AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Letter endorsing the Tipton-Polis bill "The Water Rights Protection Act"

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Letter endorsing the Tipton-Polis House Bill 3189, "The Water Rights Protection Act"

Fiscal Impact: none

Submitted by: David Baumgarten for BOCC **Submitter's Email Address:** dbaumgarten@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\MBIRNIE Discharge Date: 10/18/2013

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 10/22/2013 Follow Up Agenda Date:

Revised April 2013

October 22, 2013

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

The Honorable Jared Polis
1433 Longworth House Office Building
Washington, DC 20515

Honorable Representatives:

The Board of County Commissioners of Gunnison County, Colorado commend you for "The Water Rights Protection Act." The Board endorses the Tipton-Polis bill, and will work closely with you to broaden bipartisan support for this measure and to gain its consideration and approval.

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.

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,

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

_____	_____	_____
Paula Swenson Chairperson	Phil Chamberland Vice-Chairperson	Jonathan Houck Commissioner