



Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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Witnesses, Members Agree Rep. Tipton's Legislation Needed to Prevent Federal Water Grab

WASHINGTON, D.C. – Today, the House Natural Resources Subcommittee on Water and Power held a legislative hearing on H.R. 3189, the *Water Rights Protection Act*, sponsored by Congressman Scott Tipton (CO-03), which protects privately held water rights, prohibits federal water grabs and upholds state water laws. This bipartisan legislation will end further attempts by the Obama Administration to take privately held water rights and jeopardize jobs in communities throughout the Western United States.

"Despite over 100 years of federal deference to state law, federal agencies have adopted the practice of demanding that water users transfer rights granted to them by states over to the federal government as a condition of getting a permit to operate on federal lands. This amounts to an uncompensated taking, and is a violation of both the 5th Amendment to the Constitution and a violation of state law under which the federal government must acquire water rights through the proper channels as would any other user." **said Subcommittee Chairman Tom McClintock (CA-04).**

"Recent federal attempts to manipulate the federal permit, lease, and land management process to circumvent long-established state water law and hijack privately-held water rights have sounded the alarm for all non-federal water users that rely on these water rights for their livelihood, and have already hurt stakeholders in Colorado and in other Western states," **said Congressman Scott Tipton.** *"The bipartisan Water Rights Protection Act seeks to protect local water rights from federal government overreach and takings by prohibiting federal agencies from pilfering water rights through the use of permits, leases, and other land management arrangements as well as by upholding longstanding federal deference to state water law on which countless water users rely."*

In recent years, the federal government has attempted to end-run state water law and hijack privately held water rights. The U.S. Forest Service is currently attempting to implement a requirement for the transfer of privately held water rights to the federal government as a permit condition on National Forest Service lands. This defacto extortion of water rights is already having an adverse impact on a number of water users including the recreation industry, farming and ranching operations, businesses and municipalities.

During today's hearing, Committee Members heard from witnesses who testified on the

importance of the established state water laws, the need to protect them and decried the new attempts by the Forest Service to usurp those rights and resources.

[David Corbin](#), Vice-President of Planning and Development, Aspen Skiing Company, highlighted the direct impacts to recreation, local economies and jobs as result of federal water grabs. *“We likewise take seriously our responsibilities with respect to stewardship of the land and water resources arising from it. At the same time, we view protection of ski area water rights, typically privately acquired, developed and applied and unrelated to the original issuance of our Special Use Permits, as essential to our business sustainability and as a top priority for the ski industry as a whole. The ski industry is united in looking to Congress to take action to protect water rights and to protect the state laws that govern water rights allocation, administration and adjudication.”*

[Randy Parker](#), CEO, Utah Farm Bureau Federation, testified on the stewardship tradition of western farmers and ranchers and recent examples of Forest Service officials forcing forfeiture of water rights to continue agriculture operations. *“American Farm Bureau policy continues expressing opposition to any federal domination or pre-emption of state water laws and that water rights as property rights cannot be taken without compensation and due process of law. Scarcity of water in the Western United States led to the development of a system of water allocation that is very different from how water is allocated in regions graced with abundant moisture.”*

[Glenn Porzak](#), Attorney Representing Ski Areas in Colorado and California, discussed the legal implications of recent federal water grabs and the importance of this legislation to protect valuable water rights. *“By issuing these directives, the Forest Service has not only violated the 5th Amendment to the U.S. Constitution by taking property without paying compensation, it has attempted to use its permitting authority to circumvent long established federal and state water laws The Water Rights Protection Act protects these privately and publically held water rights, prohibits federal takings, and upholds state water law.”*

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