

TESTIMONY BEFORE THE HOUSE AG COMMITTEE
HB - 1278

Good Afternoon.

My name is Gene Kammerzell. I am an owner of both senior surface rights and a high capacity irrigation well. I am a member of Weld County Farm Bureau where I am chair of the Water Committee.

I own shares in the Big Thompson and Platte River Ditch Co. which has a 1865 priority and an irrigation well which was dug in 1920. During the drought of 2002 my 1865 rights, which were in priority, only delivered enough water to wet the bottom of my supply ditch. There was no water to irrigate. My irrigation well saved my entire farm from burning up in the drought. It ran 24 hours per day, 7 days a week from April until mid-October. Way back in 1920 it was recognized that the surface flow from the Big Thompson River was inadequate to rely solely as a source of water and the well was dug to provide supplementary water to the surface water.

So far, you have heard:

1. Scientific testimony
2. Historical account testimony
3. Legal Opinion
4. Testimony from those being impacted with high ground water issues.
5. Testimony from those being impacted by curtailed or shut down wells.
6. Testimony about the economic impact to both individuals and the Colorado economy due to the current management of the South Platte River water resources.

Now, I want to tell you why HB 1278 is needed. It provides for three areas of concern.

I. The comment is continually being made that there is need for further study before any changes can be made in the administration of the river, but no one has come forward to say specifically what is to be studied and why. Only general comments are made. This bill tells what is to be studied and why. It will verify whether the modeling assumptions made by Glover and made a part of the 1969 Water Rights Determination and Administration Act are indeed accurate, and if not, where the error is.

II. The bill defines specifically what actions are required by the State Engineer to remedy the current situation.

III. The bill gives the State Engineer the authority to make the required changes in water administration.

Much as been said in argument against any proposed changes in the current methods of administration. Damage to senior water right is always trumpeted as the shield against any management changes. Bare in mind who is saying this... It is no longer senior surface owners protecting their rights to irrigation water for their farms. Rather, it is farmers and their legal council who have become water speculators. The 1969 Act was never intended to rob one section of the valley in order to water load another section to the extent that so much water became available to sell the excess.

The late Senator Fred Anderson who was the President of the Colorado Senate in 1969 told us on the Colorado Farm Bureau Water Task Force that there were two underpinning criteria that were at all times taken into account while forming the 1969 Act: 1. WASTE NO WATER, 2. HARM NO ONE.

I tell you that currently both of these criteria are being blatantly and overtly violated. Homes are being flooded, farms are being flooded and alkali salts accumulated to poison the soil in some areas while in other formerly verdant irrigated farms have returned to be a part of the Great American Desert because the water has been removed from the farm, county roads are flooded and turned into mud flats, and even municipal sewage treatment facilities have become inoperable due to high water tables.

Greed. It is plain and simple, greed is driving this. Unscrupulous people have turned against their neighbors in order to reap windfall profits under the inequities that the law now allows.

Annual losses to farmers are easily measured in the Billions of dollars, while a small group profits off of a bad law. As property values are diminished, the tax base for schools, fire districts, hospital districts and other rural necessities is likewise diminished.

What are you going to do about it?

1. Common sense tells you something is wrong here.
2. You have been told the truth.
3. You need to deal the problem with now. It is not going away on it's own.
4. HB - 1278 will uncover the hard scientific facts and provide the tools to manage the water resource based upon actual real-time river conditions.

An unrealistic price tag has been placed upon HB - 1278. Much, if not all, of the data called for in this study portion of this bill has already been collected under the South Platte Decision Support System, Central Colorado Water Conservancy District, USGS, and others. Bittinger in 1968 provided a report to the Colorado Legislature that defined the research needs and provided for a template for HB - 1278. These things are all complete and ready to be employed in this bill.

Spending \$250,000 to \$300,000 is a good investment against the billions of dollars being lost due to lack of good management practices on the South Platte.

I urge you to set aside your political differences and pass this bill for the protection of the citizens of Colorado.

Put an end to the greed and tyranny in the South Platte Basin.

Wasting 500,000 acre feet of water per year to Nebraska while high water tables damage homes, farms, roads and public infrastructure has to stop. This is not just bad management, it is insanity.

Your posterity as well as history will be watching what you do.

We the citizens of Colorado expect more and deserve more from our representatives.

What will you do? Protect Colorado, or add to the further enrichment the greedy?

The choice is yours: **DO THE RIGHT THING. PASS THIS BILL FORWARD.**