

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

other ski resorts operating across Colorado on Forest Service lands.

Sincerely,

ETHAN MUELLER,
General Manager.

CONEJOS COUNTY COLORADO
BOARD OF COUNTY COMMISSIONERS,
Conejos, CO, October 21, 2013.

Hon. SCOTT TIPTON,
Washington, DC.

Hon. JARED POLIS,
Washington, DC.

DEAR REPRESENTATIVES TIPTON AND POLIS: We the Conejos County Board of Commissioners would like to endorse and support the introduction of H.R. 3189, the Water Rights Protection Act, which will 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.

Conejos County is largely owned by the Federal Government in which 62% of the land is owned by the U.S. Forest Service and the Bureau of Land Management. If the USFS attempted to implement a permit condition that required the transfer of privately held water rights to the federal government as a permit condition on National Forest System lands, this would have a devastating effect on our ranchers and farmers and the already strained water situation in Conejos County. It is imperative to protect our privately held water rights, prohibit federal takings and uphold state water laws clarifying that the federal government does not have jurisdiction.

We again offer our support and will watch as this important legislation moves forward.

Sincerely,

STEVE MCCARROLL,
Chairman.

COLORADO WATER CONGRESS,
Denver, CO, October 3, 2013.

Re: Colorado Water Congress Supports H.R. 3189, Water Rights Protection Act

Hon. SCOTT TIPTON.

DEAR CONGRESSMAN TIPTON: The Colorado Water Congress is pleased to see the introduction of and hearing for Water Rights Protection Act (WRPA), H.R. 3189. The bipartisan bill was introduced last week. This legislation, with the consensus amendments developed by your office, the national ski areas and Colorado water users would prohibit the conditioning of any permit, lease, or other use agreement on the transfer or surrender of any water right to the United States by the Secretaries of Interior or Agriculture.

The issue is of particular importance to Colorado's ski areas that are located in national forests. The U.S. Forest Service, through a 2012 Interim Directive recently attempted to require the transfer of privately owned water rights on federal lands to the federal government as a condition of issuing standard land use permits.

The National Ski Areas Association sued the Forest Service alleging that the directive amounts to a taking of private property rights without due compensation and asked for a declaration that the Forest Service cannot condition a ski area special use permit on the assignment or severance of water rights. In December 2012, the federal district court entered an injunction prohibiting the Forest Service from enforcing the directive. The court found that the Forest Service violated federal procedural laws in adopting the directive.

This matter is of importance to the Colorado legislature that as recently as late August 2013 continues to investigate Forest Service activities in this regard. It is unfortunate that Colorado water users have to had

to pursue both litigation and legislation to protect our water rights from takings by our Federal government.

We hope that passage of H.R. 3139 will put us on the right path toward a permanent resolution. We urge the House to pass this legislation without delay.

The Colorado Water Congress supports H.R. 3139. Thank you for sponsoring the bill. Best regards,

Best regards,

DOUGLAS KEMPER,
Executive Director.

CLUB 20,

Grand Junction, CO, October 8, 2013.

Hon. SCOTT TIPTON,
Washington, DC.

DEAR CONGRESSMAN TIPTON: CLUB 20 strongly urges Congressional support and passage of H. R. 3189, known as the "Water Rights Protection Act."

CLUB 20 is a 60 year old coalition of businesses, individuals and local governments with members representing 22 counties west of the Continental Divide in Colorado. Our members have been coming together over the past six decades to discuss matters of common concern to Western Colorado communities and citizens. Water has often been a focal point for CLUB 20 members as there are far reaching implications to many of the industries, communities and residents on the West Slope regarding privately held water rights in the region.

Water rights are considered private property under Colorado water law and are managed under a strict system that has served the state over time. For many years, CLUB 20 policy has opposed, "... any Federal requirement that permittees assign water rights to the United States in order to obtain, renew or modify federal permits." CLUB 20 understands that the McCarran Amendment requires the federal government, when requested, to adjudicate any water rights it requires under the substantive and procedural elements of state water law within the state of the desired rights.

Our members have openly opposed and continue to oppose the efforts of the U.S. Forest Service (USFS) to unilaterally require ski areas or agriculture producers to turn over their privately held water rights to the USFS as a condition of obtaining, modifying or renewing a permit to conduct ski area activities or maintain infrastructures to convey water on USFS lands. We further oppose any such provision or ruling that may apply to other private water rights with regard to, natural resource development interests or other domestic water interests.

The explanation offered by the USFS for the "taking" of these privately held water rights, often developed at great expense to the owner, is that they wish to maintain the designated use of the water for the permit. We find that explanation disingenuous for the following reasons:

1. Requiring that the USFS be named the owner of valid, existing water rights is taking a private property right without compensation and appears to be a violation of the Fifth Amendment to the U.S. Constitution.

2. It would appear that federal ownership of these water rights could be used to disallow future use of the area as a ski area or other designated enterprise because the agency that holds title to the water rights could deny permits based on their withholding of those same water rights.

3. Once promulgated by the USFS regarding ski area and agriculture water rights, similar decisions could be made regarding grazing rights, mining rights, milling rights, energy rights even municipal water rights.

4. This effort by the federal government seeks to undermine states' rights with regard to water management, which our members find unacceptable.

Ski area and agriculture operators invest significant amounts of capital to develop their operations; in order to attract the investment capital necessary, they must show that they have adequate ability to construct and operate the facility. Without demonstrating that they have adequate water rights, attracting capital will be difficult if not impossible. Further, it has been shown time after time that federal regulations can be, and are, routinely modified for one reason or another creating uncertainty for developers of all sorts on public lands. Once held in the name of the USFS, there is no guarantee that these water rights won't be redirected, withheld or otherwise made unavailable to those who made significant investments in developing those rights.

We support the protections inherent in H.R. 3186 and urge passage of this or similar legislation which accomplishes the same purpose. Thank you for addressing this critical issue through the legislative process; we look forward to working with you to see this bill through the process.

Best Regards,

BONNIE PETERSEN,
Executive Director.

AGNC RELEASES STATEMENT ON SKI AREA WATER RIGHTS ISSUE

RIFLE.—Scott McInnis, Executive Director of the Associated Governments of Northwest Colorado (AGNC), released a statement today regarding the United States Forest Service's attempt to make the renewal of special-use permits by Colorado ski areas conditional on transference of water rights to the federal government, and efforts in the Colorado State Legislature to prohibit such requirements:

"The AGNC vehemently opposes any attempt by the U.S. Forest Service, or any other federal agency, to make relinquishment of private water rights a condition of permit renewal for users of government lands, as demonstrated against our local ski industry last year. We believe this is in violation of Colorado water law, and represents an egregious intrusion on private property rights.

In addition to the immediate harm done to the property rights of the affected skiing businesses, AGNC is especially concerned with the broader ramifications of this action; what other permit holders on government land will be required to hand over their water rights in order to renew their permits? Energy developers? Farmers and ranchers? Grazing Associations? Local governments maintaining roads or facilities on these lands?

With nearly 70% of northwest Colorado's land being government-owned (over 70% in Mesa and Rio Blanco Counties) it is easy to see how dependent our regional economy is on these lands. Nearly all of our local industries—energy, agriculture, tourism, and transportation, among others—rely on access to government land. It is unconscionable that the agencies charged with managing these lands for multiple uses would use private water rights as bargaining chips in the permit renewal process.

AGNC therefore supports efforts at the state level to prohibit this and similar future actions on the part of the USFS and other federal land management agencies."

CALIFORNIA SKI

INDUSTRY ASSOCIATION,

Mill Valley, CA, October 4, 2013.

Re Support for H.R. 3189

Hon. DOC HASTINGS,

Chairman, House Natural Resources Committee, Washington, DC.

DEAR CHAIRMAN HASTINGS: On behalf of the members and directors of the California Ski Industry Association I am writing to add our support to H.R. 3189, the Water Rights Protection Act.

This narrowly focused bill is designed to resolve an unfair regulation requiring Forest Service permittees to cede, without compensation, their water rights to the agency. Nineteen of California's twenty-six ski areas operate on Forest Service lands. We have a long history of working with the agency and will continue to do so in the future. However, our winter sports facilities on federal lands are strongly opposed to the clauses that would require California permittees to cede their valuable water rights to the agency without compensation. Such clauses represent a taking and carry far-reaching legal and economic implications, not only for our industry but also for all other permittees operating on Forest Service lands.

A recent study by San Francisco State University reported that California's winter sports resorts generate \$1.3 billion in economic activity and over 16,000 jobs in our mountain communities. Our resorts have millions of dollars invested in their water rights. In many cases the source of these rights are located outside of the permit boundaries.

We appreciate your scheduling a hearing on H.R. 3189 and thank you and the sponsors of this important legislation.

Yours truly,

BOB ROBERTS,
President & CEO.

RECOGNIZING JOHN AND NANCY LOVE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 2014

Mr. MORAN. Mr. Speaker, I rise today to recognize one of my constituents John Love, and the marriage of over 50 years to his recently departed wife Nancy.

John is a retired Air Force officer who served his country proudly in Vietnam. He and Nancy met first met on January 6, 1962, at a restaurant in Marquette, Michigan. She was sitting with her mother when John approached the striking brunette to ask her to dance. The rest, as they say, is history.

They got engaged 6 weeks later and were married on May 5, 1962, simply following their hearts.

In May of 2012, they celebrated their 50th wedding anniversary by watching their beloved Detroit Tigers after renewing their vows.

Sadly, Nancy's health deteriorated in the months that followed, passing away in her loving husband's arms in December of that same year. She is buried in Section 66 of Arlington National Cemetery, in a spot next to where John will one day be laid to rest.

The Love family had two sons and five grandchildren, shared and continue to share a close personal relationship, cherishing each other deeply.

While she has left this Earth in physical form, Nancy will always live in John's heart

until they are reunited once more. John has written a love song to Nancy, entitled "My Love Song Forever," produced with John White and D.B. Rielly of WhiteWater Sound Studios in New York.

Mr. Speaker, I am honored to recognize the kind of love we can all connect with, and appreciate for its intensity and durability over many years. May we all be so lucky to find that special someone.

CELEBRATING THE CENTENNIAL OF THE HEATH BROTHERS CONFECTIONARY IN ROBINSON, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 2014

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the centennial of the Heath Brothers Confectionary in Robinson, Illinois. Founded one hundred years ago by L.S. Heath and his sons Bayard and Everett, this once small business has expanded to become a global franchise. Over the past 100 years, the Heath Confectionary has produced many successful products, chief among them the Heath Bar, a delicious toffee candy covered in milk chocolate and almonds.

Made by hand until 1942, production of Heath Bars was eventually ramped up to commercial scale to supply American troops during World War II. Throughout the conflict, Heath Bars were a staple of soldiers' rations, providing them with a small taste of home during their long deployments.

Known as "America's Finest," popularity for the candy grew steadily after the war. Recognizing the potential of the Heath Confectionary, the company was eventually acquired by Leif, Inc. in 1989, itself acquired by Hershey in 1996.

Today, Hershey maintains a plant in Robinson, Illinois, producing iconic candies such as Heath Bars, Paydays, Whoppers and Milk Duds. I applaud Hershey for maintaining the plant's roots in Robinson and for their contribution to the community through the creation of jobs and their generous corporate giving.

I invite all members to stop by my office to try a Heath Bar and all of the various other Hershey products produced in our district for themselves.

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:

NATIONAL WATER RESOURCES

ASSOCIATION,

Washington, DC, March 10, 2014.

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

DEAR CONGRESSMAN TIPTON: On behalf of the Board of Directors and the members of the National Water Resources Association (NWRA), I write in support of H.R. 3189, the Water Rights Protection Act. The NWRA is a

nonprofit federation made up of agricultural and municipal water providers, state associations, and individuals dedicated to the conservation, enhancement and efficient management of our nation's most important natural resource, water. Our members provide clean water to millions of individuals, families, agricultural producers and other businesses throughout the western United States.

Collectively, NWRA members have spent billions of dollars investing in the development of state issued water rights and the associated infrastructure in order to provide a safe and reliable water supply to their customers. Their ability to continue meeting the nation's growing demand for clean water is dependent upon access to this vital resource. The Water Rights Protection Act would protect NWRA members' water rights and those who depend on the water they deliver by preventing federal agencies from making a permit, permit renewal or other action conditional upon surrendering a water right. The protection of water rights is of the utmost importance to our members. Water rights constitute a valuable property right and as such are valuable assets that are often irreplaceable.

For more than eighty years NWRA members have helped finance, maintain and manage some of the most valuable and iconic water systems in the world and have turned virtual deserts into some of the most productive agricultural land on the planet. To accomplish this irrigators have worked collaboratively with federal agency partners at the Bureau of Reclamation and Army Corps of Engineers. That collaborative partnership, formed through contracts and other agreements, is protected by this bill. Our members are gravely concerned by recent efforts by the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) that have made agency actions contingent upon the relinquishment or modification of a water right. These efforts go counter to the principle foundations of western water law, fly in the face of state law and set a dangerous precedent. Our members count on federal infrastructure to deliver both project and non-project water. Non-project water is privately owned; it has not been appropriated, acquired by, or apportioned to, the United States. In addition, many of our members deliver water through facilities that cross USFS or BLM land. The creation of a process through which water deliveries could be made contingent on the modification, relinquishment or surrender of a water right is unacceptable. Moreover, allowing such a precedent would cause this assault on state water rights to spread in various forms to other agencies within the Agriculture and Interior Departments. Congress, needs to provide the respective Secretaries with clear guidance on this subject, H.R. 3189 provides this guidance.

The USFS and BLM efforts to curtail water rights have been focused on western states, but the implementation of this kind of policy would have ramifications throughout the nation. According to the United States Geological Survey, nearly seventy five percent of the irrigated agriculture in the U.S. is found in the seventeen western states. These states on average receive less than twenty inches of rain each year, making the reliable delivery of irrigation water vital. In order to protect our members' water rights, assure the continued delivery of clean water to millions of people and protect the integrity of western water law the NWRA supports the Water Rights Protection Act.

On behalf of NWRA's members I thank you for your attention to the critical water supply issues facing our nation, and for supporting our members as they continue to be