michael Manning. They are also blessed with 17 grandchildren.

In closing, Mr. Speaker, it is my distinct honor to take to the floor of the House today to join with Maralin's family, friends, her community and the City of Quincy to thank her for her lifetime commitment of dedicated public service. I urge my colleagues to join me in recognizing and honoring Maralin Manning.

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:

CRESTED BUTTE MOUNTAIN RESORT,
Crested Butte, CO, March 21, 2014.

DEAR REPRESENTATIVE TIPTON, I am writing on behalf of Crested Butte Mountain Resort (CBMR) in support of H.R. 3189, the "Water Rights Protection Act." CBMR currently operates on U.S. Forest Service Special Use Permit on over 4,300 acres in Gunnison County and generates over \$28 million dollars into the local economy from destination skiers in lodging, dining, entertainment and retail purchases.

CBMR supports H.R. 3189 because it would prohibit the U.S. Forest Service from requiring our resort 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. This bill would also prevent the federal government from making an end run around state law by merely taking water rights that it does not own through its permitting authority. It would not only protect ski area water rights—it would protect any water rights owners that operate on federal land.

Furthermore, requiring transfer of valuable water rights to the U.S. Forest Service as a condition of receiving a permit raises serious Fifth Amendment concerns. Most Colorado resorts' water rights were acquired and developed at great expense pursuant to Colorado law, and in some cases pre-date the Forest Service itself. If the U.S. Forest Service 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 CBMR and