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In Tribute: Hamlet J. ("Chips") Barry, III



HAMLET J. ("CHIPS") BARRY III

IN TRIBUTE

HAMLET J. (“CHIPS”) BARRY, III

W. CURTIS GRAVES[†]

Dedicating an edition of the *Water Law Review* to the most influential man in local water politics for more than a decade strikes my colleagues as fairly intuitive. But our humble subject finds the very idea puzzling. Only when he is told, in no uncertain terms, that he will be the subject of the dedication does he relent, clearly disappointed in my unwillingness to hear his list of people who truly deserve the honor.

Born in 1944, Hamlet J. Barry, III (“Chips” to friend and foe alike) came into this world well positioned for a successful legal career. With a fine Ivy League education—B.A. American Studies, Yale, 1966; J.D. Columbia, 1969—and scion to a prominent family with a distinguished legal history, Barry counts among his ancestors a former law school dean and a Colorado Supreme Court justice.

But early on, Chips began to see traditional legal practice as a lot of arguing over pieces of paper representing other people’s wealth. He turned instead to a career in public service, where his ability to make a lasting, positive impact was never in doubt.

In 1969, two months before he was admitted to the Colorado Bar, Chips relocated to Dillingham, Alaska, for a stint as a Vista Volunteer and Field Attorney, representing the local Eskimo and Indian populace. Returning to Denver a year later, Chips clerked for Judge Robert McWilliams in the Tenth Circuit Court of Appeals before jetting off to the Marshall Islands to represent the displaced people of Bikini and Enewetak Atolls, whose islands the United States hammered with atomic and hydrogen bomb tests.

Chips returned once more to Denver, this time for good. He held a series of natural resources positions thereafter, leaving his post as Executive Director of the Colorado Department of Natural Resources to take over the top position at Denver Water in 1991, where he has remained ever since.

Known by his colleagues as a consummate dealmaker with an innate ability to balance competing interests, “Chips has always been amazing in his desire to make sure everyone gets a fair deal,” says inveterate water lawyer David W. Robbins of Hill & Robbins, P.C.

Before Chips came to Denver Water, the city had entered into a twenty-five-year lease agreement for water from the reservoir to be built on Muddy Creek, believing that Two Forks Reservoir would supply water to Denver before the lease ran out. When the Environmental Protection Agency vetoed Two Forks, Denver was left

[†] Curtis Graves joined the University of Denver *Water Law Review* in the fall of 2002. He showed such dedication to his work as a staff member on the journal that the Editorial Board promoted him to Articles Editor for the spring of 2003. Thank you, Curtis, for writing such a fitting dedication. Your dedication is just as vibrant as Mr. Barry.

with a \$3.5 million annual lease payment for a water interest from an unbuilt reservoir, which in any case was too short-lived to be useful.

“What on Earth can we do with water that only exists for twenty-five years?” Chips recalls thinking. “I can’t issue taps on that. This is completely nuts.” Chips phoned the head of the River District and offered a mutually beneficial solution: “I said, ‘look, I’ll solve your problem if you’ll solve mine.’” Chips suggested that Denver could fund the completion of Wolford Reservoir in exchange for a permanent ownership interest in some of its water. But he didn’t stop there. He opened lines of communication and arranged for Summit and Grand counties and certain ski areas to borrow Denver water for snowmaking. In the warm months, Denver receives that water back in the form of runoff. The many beneficiaries of this agreement repay evaporative losses from Clinton Reservoir, which they purchased from Climax—a Colorado mining enterprise—for that very purpose. At the very least, the arrangement turned out to be a win/win/win proposition.

When he isn’t ignoring past enmity to forge new relationships throughout the state, Chips can sometimes be found speaking in the guise of President Teddy Roosevelt. “He was really the originator of the conservation movement,” Chips says, adding that the former president’s beliefs regarding western water and the environment still ring true today. He says he doesn’t want to impersonate President Roosevelt too much, yet he carries at all times a pair of spectacles which allow him to assume the identity of our twenty-sixth president faster than Clark Kent can become Superman.

Chips has—and appreciates—a great sense of humor, which he often showcases when speaking publicly or with the media. He has made light of his own injuries sustained in a serious car wreck (“My brain damage is no worse than usual”); offered to accurately predict precipitation in exchange for accurate stock market predictions; and characterized journalists as stumbling, slurring, and not necessarily “temperate.”

This candor, coupled with the worst drought on record in Colorado, has made Chips something of a lightning rod for criticism. For that, Mr. Robbins takes some responsibility: “My wife is his dentist,” he point out. “She keeps his mouth working right.” But Chips bears both slings and arrows with the confidence of a man who goes to work to make a difference, not simply to collect a paycheck. Despite his grueling schedule, he still finds time to humiliate men half his age on the tennis court, and to serve as a member of the University of Denver Water Law Review Advisory Board.

Colorado Supreme Court Justice Gregory J. Hobbs, Jr., who has known Chips since both were clerks in the Tenth Circuit Court of Appeals in 1971, offers the following:

The Colorado Judicial Canons of Ethics prohibit me from becoming a witness about someone’s character. So I shall not say that Mr. Barry has character. However, to say that he is a character—and base this on the bully Presidential impersonation he performs early, late, and often—runs the gratuity of being disciplined enough to recognize a public versus private tort worthy of Prosserian predilection. Were I to be called before the Judicial Discipline Commission, I would invoke history, free speech, art, and hilarity for

the proposition that any person who thinks impersonating Teddy Roosevelt—as well as Mr. Barry does—does no offense to his office because he actually is the late Progressive Leader of our country, IS SURELY FUNNY!

Thanks for everything, Chips. May your hand remain on Denver's spigot for many years to come.