

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

MINUTES

May 8, 2012

Attending: *Heather Dutton, Leah Opitz, JB Alexander, R. Brink, John D'Antonio, Mike Willett, Karla Shriver, Rose Vanderpool, Nicole Langley, Rodney Smith, Ralph Curtis, Jeanna Paluzzi, Paul Robertson, Gene Farrish, Hew Hallock, Kristen Andersson, Marty Asplin, Ruth Heide and Sage, Eugene K. Jacquez, John Peterson, Kelsey Cody, Glyder, Brenda Felmlee, Stan Moyer, Paul Tigan, Allen Brown, Greg Higel, "Mack" McFadden, Charles Spielman, Jerry Freeman, Travis Smith, Peter Clark, Gilbert Garcia, Charles Griego, Mike Collins, Craig Cotten, Ken Conley, Perry Cabot, Charlotte Bobicki, Lewis H. Entz, Alicia Austin Johnson, Bea Ferrigano, Dan Dallas, Beth Bardinelli, John Stulp, Armando Valdez, Erin Minks*

➤ **Introductions:** Chairman Mike Gibson welcomed Kristen Andersson from CU Boulder and her students, who are researching local government and water issues. Welcome to Dr. John Stulp, special advisor to Governor Hickenlooper on water issues. Some were here from the Rio Grande Stakeholders meeting yesterday, with all having an interest in the Rio Grande, including the San Luis Valley Ecosystem Council, Natural Resources Conservation Service, Homeland Security, US Geological Survey, and the US Army Corps of Engineers. Ruth Heide of the Valley Courier brought her colleague, Sage. Welcome to all.

➤ **New Member:** The Costilla County Board of Commissioners has appointed Eugene Jacquez to represent Costilla County.

➤ **Announcement:** The State Engineer has approved the Rio Grande Water Conservation District's annual replacement plan for groundwater in Sub-district No. 1. On May 1, 2012 State Engineer Dick Wolfe approved the Annual Replacement Plan for Subdistrict No. 1. This approval was filed with the Division #3 Water Court. All documents are on DWR's website at: <http://water.state.co.us/DivisionsOffices/Div3RioGrandeRiverBasin/Pages/Division3EventsAndLinks.aspx>

➤ **Information:** Handouts are available on the Flaming Gorge project and on the Metro Roundtable. Contact Mike. Mike commented on a news article stating that somebody pulled a gun on a ditch rider and then turned himself in. Yes, people are still fighting over water!

➤ **Approval of Minutes of April 10, 2012:** Charlie moved to approve; Greg Higel seconded. Unanimous approval of the April Minutes as written.

➤ **Report from Colorado Division of Water Resources – Division 3 Engineer, Craig Cotten:** For the benefit of the CU students, Craig reviewed the DWR organization, with the head administrator being the State Engineer, Dick Wolfe, and each of the drainage basins, with Craig's office having about 30 people, from ditch riders to hydrographers and administrators.

The upper Rio Grande is at 18% of average snowpack, and runoff is about one month earlier than usual. A lot of our rivers are already at or past their peak, and we're headed down. Moisture yesterday was welcome, but it won't make any real difference. NRCS forecasts for both the Rio Grande and the Conejos have dropped significantly. Last month at Del Norte the annual forecast was 380,000 AF with an annual flow of 58% of the long-term normal, but just in the past month this has dropped to a projection of 84,000 AF with a current downstream delivery obligation of 93,200 AF or 2%. Most of that will be paid in the winter months so we don't need to curtail in the summer. We're sending 2% of water at Del Norte down to the state line. On the Conejos, at Mogote, the Los Pinos and San Antonio total preliminary upper index is 180,000 AF, or 54% of the long term normal.

The remaining downstream obligation is 28,500 AF, with a current delivery obligation of 0%. We will meet our obligation with what we've done now plus what we will do after the irrigation season. Elephant Butte and Caballo Reservoirs are important to Colorado because of restrictions that are built into the Rio Grande Compact. Article 7 restricts storage in post compact reservoirs, our main one being Platoro Reservoir, with other smaller ones. We can't store if there is less than 400,000 AF at Elephant Butte and El Caballo. Total storage now is only 266,000 AF of usable water, so we are in Article 7 restrictions. That usable water will be gone soon. The temperature outlook for next 3 months is above average.

Craig reviewed the terms of the lawsuit between the BLM and New Mexico/Texas as the case moves through District Court. Trial is set for sometime this fall.

Steve Vandiver reported on the Subdistrict No.1: The State Engineer has approved Subdistrict No. 1 Annual Replacement Plan for well pumping. The Replacement Plan calls for wells to replace depletions to ditches and the subdistrict to replace depletions to the river. On May 1 replacement of depletions began on the Rio Grande with releases from Rio Grande Reservoir. We had an option of doing a forbearance, i.e. agreeing not to call for the amount of injury from wells in exchange for a payment. We're also using some Closed Basin water to replace some of those depletions. It's been a challenging few weeks, and, as we move forward, we hope to get it better. Subdistrict No. 1 is taking 9,000 acres out of production. The other issue that has to be addressed is to reach sustainability in the aquifers, and that's where the fallowing comes in. We're not going to have a good year on any of our stream systems. Saguache, Culebra, Alamosa, all of them are worse this year than last year. On the Rio Grande, this is the fourth year in a row that we've had this bad news.

Discussion: Lots of questions about the subdistrict, about the acreage out of production. Pete asked Steve about the numbers of acres anticipated and about cover crops. Most have some kind of cover crop such as rye or sedan grass; a few can do with just mechanical means; most will have some use of water, although in most cases 0-6 inches will establish a cover crop.

➤ **Michael Monterey, P.C. Director of Planning and Project Coordinator for the Biosphere Coalition and Thomas Glyder Tucker.** Mike introduced them as originally wanting to start another Roundtable, but he explained to them how IBCC works and "I sort of discouraged that," so they are now calling themselves a Forum. Focus is to support the protection of groundwater and surface water resources in and around the Great Sand Dunes National Park. Monterey read a concept paper expressing high aspirations of "working locally and globally, providing a forum on new land use and conservation policies in the Great Sand Dunes ecosystem." He invited the RGBRT to "join us as active members of the Biosphere Coalition," and he expressed their desire to raise funds "from all sorts of sources." For info see www.biospherecoalition.org

Discussion: Mike suggested that many of their aspirations and aims were already being addressed by multiple hard working entities such as the Wetlands Focus Group, NRCS, The Nature Conservancy, and many different conservancy districts, stream bank restoration efforts, and wildlife and fishery initiatives. Mike encouraged Michael to start researching some of the Valley's ongoing projects. The Biosphere Coalition can get up to speed on the Valley's many conservation and water-related issues by attending these Roundtable meetings. Paul Robertson offered to facilitate Michael and his colleagues meeting other active groups in the Valley.

➤ **Rio Grande County Hydrogeological Study – Request for Funds:** Rio Grande County Commissioner Karla Shriver presented a proposal requesting \$99,564.00 from RG Basin funds of WSRA. Travis explained this was an emergency request, put together quickly, without the usual "Review," because Rio Grande County needs to have more data very soon, as it considers granting oil/gas drilling permits at Old Woman Creek and San Francisco Creek. Travis and Karla asked

Nicole to put this proposal together only six days prior to the RT meeting and they asked engineer Allen Davey, geologist Bob Kirkham, and geohydrologist Eric Holman for technical guidance. With many thanks to all for a thorough and fast job of preparing and for this huge team effort. We do our best to have a "Preview," but that's not required and, as in this case, it's sometimes not possible.

Discussion: One person said in effect, What's the point? If the conclusions indicate this is not an appropriate drilling site, the BLM and the oil and gas exploration emphasis will simply pick somewhere else. Several said they wished we had this kind of data for the whole Valley. It was important for the Basin Fund account to keep the request under \$100,000. Mike explained that the County has time constraints, and others may face the need for a similar study, for which this could become a template. Developing this information and having a solid base of scientific information enables Rio Grande County to draw some reasonable conclusions. Travis commended Rio Grande County. "This study provides an opportunity not to 'just say no,' but to consider all aspects, and to perhaps say 'yes, maybe.'" It provides the community a basis for setting terms and conditions. "We need to be prudent. We need good scientific information." Jeanna complimented RG County and offered to provide a letter of recommendation.

Opposing Discussion: Charles Spielman objected to the scope, the approach, and the cost, and he proposed an alternate plan and said we already know what the geologic formations are at each of the proposed drilling sites. JB objected to a quote included in the proposal from someone who objected to "this type of industry." Rose Vanderpool, Land Use Director for Rio Grande County, said "That comment came from me. It's a direct quote taken from a compilation of different opinions and public input, and [for the person quoted] it is true. Some do feel that this [oil and gas drilling] will impact our way of life. Karla responded that the Commissioners would take JB's objection under advisement and edit the text accordingly. [Subsequently Charlie provided a document setting forth his "Plan B," which was included with Mike's cover letter as he sent the proposal to CWCB.]

Other Comments: Craig Cotten – DWR is often asked to give an opinion about a potential drilling site, but we don't have any say, so long as they don't produce water. "We are routinely asked to advise the COGCC about what kind of drill casing to do, and at this time I don't have a real basis to go by. It will be good to have good data." Jim Ehrlich saw some problems for the Roundtable in that if we fund this study for Rio Grande County, next it will be Alamosa or Saguache counties which come with the same problem and the Roundtable will be spending money to continue doing more of these studies. Mike said, if it has to do with water, so be it. Jim spoke of Weld County as "going gangbusters with these wells – yes it's ugly and it's a pain in the butt, but I'm not aware of any water issues, but maybe there are some." Mac McFadden, who was Division 3 Engineer, a graduate of the Colorado School of Mines, a seismologist with some 20-30 years of knowledge in this area, said "I would love to get into this. This study, these questions about how to use the resources of the Valley are a deep concern to me." Several spoke about the possible negative impacts of drilling if there were a spill or an accident. Rose Vanderpool said that water protection is the highest priority for the County and in order to make permitting decisions they really must have impartial scientific information. Mike: There is lots of information that has never been analyzed, data from different sources which has never been compiled in this way. The idea is to have a very rigorous review of information developed and compiled by experts in the field.

A resident from Del Norte said "Our county is called Rio Grande County. The Valley is just one big water, top to bottom, side to side. We have some of the best qualified engineers in the state living right here. We need to know what's underground. The information gleaned from this will be useful to everyone in the county. But we know that all of this [water] is moving horizontally. I encourage the Roundtable to support this. We need to know what the impacts are going to be for the whole Valley." Dale Wiescamp: We have a unique system, with the largest amount of land having

volcanic origin in Colorado. We need to know how much geothermal water is here. We are a unique place on earth. **Greg Higel**: “As a water user all my adult life I’m always trying to fix holes. Nobody has ever studied them before they need fixing, so I’m for it.” **Jim Ehrlich**: In Weld County all these people are competing for water now, farmers and dairies are competing with oil companies. We have to be prepared to ante up.” **Paul Robertson**: I know all these people [referring to the scientists] involved, so I’m not worried, given this cast of characters.”

Question: JB asked Karla whether the County was offering any match. Karla responded that as a Basin-Account-only request, a match was not required, but that the County is providing staff and funds separately that are related to the study but not included in the project budget.

Motion #1: **Charlie** moved that his suggestion of a local study be accepted rather than the study proposed by Rio Grande County. **JB** seconded Charlie’s motion. **Travis** expressed his respect and admiration for Charlie and his motion, but he said he would not support Charlie’s proposal. Charlie and JB voted for Charlie’s proposal. Motion # 1 failed to pass.

Motion #2: **Peter Clark** moved to accept the Rio Grande County Proposal, rounding the amount off to an even \$100,000 from the Basin funds of the Water Supply Reserve Account. It was pointed out that the request was for less than \$100,000 so a state contract would not be required, only a Purchase Order, thus expediting the states action. Peter agreed to revise his motion. **Heather Dutton** seconded the motion.

VOTE: All but one member, Charlie Spielman, voted in favor of Motion # 2. The motion to approve funding requested by Rio Grande County for *Rio Grande County Hydrogeologic Study* passed. Funding as requested from the Basin Account of the Water Supply Reserve Account was approved. Mike told Charlie that his objection will be forwarded to CWCB along with the proposal. He thanked Charlie for taking a stand and for speaking out so clearly on this issue.

➤ **Dr. John Stulp, Special Advisor to Governor Hickenlooper on Water Issues** – IBCC at the end of the month is looking at common themes – doing some scenario planning, seeing what the criteria are and at what issues we can agree upon. They’re looking at data from some portfolio tools and feedback from the Statewide Roundtable process, a process which seems to be working very well. We now start branching out and networking with each other.

Yesterday Gunnison, Arkansas Basin and Metro Basin came together in Montrose and had a good discussion on conservation. Eight or nine different water providers at that meeting discussed what they were doing about conservation, new supplies, other criteria. Very productive. We have had similar discussions on nonconsumptive uses such as gold stream fishing, sharing all of this back to IBCC – things seem to be moving along. John expressed appreciation for the dedication, collaboration, and very hard work everyone was doing.

➤ **Paul Tigan - BLM** offered some clarifications on “split estate” issues relating to the BLM and the proposed Rio Grande County study. The Bureau of Land Management’s San Luis Valley Field Office will host a community education session about federal oil/gas development Saturday, May 19, 10 a.m. to 2:30 p.m. at the Adams State College Student Union Building, Room 309.

➤ **Mike**: May 19 is a big day, with Governor John Hickenlooper coming to the Valley. He will sign House Bill 12-1080 legally changing Adams State College to Adams State University at a ceremony on the McDaniel building lawn at ASU at 2.30 pm.

➤ **Travis**: You are invited to come to the Governor’s Reception in South Fork at 4 p.m. May 19 at the Rio Grande Club for the signing of the 2012 Projects Bill. The signing is anticipated because

funding for the Rio Grande Reservoir Project and the Beaver Creek Reservoir project passed through the House and is now before the Appropriations Committee and is expected to be passed tomorrow. Senate Bill 2, sponsored by Senator Gail Schwartz, allocates funding for CWCB's Water Projects Loan Program and the Water Supply Reserve Account grant program.

➤ **Leah: Water 2012** encourages the Roundtable to register early for tours of the Valley's water projects, then attendance will open to the public. Traveling displays are at the Valley's libraries. Lots of activities include K-12 "River of Words" and "A Day Without Water." Mike: we need young people to participate and become tomorrow's water leaders. Schedule: June 22, Costilla water projects at Sanchez Reservoir, The People's Ditch, and Trinchera Irrigation District; July 14, Rio Grande Reservoir Tour with Colorado Field Institute; and July 28, Conejos Water Conservancy's North Fork of the Conejos and Platoro Reservoir.

➤ **Rio Grande Stakeholders:** Heather: Yesterday and today we had great participation in the 3rd Annual Rio Grande Stakeholders Meeting at ASC. Great collaboration. We discussed the USACE authorities. Talked of local issues. How to make our dollars go further. Great representation from Travis, Mike, Craig and Steve. Thanks to all.

➤ **Future meetings & future topics:** Sanchez Ditch & Reservoir Company will request a grant/loan combination of funding to implement *Phase II Outlet Rehabilitation and Gate Tower Replacement*. Judy may bring some students who made science fair national competition. Check out the [really great!] Valley Courier Water 2012 article by Travis on CWCB and the Roundtable process. *Water 2012: Colorado Water Conservation Board celebrates 75 years*. Online version is here: http://www.alamosanews.com/v2_news_articles.php?heading=0&page=75&story_id=24768

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