

Underdog no longer (May 9, 2003)

Judge Jonathan Hays' recent order supporting our efforts to protect water resources in Park County is falling on our ears like a cat's purr. His recent judgment is one of literally biblical proportions, given the fact that opposers in the South Park Conjunctive Use Project assumed the role of David in the battle against the Goliath City of Aurora and Park County Sportsmen's Ranch.

Although Hays' order is lengthy, it's interesting reading for anyone who wants to know more about how water rights can be protected. In fact, we can say it's a legal primer worth the education.

The applicants were overconfident in their plan to drain water from the South Park aquifer. They presented a flawed groundwater recharge model, and must have thought that Park County residents would be too busy shaking the hay out of their hair to see what was really going on.

Big surprise. SPCUP opposers went into the fray well armed. The diverse parties united in a common front and did their homework. They spent more hours than most of us will ever be able to imagine to protect the interests of Park County.

Hays' latest order sets quite a precedent. Park County is now regarded as a power to be dealt with, and not someone to steamroll. Park County can now reasonably expect to be an active partner in any effort to broker water negotiations. We could not hope to find ourselves in a better position.

The Denver Water Board has already noticed this change of posture on our part. Only two weeks ago, DWB admitted it is being cautious in its approach with us, and with Aurora, because of the fallout of the SPCUP battle.

We have to wonder, however, to what extent Aurora will learn to sing a new song. Aurora has already come to Park County to talk about new water projects. The word "partners" is bandied about. From the information we have received, through attendance at meetings and subsequent interviews with public officials, it doesn't appear that the realization has sunk in yet. A new day has dawned.

There is a creative solution here, which Aurora might well heed. In light of Hays' ruling -- and if Aurora wants to reinvent itself as a cooperative partner -- the municipality should boogie up to the bar and pay its fair share of the recent award. The judgment excluded Aurora from certain costs, but still holds them liable for others.

No questions, no grumbling. No threats of further legal action. Show us you're serious by making this good faith gesture. Show us the money. You've got to pay to play.

In the meantime, Park County has quite a head of steam going. We should all be proud.

Water is the new frontier in Park County, and this legal battle has taught us how to be masters of our own fate.

-- Lora Abcarian