

**Interbasin Compact Committee Basin Roundtables
Rio Grande Interbasin Roundtable**

MINUTES

June 12, 2012 @ 2:00 – 5:00 P.M.

Attending: *Bill Jackson, Rio de la Vista, Nancy Butler, Eugene Jaquez, “Mac”McFadden, Jim Broderick, Jay Winner, Heather Dutton, Jeanna Paluzzi, Dale Weiscamp, Andrea Jones, Charlotte Bobicki, Jim Ehrlich, Stan Moyer, Swaha, Lawrence Gallegos, Gene Farrish, Tracy Miller, Lewis H. Entz, Paul Robertson, Craig Cotton, Mike Willett, Larry Martinez, Ruth Heide, Marty Asplin, Charles Spielman, Travis Smith, Leah Opitz, Perry Cabot, Leon Moyer, P. Clark, Kevin Karney, Jim Baldwin, Erin Minks, Allen Brown, Cindy Medina, Nicole Langley, Keith Goodwin, P.J. Bungert, Dan Hewricks, Mannie Colon, Tom Young, Mike Gibson*

- **Introductions:** Chairman Mike Gibson welcomed all, especially visiting members of the Arkansas Basin Roundtable.
- **Approval of Minutes of May 8, 2012** - Travis noted that Eric Harmon's name is not correct, on the top of the third page. Nicole will correct. Cindy Medina moved the minutes be approved as corrected. Pete Clark seconded. Unanimous approval as corrected.
- **Report from Colorado Division of Water Resources - Craig Cotton, Division 3 Engineer –**
Craig again gave us the bad news we all know. Snowpack and stream flows in the upper Rio Grande Basin are far below average. We peaked about a month earlier and we're out of snow a month earlier. It's not a good year.

Preliminary annual flow at Del Norte of 415,000 AF is 64% of long term normal. Obligation to downstream states of 102,200 AF can be delivered at any time of year. With the preliminary index and obligation we're trying to deliver 5% now. We're curtailing ditches on the Rio Grande about 2%. On the Conejos the preliminary upper index annual flow of 200,000 AF is 60% of the long term normal. The obligation downstream is 45,000 AF but currently we are not curtailing any ditches to meet that obligation because we can do that with what we've already delivered plus what we'll deliver in winter.

Elephant Butte and Caballo Reservoirs - Craig welcomed the Arkansas Basin visitors and explained the Rio Grande compact, the administration of the Elephant Butte and Caballo reservoirs, and the Article VII restrictions. Total water in storage now is 351,000 AF, whereas those reservoirs normally hold 2.2 million AF. Usable water in the Rio Grande Compact currently is 234,000 AF so we are in Article VII restrictions. They're releasing about 2,000 cfs now and probably all usable water will be released from the reservoirs by this summer. The 3-month temperature outlook (June, July, August) shows Colorado above average in temperature but in terms of precipitation, at least for right now, it's looking a little bit better.

Subdistrict Objectors - The State, which approved the subdistrict's annual replacement plan in May, had three objectors to its decision. The court must now deal with those objections as well as a motion asking the judge to order the state engineer to curtail all well pumping in Subdistrict #1, which has about 3,000 irrigation wells.

Judge Pattie Swift will probably rule on the well curtailment motion in the next 2-3 weeks. She's collecting data on that motion at this time. The trial date is set for October 29, for five days, so in early November we'll have a decision as to whether or not the state engineer made the correct decision. The objectors asked for a decision before the end of the irrigation season. Judge Swift said this was possible.

Craig explained that the Subdistrict is operating now under its annual replacement plan, replacing 5-7 cfs to the river per day to replace injurious depletions caused by well pumping. Water has been released from Rio Grande Reservoir to pay that depletion debt, and water from the Closed Basin Project is being used to offset some of the depletions on the lower reaches of the Rio Grande. The state Well Rules and Regulations are about 90% complete, except for groundwater model runs that will hopefully be done at the end of summer or in early fall and at that time the Advisory Committee will reconvene and complete the rules.

Discussion - Travis asked Craig to explain the replacement plan. **Craig:** Replacing water to the Rio Grande went into effect May 1, with the Subdistrict replacing about 5-7 cfs per day. This last month, with these releases, we've been allowing that water to remain in the system. We could have made [some sort of] monetary arrangement [but we did not]. **Charlie:** Assuming continuing drought conditions, will there be well curtailment? **Craig:** No. The wells in that district are covered by the replacement plan. As others come into subdistricts they will also be included. **Travis:** When will the State Engineer promulgate Rules and Regulations for all the other wells? **Craig:** The State Engineer is working on this long and difficult process. We're waiting on the results of the groundwater model. That will tell us what impact the wells are having upon the surface streams. We hope to have those model runs done by late summer or fall. We'll then be working on the rules and regs and start up the Advisory Committee, but only after the model runs. **Michael:** By what authority are you using Closed Basin water? **Craig:** that objection was brought up originally and in the Supreme Court. Previously no water had been diverted from the Closed Basin Project for subdistrict purposes, so both the local water judge and Colorado Supreme Court decided not to address it. Now there's an objection so the court will rule on it.

➤ **Sanchez Ditch & Reservoir Company (SDRC), Travis Robinson, Manager – Request for Funding – Sanchez Reservoir Phase II Outlet Rehabilitation and Gate Tower Replacement**

Travis Robinson reviewed SDRC's completion of Phase I of a multi-phase project, addressing identified issues to improve human safety, upgrade/replace deteriorating infrastructure, and cure operational inefficiencies inherent in a reservoir constructed in the late 1800s. Informed by data and recommendations from three engineering studies and a feasibility analysis, SDRC seeks \$914,400 in WSRA funds to implement Phase II in order to adequately meet long term irrigation needs. This project represents a major structural overhaul and operational upgrade of Sanchez Reservoir and involves the partial demolition and replacement of the existing Gate Tower. With total project cost of \$2,032,000, SDRC is taking on a CWCB loan to make up the balance, representing a match of 55% of total project cost. **Nicole Langley**, Project Coordinator on both phases of this project, reviewed the funding criteria and asked the Roundtable to vote on this proposal today rather than in July in order to meet CWCB's September review. With copies emailed more than 10 days in advance, members have had ample time to review the proposal.

Discussion and Questions: Travis Robinson explained the upgrades on the outlet conduit; usage for recreation was down because the water is very low; the boat ramps have been upgraded but they're out of the water due to low water; "but the other day I counted five people in boats out there fishing"; addressed a seepage question stating that seepage has been cut in half and that is also part of redoing the outlet conduit.

Travis Smith: This project exemplifies what the legislature had in mind in creating the WSRA funds. The Roundtable funded the initial study, and now we're coming back to fund the findings of those studies. Sanchez' is taking on more debt to match the grant. It's the same approach which Terrace Reservoir took. It's a great project and brings today's technology to a 100 year old structure. **Heather** asked about hydropower. Yes this was looked at but there is currently no infrastructure to transport any power which might be produced, so it was not considered further.

Craig Cotten: I wrote a letter of support stating that we are generally in support. It will help in the dam operations and improve safety. We've been talking to Nicole and to Travis. There are just a few other issues we would like to see addressed and I think they are doing that.

Charlie: "I don't know. I have some observations about bringing down the Gate Tower. I tried that with a tree one time and it didn't work." He asked if this would increase storage capacity. **Travis R.:** No, will not affect that so much, but if we don't fix those things now the State could come in later and put restrictions on storage. **Charlie:** My concern is you need to get a real expert to do it. **Mike:** They've got the right people.

VOTE: **Lawrence Gallegos** moved that the funding be approved as requested, with \$55,000 from WSRA Basin Funds and \$859,400 in Statewide Funds. **Dale Weiscamp** seconded the motion. Unanimous approval to fund the proposal.

- **Update on Sub-District # 1 Issues – Steve Vandiver** -- This topic covered already by Craig. You can listen to KSLV (95.3) on Friday morning at 8:30 AM. Steve Vandiver will talk about these subdistrict issues.
- **Preview of a Future Request for WSRA Funding – Rio Grande Headwaters Land Trust -- Rio Grande Initiative – Nancy Butler** -- WSRA funds have funded the purchase of conservation easements six other times. Mission: to permanently protect important land and water on private lands along the Rio Grande. Nancy explained that RiGHT has tripled the pace of conservation in past 5 years, working with private land owners to expand this voluntary incentive-based program of conservation easements.

Nancy previewed RiGHT's future request for funding for a conservation easement on the 400 acre Haywood Ranch between Del Norte and Monte Vista. The Haywood Ranch holds the largest percentage share of water rights from the Silva Ditch, the # 1 water right on the Rio Grande. A working ranch, the Haywood Ranch raises small grains, alfalfa, and cattle, and includes over 160 acres of wetlands. With approximately 0.18 miles of Rio Grande frontage, this ranch provides important wildlife habitat for a number of species, including the Southwest Willow Flycatcher. Protecting the Haywood Ranch will add to a growing corridor of protected lands along the Rio Grande.

Discussion: Several questions related to the value of the land, the amount to the landowner, about appraisals and how the valuations are arrived at, and how the payment of money works. **Charlie:** If half of that land is a wetland, it can't be developed anyway. **Nancy:** The appraiser will take those things into consideration. **Cindy:** What if you don't get NAWCA funds? **Nancy:** We'll go to Great Outdoors Colorado for funds. **Michael** asked about paying legal costs.

Total Value - \$1,125,000. WSRA request - \$425,000 . Match - \$300,000 cash and \$400,000 donated conservation easement value. Proposal will come to the RT in July.

- **Report from Jim Broderick – Vice Chair Arkansas Roundtable and Executive Director of the Southeastern Colorado Water Conservancy District** Mike welcomed Jim and other Arkansas Roundtable members. Handout is available from Mike: Memo from Todd Doherty, CWCB, to Nicole Rowan, CDM – “Final input on the Portfolio and trade-off Tool Analysis for Arkansas Basin.” Jim spoke of the importance of interaction between all basins. We want to learn from you. “We see that you guys ask for big bucks for projects!” We do a lot of planning and studying and we like to see projects. The Arkansas Roundtable has 56 members with two representatives to IBCC. Their greatest need is for storage. “Regardless of [initiatives for] new water, agricultural fallowing, and conservation, no matter what – we have to have storage.”

Jim delivered a hard-hitting dynamic review of issues in the Arkansas Basin. Our IPPS mostly concern being able to move water around and store it. “How does that take care of the M&I gap up in El Paso County?” He discussed what happens with fallowing and the pressure when cities keep growing and conservation is low. What is the water cost of development? We looked at the numbers using different levels of conservation, with fallowing being one of their IPPs. Options include improving the southern delivery system, the conduit which brings water down to the Arkansas Valley. The preferred option would be enlargement of Pueblo Reservoir and reutilizing the space at Pueblo Reservoir. New supply? Sure, we talk about it. We don’t care where it comes from, we just want it to come into our basin. From the Colorado? Everyone knows there’s no more water there. The Arkansas is overcommitted. So we’re starting a dialog. Mike, sorry but we don’t have any water for you!

Jim’s discussion covered topics familiar to the Rio Grande Basin. The handout provides an excellent overview of issues in the Arkansas Basin, including meeting the M&I gap as early as 2020; oil shale and gas development; the Fry-Ark project; “what numbers do we use in our basin for oil shale, and do we really need that development? How do we recharge those aquifers to recover from Denver’s ground water use? Last year was the wettest year followed by the driest year, back to back. Watch out. Watch out. “Don’t shoot me, but can we take some of that junior water and start to recharge? How big does Agriculture have to be? Reuse is a big deal in our basin. With Agricultural transfer there’s no such thing as a pilot project. How do we put all the pieces together within the basin to make sure everybody’s whole? The handout shows we’re trying to do that.

Jim and Perry discussed Water 2012 celebrations, coinciding with the 50 year anniversary of the signing of the Fry-Ark. AWWA sponsors many events around the state and is planning an event with Adams State University. CSU Pueblo is coming in the fall. A Google Earth flyover shows the Fry-Ark system, which is great for teachers. We developed a video which has already had 1,500 viewers and we have articles every week in the Pueblo Chieftain. On August 18 we will celebrate the 50th anniversary of the Fry-Ark. Stay in touch with Perry, Judy, and Leah.

Travis: We owe you a visit. Jay and Perry have been here a lot. It’s good therapy to talk with each other. We have lots in common. Jim invited us to visit their Roundtable. **Travis:** To explain our fallowing efforts in the SLV, it’s really meant to meet the sustainability goals set by the court. **Jim:** You’re doing what we were doing back in the 60’s with fallowing. Now we get 30-40 engineers trying to figure it out so you don’t injure anyone, so you can give it to M&I. There are lots of ways to move water. We’re trying to keep the politics out of it. Lots of interest, emotion, caring on all sides. **Charlie:** We need to look at how to get water out of the Mississippi basin. **Jim:** Someone spoke to us about bringing water down from Alaska. **Paul:** Somebody always gets hurt when we start moving water around. These things that look simple are not simple at all. **Jim:** Remember, what we try to do is look at all the issues in the portfolio so we know who can get hurt. We’re not going after water in the Mississippi.

- **Flaming Gorge Committee - Update - Mike Gibson** Mike recalled the issue: IBCC and CWCB put together the Basin Roundtable Project Exploration Committee on Flaming Gorge and I'm on that committee. First is to understand what the issues might be on such a project, to find common denominators with other similar projects. At last month's meeting we talked about water in these reservoirs, administered by the BOR, which does not own the water. We asked who should allocate the water out of Flaming Gorge – the states? BOR? Whether, if we're taking some of this water being held in the upper basins, should it be the states making this determination? All of the states should be involved in that decision process. The Flaming Gorge Project is proposed as a possible way to meet some portion of the statewide water gap; questions relate to legal issues about how to acquire water, i.e. contract with the BOR? Colorado water right? Wyoming water right? Studies, permitting and other issues.

Greg Johnson: We're talking to BOR. We don't deal with this as a state. It doesn't follow any precedent. **Mike:** At issue is moving water from four other reservoirs in the upper states. Wyoming regulatory people have been invited to attend and they have refused.

- **Review of Notes on Joint Meeting 5/7/12 – Arkansas & Gunnison Roundtables – on Conservation** (Handout is available from Mike – You are encouraged to read this) Issues: Can Front Range providers offer additional information about the percentage of conserved water applied to the gap currently and about what will be done with future conserved water? In light of climate change and current and 2012 precipitation levels, we should be thinking about how much can be achieved with conservation if there is no new supply. Front Range providers have stated that they want to collaborate with other stakeholders on conservation. What does that mean? What help do they want? A statewide report in which providers share their conservation activities and achievements would increase conservation and encourage providers to do more.
- **“Water 2012” - Leah Opitz** The next tour reviews projects in Costilla County organized by Leah with coordination from Nicole Langley, Travis Robinson, Diana Cortez, Jane Devine, and Water Commissioner Bob Schultz. Contact Leah to sign up or on the rgwcei web site.
- **Report from the Interbasin Compact Committee – Steve Vandiver / Travis Smith** Travis reminded us that the portfolio is a tool, useful in boiling down 16 possible scenarios to get workable plans. After six years of “therapy” the basins are now talking to each other. We have a timeline with benchmarks and goals but with no dates on it. It's a work in progress. Basins are individually zeroing in on projects, with IBCC's overall goal being to meet Colorado's future water needs. The Governor wants a water plan. The basins are a part of that. We have to have a water plan by 2016. **Greg Johnson:** We sent out the roadmap in a document, a letter from John Stulp to the Roundtables summarizing the statewide roundtable summit meeting. We did scenario planning for different possible futures; we're looking at adaptive management for different scenarios. I'd be happy to make a presentation on how the Roundtables talk to IBCC.
- **Resolution on Initiatives 3 and 45** Mike described a Colorado Supreme Court decision that “kept alive” proposals to these two initiatives, approving the titles to appear on the ballot. These initiatives seek to apply the public trust doctrine to water, and in essence would eliminate the entire system of water laws. THIS PETITION IS BEING PUT OUT THERE. As president of the Colorado Water Congress Mike urged everyone to resist this. CWCB has put out statements opposing these two initiatives.

Numerous handouts are available from Mike. Be sure to take this info back to your ditch companies. It's absolutely critical that these initiatives DO NOT get on the ballot. Heather has done some research on those proponents – “the tone they're taking is that these initiatives – make water a public good, so everybody would have access up to the high water mark on any body of water. Scary, because people are not informed about water rights. They might just go for the “hey that water is yours for the taking” message. **Travis:** It would do away with the doctrine of prior appropriation. IBCC is coming up with a resolution.

Decision: We need to draft a Rio Grande Roundtable resolution in support of the prior appropriation system and consider this at our July meeting. These initiatives, if passed, would become part of the Constitution, offering no alternative – a tragedy of the commons. Subcommittee to work on the draft – Rio, Heather, Charlie, Travis, Lawrence, Nicole. Mike will send out the webinar address.

- **Update on Oil & Gas Drilling - Rio Grande County – Paul Tigan, BLM; Dale Wiescamp / Rose Vanderpool** - Paul and Dale related the history of the unique geological area of the SLV and when oil and gas exploration was first contemplated on San Francisco Creek and Old Woman Creek. In the mid 1980s a drill rig hit geothermal water at 4200 feet, with artesian pressure blowing out the well. Dale thanked the Roundtable for funding the Rio Grande County Hydrogeologic survey to study existing and new data in the county. On Friday COGCC approved one of the permits to proceed. “We have to hold them off until we can get this study done.” **Mike:** The Roundtable sent a statement to the COGCC expressing the need to consult with Rose and Karla and to keep the County in the lead. Travis and I will be talking to them.
- **Next Meeting** – Proposal from RIGHT; Science Fair winning students; Initiatives

Next Meeting: July 12, 2012
Ramada Inn Formally Inn of the Rio Grande, East Highway 160
Alamosa, Colorado