

**Interbasin Compact Committee Basin Roundtables**  
**Rio Grande Inter Basin Roundtable**  
**Student Center, Adams State College, Alamosa, Colorado**  
**MEETING M I N U T E S**  
**April 13, 2010 @ 2:00 – 5:00 P.M.**

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**Attending:** J.B. Alexander, Larry Sveum, Michael Murphy, Mike Willett, Ron Brink, Travis Smith, Van Truan, Judy Lopez, Jim Rhett, Nicole Langley, Greg Higel, Rodney Smith, Ralph Curtis, Erin Minks, Lawrence D. Gallegos, Cindy Medina, Eugene Farish, Paul Robertson, Bob Felmlee, Ruth Heide, Ronald Riggerbach, Leon Moyer, Charles Spielman, Mike Gibson.

Excused: Steve Vandiver and [REDACTED] ? **NOTE: Many in attendance did not sign in. Were you really there? Please remember to sign in!**

**Apologizes:** Apologizes were received from Steve Vandiver, Bill Yohey, Lewis Entz & Zeke Ward.

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- **Approval of Minutes of January 11, 2010** – Greg Higel moved to approve, JB seconded, unanimous approval.
- **In Memory of Ray Wright and Doug Shriver** – Those present observed a moment of silence in remembrance of these two men, friends to all of us. They will be greatly missed. Mike Gibson was asked to send a letter to each of the families in recognition of their great contribution to the Roundtable.
- **Identity Theft** – Cindy Medina's email was compromised by a hacker who sent emails asking for money, with the Roundtable email list included, Cindy assured us she was not begging for money. Her new and correct email address is [cmariver01@gmail.com](mailto:cmariver01@gmail.com).
- **The Clean Water Act** – Mark Pifher, Director of Aurora Water gave a presentation on his work with water users to revise the language of the federal Clean Water Act. Mark reviewed difficulties addressed in the Oberstar Legislation and Water Transfer Rule, or the "Oberstar/Feingold CWA Legislation." How this legislation is worded will determine impacts of the Clean Water Act. The Act's current language raises many concerns about what constitutes "jurisdictional" waters and is not clear on many issues including development, the ability to build infrastructure, irrigation practices, and the ability to build storage, especially on federal lands. As written, this legislation would increase the need for NPDES permits, raising real and perceived concerns on the impact of SWANCC and the Rapanos decisions; on how it relates with EPA and US Army Corps of Engineers (USACE) interpretive guidance; and would potentially extend the reach of federal jurisdiction into headwater streams, ephemeral and effluent-dependent streams, and certain isolated water bodies.

Mark reviewed the potentially problematic provisions in the Oberstar Legislation (HR2421) re such terms as "waters of the United States," "navigable waters," and explained the Baucus Senate Amendments and suggested compromise provisions. He gave details on the Water Transfer Rule, explained related Justice Department briefs, and discussed the results of a January 20, 2010 meeting involving Departments of Interior, Agriculture, EPA, USACE, and CEQ. The courts have not provided simple understandable guidance. Opponents of the Bill say "If this legislation is enacted, the world as we know it will end;" and supporters say "Unless this legislation is enacted, there will be no clean water left in the United States." In

an election year this bill is too controversial and will probably sit for a while. Contact Mark Pifher at Aurora Water for details on the proposed revised language.

Mike thanked Mark, praising the compromise approach. Mark commented on the involvement of politicians, DeGette has not weighed in on the issue; Rep. John Salazar and Secretary Salazar are supportive of the efforts. Ann Castle, formerly with the Denver Law firm of Holland & Hart, is now the Assistant Secretary for Water and Science, Department of Interior. Gloria from Senator Udall's office says Udall is trying to be helpful. Mark is also on the Board of the Colorado Water Congress - Federal Affairs Committee which deals with federal affairs affecting water. The Colorado Water Congress is well respected by our legislators, with Ed Vigil and Gail Schwartz relying on the State Affairs Committee for guidance on State water issues and prospective bills. Ralph Curtis is also a former chair member. Steve Vandiver is on that Committee.

➤ **Colorado Division of Water Resources – Rio Grande Basin Report - Craig Cotten**

**On the Rio Grande**, preliminary annual flow at Del Norte was projected at 590,000 acre feet, about 94% of average. Last year it was a little higher. Obligation to downstream states of Texas and New Mexico is 158,400 acre feet. Delivery obligations in irrigation season are typically 15% higher than the rest of the year, so we will see how that works out.

**On the Conejos** system, the preliminary upper index annual flow is 315,000 acre feet, with last year's being 350,000 acre feet. This is close to average. Downstream obligations on the Conejos system are 120,400 acre feet. Delivery obligation in irrigation season is 28%, so this will probably decrease because the Conejos system has few ditches turned on, hence more water flowing to meet the Compact.

**Last year** on both river systems there were few times when curtailments were needed. Delivery obligations were paid mostly by return flows, with no curtailment on the Conejos between April 15 and July 9<sup>th</sup> – a really unusual situation. This year it is hoped the same conditions will exist.

**Elephant Butte/Caballo Reservoirs** – Storage in these reservoirs total 570,700 AF with 344,000 AF of Rio Grande Compact usable water. The basin cannot store in post compact reservoirs right now. Of the preliminary 181,000 AF Compact credit, Colorado has about 1,000 AF. Keeping a low credit is good so we don't lose the credit through evaporation from Elephant butte Reservoir.

**Travis asked about releases in Texas.** Craig said there had been some issues in the past with Texas diverting throughout the year, even in winter. The original Compact intent was that releases were to be only during irrigation season. Two districts below Elephant Butte have made an operating agreement to store water if they don't use it, called "usable compact water," but Colorado has some issues relating to timing, especially relating to El Paso's Improvement District No. 1. They want to use water on a continual basis throughout the year. Colorado is developing some accounting procedures so Colorado does not get injured by those releases.

**Snowpack summary** – Dust on snow was a bigger problem last year but the dust started up again two weeks ago and we're looking at a similar effect this year. The three-month outlook for April, May and June calls for above average precipitation.

**Rules and Regs:** All rivers and streams are in the irrigation season now, even though the policy about dates is not yet decided. HB1027 sets a fine of \$500/day for any surface water diversions that were against the rules and regs, but at this point, with the new rules and regs pending, this loophole remains to be closed. Once established it will simplify compliance. Copies of Craig's report are available.

- **Consumptive Needs Assessment Review** – Tod Doherty, Alex Davis, Greg Johnson, CWCB Staff & Nicole Rowan, CDM, were welcomed and introduced by Mike.

**IBCC's 2-Track Objective:** Tod and Alex expressed condolences for the tragic loss of Ray and Doug. It will be difficult to try to fill their shoes. Governor Ritter has charged CWCB to create support folios on how to meet future water needs and to come to consensus on one or two scenarios. Also, to create a frameworks to implement the different portfolios, such as conservation measures. IBCC has five more meetings left in which to develop this two-track agenda. The input of the Roundtable is critical to any end result of the IBCC. The next 4 months are very important. There is a need to demonstrate to the next governor elected in November 2010 that the IBCC works.

**Looking to 2050:** Tod explained CWCB assistance to Roundtables in completing their basin needs assessments and updating SWSI to the year 2050. Greg Johnson reviewed M&I projected demands out to 2050. Review of RG Basin needs included current acres, agricultural demands and shortages, predicted range of 2050 irrigated acres, and the potential effects of climate change. The final draft of M&I demands will be out in May or June and the nonconsumptive needs report will be included in the November 2010 report.

**RG Basin Agricultural Assessment:** Nicole Rowan reviewed current agricultural acres, demands and shortages. Agricultural acres were estimated based on aerial image data from the Colorado DSS (1998) (Decision Support System) with data on other non-Colorado-River basins extrapolated from that data. Consultant firms pulling this all together are CDM, AE Com and Harvey Economics.

**Methodology:** In the South Platte and metro BRTs current agricultural acres demands and shortages are estimated by water district. For the Rio Grande basin the 10-year average of demands and shortages in each water district was used to project out to 2050. Agricultural shortages were calculated by subtracting Water Supply Limited (WSL) from IWR (Irrigation Water Requirement). Nicole demonstrated a 10 year summary for each water district and for the Rio Grande basin as a whole.

**Feedback:** Mike – Don't assessors' offices and the various conservation agencies or conservancy districts have hard data on irrigated acres? Discussion from Steve Vandiver was sorely missed. Travis - that aerial photo data shows only what was actually being irrigated in 1998, which was prior to the cutbacks. This data only represents what was used at that point in time. The Subdistrict process goes site by site to verify what is actually irrigated. Mike recommended Nicole needs to talk with Steve Vandiver to get caught up on this data. The question arose as to the relevance of that data, i.e. if farmers used the available water to produce crops, that usage can only be assumed to represent what irrigation was actually in place, not the amount of irrigation which was hoped for, planned for, but which in reality was never implemented due to limits in available supply. JB – the year

2002 as case in point, when Nicole's data shows the demand was highest. What about late season shortages? Production fluctuations? Different crops? Uses of ditch water versus well supplies, when the guys who had wells made their crops? What was the need back at the headgate? Feedback questioned some of the Decision Support models being used and the relevance of other methodologies. Travis - Now that meters are in place the numbers are showing some improvements. We'll have a chance to refine these numbers. Charlie – Maybe a feasibility study on bringing water from the Mississippi to Colorado should be conducted by CWCB?

Greg - CWCB is working fast toward a November deadline, automating some feedback tools to better determine the real gaps, urbanization onto agricultural lands, municipal transfers, conservation, etc.

Mike will send out email addresses so the feedback process can continue.

**Note: Rio Grande Basin Consumptive Needs Assessment – Copies available of memo dated November 30, 2009 from the Rio Grande Inter-Basin Roundtable from Mike Gibson to Greg Johnson.**

**Replacement of Roundtable Members** – Legislative Appointee & Rio Grande County: Doug was a member representing Rio Grande County. Mike said he thought it would be appropriate for the Roundtable to make recommendations as to Ray's replacement. Should we select someone from this group or look for someone from outside? Mike and Travis thought Steve Vandiver would be an excellent appointee. Mike asked members to suggest others to be appointed. Cindy – Whoever it is, that person needs to have a strong voice for the Valley. Travis - We can recommend but that the Chairpersons of the committees actually make the decision, Senator Mary Hodge & Rep. Randy Fisher – it's their appointment. Alex Davis asked if consideration had been given to having a person appointed who was not on the Roundtable, and hence broadens the representation on the Roundtable. There was discussion as to the merits of using this vacancy as a means to add a different person to the Roundtable.

JB moved and Cindy seconded that Travis be appointed to IBCC. Lacking a quorum, other nominees and a vote will be taken at the next meeting. The matter was left that Members should consider anyone else that could be nominated, sending the names to Mike who would distribute them for a formal decision being made at the May 11, 2010 meeting. It was noted that if Steve was appointed then the RG Water Conservation District would have to appoint someone else to serve on their behalf.

Similarly, Mike said it was necessary to appoint a member to replace Ray's position as an IBCC member. Mike said that Travis had indicated a willingness to serve in this capacity. After discussion, the matter was left that Members should consider anyone else that could be nominated, sending the names to Mike who would distribute them, for a formal decision being made at the May 11, 2010 meeting.

➤ **Study of Hydro Potential – Request from San Luis Valley Resource Conservation & Development Council**

A letter from Jim Clare of SLVRC&D suggested that the RGBRT team up with the Governor's Energy Office and pursue doing an area survey for potential hydro electric sites. The GEO had approached RC&D to do such a study but Jim stated that they do not currently have the resources to pursue the hydroelectric study. Mike asked which entity might pursue

seeking SB 179 funds to undertake such a study. Travis asked whether we would want to spend some money to look at all the reservoirs and assess what interest there was. The SLVREC is very interested. Permitting and FERC exemptions are the major roadblocks. Travis suggested feasibility or a scoping study. Nicole Langley expressed great interest in working on this project, whichever entity takes the lead.

- **Review of Available WSRA Funds – SB 179 FUNDS ARE AVAILABLE AGAIN!**  
All installments have been received for funding the Water Supply Reserve Account. Currently the Rio Grande Basin Account has approximately \$150,000 available and the Statewide Account has \$2,500,000 available. Mike asked members to let it be known that this was the time for water projects to be brought forward for consideration of funding. **Now is the time to plan your next study or water project and to start preparing your proposal!**
- **Next Meeting Topics – Appointments**

**Next Meeting: May 11, 2010**