



FARMER'S WATER DEVELOPMENT COMPANY

PO Box 10, Norwood, CO 81423

970-327-0484

FarmersWDC@yahoo.com

TO: Colorado Water Conservation Board
Department of Natural Resources
1313 Sherman Street, 7th Floor
Denver, CO 80203

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APR 01 2011

Notice of Contest

Colorado Water Conservation Board

- Requirement (5k;2a): Farmers' Water Development Company (FWDC)
David Alexander, President (970) 327-4650
PO Box 10
Norwood, CO 81423
FAX: (970) 327-4844
- Requirement (5k;2b): Lower San Miguel River Instream Flow, 2 CCR 408-2
- Requirement (5k;2c): FWDC is opposed to the ISF, and have a number of entities and individuals that will oppose it in conjunction with our efforts. We would submit the following for your consideration:
- The ISF proposed by CWCB is unacceptable and does not show a fair assessment of the needs of the users and residents of the San Miguel watershed, only the fish and the CWCB's version of the needs of the ecosystem has been considered (it does not represent a complete picture). This ISF proposal by CWCB is flawed and should be thrown out, CWCB should then enter a ten year study that engages all the residents and users in the San Miguel watershed.
 - The ISF creates an undue burden on all users in the lower San Miguel River Basin, denying them the flexibility to change their water rights for different uses and places of use as allowed under Colorado water law.
 - The ISF is unnecessary to maintain sufficient flows in the river for the natural environment.
 - CWCB's engineering calculations concerning the minimum amount of ISF necessary to protect and maintain the natural environment to a reasonable degree are unreasonable and unrealistic.
 - There is not evidence that the health of the river is now, or ever will be, endangered because of the existing water rights regime.
 - The ISF will do little to provide "wet" water to the San Miguel River.
 - There have been two studies performed on the ISF (Bikis report of 4/20/09, & the Deere and Ault report), and both stated the proposed flows are too high. They also both disagree with CWCBs ISF flow filing in the lower San Miguel River.

Please include our company on your ISF Subscription Mailing List for water division four, and include our name on the list of "contested hearing participants" pursuant to Rule 5m.

Respectfully submitted this

David Alexander,
President

CC: Southwestern Water Conservation District
San Miguel Water Conservancy

Filed to 303-866-4474
on 3/30/11 @ 1:35
JMK