



SURGE – Ouray 7th grader Georgia Pieper surged up the hill leading a pack of runners at the Ridgway Reservoir Ramble cross country meet last Friday, Sept. 19. (Photo by David Emory)



Telluride Out for New Medical Center

*Telluride's
Ballot Measure
Notwithstanding, the
Die Is Cast*

BY ALLISON PERRY

TELLURIDE – Although Telluride Hospital District President Larry Mallard declined to say there is “zero chance” that Telluride could keep the medical center during an interview this morning, it appears that the Town of Telluride has lost a lengthy battle to keep Lot B of the Pearl Property in consideration as a site for the new facility.

On Sept. 17, THD held a public meeting to hear public comment and address questions about

potential sites for the new medical center. That same day, directly following public comment, the board went into executive session for the purpose of finalizing their decision as to which sites would be under final consideration for the medical center.

And next day, on Thursday, during a public forum at the Sheridan Opera House, the district officially named lots H & I, the site offered by the Lawson Hill Property Owners Association, and the site offered by the Town of Mountain Village near Town Hall, as the only two sites it will consider for the new medical center.

During Wed.'s packed special meeting at the Miramonte Build-

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LOOKING TO THE FUTURE – Educators with the Montrose County School District strategized future goals during the annual State of the District meeting Tuesday afternoon. (Photo by William Woody)

Teachers' Time Top Priority, Summit Concludes

BY WILLIAM WOODY

MONTROSE — Giving teachers better technology and digital infrastructure, working on improving staff morale and student growth and more time to plan and prepare lessons topped the list of the Montrose County School District's most pressing challenges at the annual State of the District meeting on Tuesday.

The meeting gathers RE-1J's top educators, school board members and educational thinkers to discuss achievements and needs, and developing a pathway

to future goals. Five groups of attendees rotated through five discussion roundtables dissecting test scores, student data and discussing staff concerns.

In one discussion, the topic of teacher morale was raised, after hearing that some teachers feel “overwhelmed” by the implementation of a new teacher evaluation program this year – coinciding with new state testing that starts this fall.

For two years, district teach-

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It All Comes Down to Water

*Chief Justice Hobbs
Wades Through
Water Law*

BY SAMANTHA WRIGHT

TELLURIDE – Colorado Chief Justice Gregory Hobbs' favorite tool for teaching about the history of water law in Colorado is the Land Office Map of 1902. All of the forces at play that shaped Colorado's water-scape today are there to see, from Indian reservations to homesteads to

growing cities and vast forested watersheds out of which plummet the headwaters of great rivers that flow on journeys toward the sea.

Some pink blobby areas near the bottom of the map signify the Mexican Land Grants. The Treaty of Guadalupe Hidalgo required the United States to recognize the rights of the settlers on those lands – including their age-old water rights.

The town of San Luis, one of the oldest communities in Colorado, lies within one of these pink blobs in the heart of the Sangre

De Cristo Grant. And here, at the south end of town, Hobbs said reverently, “You can see the 1852 People's Ditch.”

Serving the village of San Luis de la Culebra before Colorado was even a territory, let alone a state, the People's Ditch began as a hand-dug irrigation channel and was later widened by oxen pulling a plow. It was one of many *acequias* (gravity-fed ditches) in the San Luis Valley,

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allowing agriculture to flourish through a water-sharing network originally based on equitable allocation, rather than priority.

This “beautiful ditch” that delivers water from the west side of the towering Sangre de Cristo range to the dry lands of the San Luis Valley holds a special place in Hobbs’ heart. That’s because it holds the very first adjudicated water rights in Colorado – rights that Hobbs has been sworn to uphold in his role as Chief Justice.

The People’s Ditch still serves water users today, irrigating approximately 2100 acres of hay and other row crops.

It was only one stop in Hobbs’ romp through Colorado’s water history and law, delivered as a keynote address at the Annual Water 101 Seminar hosted in Telluride on Monday, Sept. 21. The annual seminar is an outreach program coordinated by the Durango-based Water Information Program.

Other stops along the way ranged from an ancient (long dried-up) ditch-fed reservoir near Mesa Verde that is believed to be one of the oldest water supply structures in North America (“This just proves the Mormons and miners invented water law,” Hobbs quipped); to utopian agricultural communities along the Poudre River where the doctrine of public ownership subject to allocation for beneficial use (basically “We were here first – put the water back!”) was first hashed out; to Glorieta Pass in northern New Mexico, where in 1862 a ragtag bunch of Colorado farmers and miners “made the Texans go back to Texas.”

This decisive western battle of the Civil War thwarted the dreams of a Confederate stronghold in the southwest, and paved the path for continued settlement of the region under Union terms via the Railroad Act, Homestead Act, and various land grants.

It all fits into Hobbs’ intricate and nuanced understanding of the complexities of Colorado water law, which evolved alongside the evolution of Colorado as a territory carved out of surrounding states, “to hold against confederates the whole area where gold might be found.”

While Colorado’s headwaters,



WATER TALK – Colorado Chief Justice Gregory Hobbs, Jr. spoke to an audience at the Telluride Town Hall on Monday, at the Annual Water 101 Seminar coordinated by the Durango-based Water Information Program. (Photo by Samantha Wright)

along with its gold, are high in the mountains, the roots of its system of prior appropriation and the beneficial use of water can be traced to the Eastern Plains, Hobbs said.

Simply put, the system evolved out of the need of Front Range farmers to have the assurance they could raise crops on intermittently arid lands to feed the miners and residents of growing cities, on a landscape where water must be conveyed great distances via rivers and ditches across other peoples’ property, to reach one’s crops.

Thus, as irrigators in an arid land, the foundation of Colorado’s water law is the right to cross intervening private and public lands to build a ditch to get water where you need it, “because if an intervening land owner could block your ditch you could not perfect a water use right,” Hobbs explained.

As Hobbs wrote in his “Colorado Water Law Summary,” the water provisions of the state’s 1876 Constitution laid out four key principals that are still in place today, that together comprise the Prior Appropriation Doctrine:

- All surface and groundwater within Colorado is owned by the public and dedicated to the use of the people through water rights established as prescribed by laws

of Colorado and the United States;

- Court decrees and ground-water permits enforced by state water officials define the right of water use for a wide variety of agricultural, municipal, commercial, recreational and instream flow purposes (together described as “beneficial uses”);

- Water users paying just compensation may obtain a right-of-way across the lands of others for the construction and operation of needed diversion, conveyance and storage structures;

- The streams and aquifers can be used to transport and store water without interference by riparian landowners.

“It’s a doctrine of scarcity, not of plenty,” Hobbs said, and it has held up well over the years, largely thanks to Colorado’s groundbreaking 1881 legislation that set up an administrative and judicial system to enforce priority rights.

This is the system under which Hobbs has labored during his 19-year tenure on the Colorado Supreme Court bench.

It is clear that he relishes his role as an articulate and entertaining educator on Colorado’s complex water law. He was a founding member of the Colorado Foundation for Water Education and is

chair of Foundation’s publications committee that publishes the excellent *Headwaters Magazine*, focusing on the headwaters of Colorado. He is also Co-Convener of the Water Judges’ Educational Project, Dividing the Waters.

Hobbs will be turning 70 this December, and is retiring from the court in Aug. 2015. As a Colo. Supreme Court Justice, he has fully embraced his role as final arbiter in water disputes, which in Colorado bypass the Court of Appeals and ascend straight from the state’s seven water courts to the Supreme Court level.

It’s a huge job, with 177,000 water rights adjudicated with decrees in Colorado. As the saying goes, some other stuff may be for drinking, but “Water is for fi ghtin’.”

“Some of the cases have been very interesting,” Hobbs said, recalling one in particular that came out of Pitkin County, where a resort developer filled in a ditch and put high-priced cabins on the stream for fishing, cutting off the water supply to downstream ditch owners who cried foul.

The case made its way to the Colorado Supreme Court, where the word came down from the justices to “put the damn ditch back.”

“They had no right to fill in

the ditch, and destroy others’ water rights,” Hobbs said.

A poet, author and historian who has taught water history and culture throughout the country as well as in the Netherlands and France, Hobbs is particularly well-versed in the bipolar nature of Colorado, and its “80 percent problem” – stemming from the fact that 80 percent of Colorado’s water is on the Western Slope, and (almost) 80 percent of its population on the Front Range.

Adding to the complexity of this problem, Colorado’s waters spill off the Continental Divide and flow to the Gulf of Mexico and (sometimes) the Sea of Cortez, with 19 states including Colorado dependent upon this snowmelt.

Nine interstate compacts ensure equitable apportionment of water among the states that share the system; Colorado is only permitted to consume about one third of the water that arises in the state and must ensure that the remainder stays in the rivers for downstream water users.

These compacts will be tested in years to come, with the predicted gap between demand and supply, and some states like California already in crisis.

As Hobbs said, “It all comes down to water.”

In addition to Hobbs’ keynote address, Monday’s Water 101 seminar also featured a line-up of heavy hitters in Colorado’s water world, including Ryan Christianson, a Group Chief with the U.S. Bureau of Reclamation; Linda Bassi, Chief of the Colorado Water Conservation Board’s Stream and Lake Protection Section; Becky Mitchell who serves as Section Chief for CWCB’s Water Supply Planning Section and is helping to oversee the development of the Colorado Water Plan; Bob Hurd, the Colorado Division of Water Resources Division 4 Engineer; and Steve Harris, a prominent water consultant and member of the Southwest Basin Roundtable.

To learn more about Colorado water law, visit the Colorado Foundation for Water Education at yourwatercolorado.org and the Water Information Program at waterinfo.org.

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meet new people and it builds community. We believe building the community is as important as all this credit and debit stuff.”

TBR is based in Montrose, and is part of a worldwide network of Time Bank programs.

Up until now, only individuals and families have had the opportunity to join. The pilot program in Ouray County to get organizations to come on board is win-win-win for the organizations, their volunteers and TBR, Cascade said.

Most of the organizations that have been approached have em-

braced the proposal and agreed to give Time Banking a try.

Ouray School Superintendent Scott Pankow was enthusiastic about the idea, describing it as “an incentive and payback to our volunteers. Now, if you read with Johnny, someone can come shovel your snow or mow your lawn.”

While the Ouray School Board still has not made a firm commitment whether to come on board, nine other organizations already have, including the Town of Ridgway, Second Chance Humane Society, Ridgway Community Garden, Transition OurWay, Weehawken Creative Arts, the Sherbino Theater, Ouray County Food Pantry,

Voyager Youth Program and Top of the Pines.

“It’s about resiliency and sustainability,” said Paula James of Transition OurWay. “Our whole goal is to increase volunteerism. This is a wonderful tool for helping one another and becoming a more resilient community.”

Time Bank of the Rockies is hosting two orientation meetings on Wednesday, Oct. 1 at 2:30 p.m. and 7 p.m. at the Ridgway Community Center to help prospective members sign up for TBR and create their online profiles. Attendees are encouraged to bring laptop computers or tablets to expedite the sign-up process.

HOW IT WORKS

One hour you spend providing support to another member earns you a time credit to be used to receive a service from another Time Bank member, not necessarily the same person to whom you provided assistance.

Although some skills are generally perceived as having a higher value than others, Time Banks recognize that everyone is equal no matter what job they perform. The goal is build healthier communities based on mutual respect for everyone’s efforts, talents and skills.

When you become a Time Bank member, you will be given access to

the Time Bank website where you can post the skills and talents you are willing to share as well as those you would like to receive. If you don’t have a computer, you can get help from a Time Bank computer buddy or use a public-access computer at the library or other establishment offering such services.

If materials such as paint or office supplies are required, it is generally expected that these will be paid for by the person receiving a service. The person offering the service should confirm any such costs and payment with the recipient.

Time may be banked in whole hours or quarter hours. If you work a partial hour, please round up or down to the nearest quarter hour.