

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

**MINUTES  
July 8, 2014**

**Attending:** *Erin Minks, Matthew E. Gallegos, Cathy Morin, Edwin Moore, Keith Holland, Rio de la Vista, Eugene E. Jacquez, Peter Clark, Bea Ferrigno, Rick Basagoitia, Charlotte Bobicki, Mike Collins, Wayne Schwab, Guinevere Nelson, A.J 'Dom' Spillane, Nicole Langley, Craig Godbout, Tom Spezze, Judy Lopez, Travis Smith, Ron Brink, Charles Spielman, James Henderson, Ann Bunting,, Kevin Terry, Cindy Medina, Dale Pizel, Dale Wiescamp, Gene Farish, Karla Shriver, Jim Ehrlich, Brenda Felmlee, Mac McFadden, Ann Steinhage, Linda Bassi, Ty Coleman, Paul Tigan, Joseph B. Old Elk*

**Introductions/Announcements:** Chairman Mike Gibson welcomed Linda Bassi, Instream Flow Program at CWCB. Dale Pizel has been appointed as the public-at-large representative to the Colorado Parks and Wildlife Commission. Members gave a special welcome to Representative Ed Vigil, State Representative for House District 62. He also sits on the Local Government Committee and the Water Resources Review Committee.

**Rep. Edward Vigil asked the RGBRT** to welcome members of the Water Resources Review Committee when they visit the Alamosa area on August 28 from 1:00to 4:00 PM at the Inn of the Rio Grande, with reference to *Senate Bill 14-115, "Hearings Concerning Colorado Water Plan."* The Review Committee is seeking Rio Grande Basin public comments and input as they work on the draft of the Colorado Water Plan. The public is invited. Comments can also be submitted to <http://www.leg.state.co.us/clics/clics2014A/cslFrontPages.nsf/WC.xsp>

**Approval of Minutes of May 13, 2014 --** Rio de la Vista was not listed as attending; she stated that she was in attendance at that meeting. Charles Spielman stated that the figure in the third paragraph should be 245, not 240. With these corrections noted, Cindy Medina moved the Minutes be accepted as corrected. Ron Brink seconded the motion. Unanimous approval.

**Discussion of a recent article in the Pueblo Chieftain:** A water export project has been proposed by Saguache County rancher, Gary Boyce. Should the RT comment? General consensus was that we should not comment at this time. Schemes like this will probably continue to come up and they're contrary to and out of touch with our process of working in a cooperative manner for over 8 years. "If you expect the State to endorse a process, it needs to come up through the RT process, where everyone gets a chance to weigh in." Charlie: "That Boyce plan is 180 degrees out of synch." Erin said that a Facebook page had been started by an environmental group wanting to get people engaged in the water plan. What was this? It seemed not to be fully transparent as to how people should engage in the BIP process, with no mention of participating in the Roundtables.

**Administrative Issues:** No discussion at this time. Chairman Mike will be having back surgery soon.

**Initial Review prior to Funding Request: Increasing the Water Holding Capacity of Soils:**

**Judy Lopez and Brendon Rockey.** Judy explained that she did not have a formal Preview at this time and that certain data about the properties involved was missing, Farms and ranches have not “done a collective process of soil health processes.” This multi-year proposal would request \$25,000 in the current year followed by \$40,000 next year and another \$40,000 the following year for a total of \$95,000. Judy explained that the applicant is her company, RGWCEI, or Rio Grande Watershed Conservation and Education Initiative. Judy said she might send out a pre-proposal Preview, explaining that it takes a while to establish soil health, do the soil tests, and document results using a variety of crops in areas across the Valley. The money would be used to offset the costs for the producers to implement those processes and pay for testing and analysis. There would be some match required from the owners but there were no details on that requirement.

The program in subsequent years would depend in part on the success of the first year, with farmers encouraged to employ such practices as composting, using biological forms of fertilizers, reducing tillage, and building organic matter. Coors will be a partner. NRCS will collect the data. The RT is encouraged to take a tour on July 22<sup>nd</sup> to demonstrate and promote soil health practices. Jim Ehrlich and Travis expressed support for the idea. Mike and Judy proposed that the RT should commit these Basin funds for all 3 years in advance. Craig Godbout said that would “probably” be possible but he suggested that funds should only be disbursed in yearly increments so as not to tie up future Basin Fund spending. The uniqueness of soils and local import of the results suggests there might not be a statewide benefit. A formal request for funds will follow subsequently.

**In-Stream Flows in the Rio Grande Basin – Linda Bassi, Section Chief, Stream & Lake**

**Protection Section, CWCB:** Linda explained that her Section can help projects to define and meet nonconsumptive needs in relation to CWCB’s instream flow program. She gave an overview of their work and their mission – “to correlate the activities of mankind with reasonable preservation of the natural environment.” She explained the legislative rights given to CWCB to appropriate or acquire instream Flow (ISF) rights, and how they determine whether water is available for ISF. New recommendations can come from an individual, or from CPW, BLM, TU, or maybe even from the Roundtable, subject to an application. The process begins with a workshop held every January to present recommendations, followed by a process, some field work, analyses of availability, and public meetings. A process also exists for contesting and for final action, followed by filing with the Attorney General in water court.

**Discussion:** Many questions about defining “natural;” statistics on ISF water appropriations; injury as to effects on water rights of others; Federally held water rights v. other rights; and possibly contested situations. She explained the process of negotiations, and the ISF Board process and final action by the AG and filing in water court. Pete and a few others said that we need to have more information about ISF. Karla asked how counties should work with state and federal partners relating to ISF and also the forest plan. Charlie asked Linda if she has maps and other data on ISF water amounts and Mike said he has that information and could email it to Charlie. Asked what ISF rights actually protect, Linda passed out some fish survey results showing the percentage of species found in Division 3 streams which have ISF protection. ISF is currently working with Cindy Medina and Terrace Reservoir Company. Much discussion on the legal and physical protections of

ISF water rights, the necessity of using gauges for enforcement, and Linda's offer to help roundtables to meet their nonconsumptive needs. Charlie asked about the effect of ISF on a tributary and how that might affect ISF in the Rio Grande? Linda: any ISF has a beginning and an end. Cindy thanked the RT and CWCB for funding programs to store ISF water in Terrace Reservoir. Rick Basagoitia expressed support. For information, contact Linda Bassi at: <http://cwcb.state.co.us/environment/instream-flow-program>

**Update – “Rio Grande Basin Water Implementation Plan” – Public Input – Tom Spezze / Kelly DiNatale, DiNatale Water Consultants:** Next week there will be a CWCB meeting of all basins in order to present their BIPs. Tom gave an update: Any additions must be made before this Friday because the draft is being formatted and that's an expensive process. Work on The Plan will continue after CWCB's review on July 16<sup>th</sup> in Rangely. The RGBRT will have 40 minutes to present the Concept – can't do the whole plan – we'll just hit the high points.

**Report from Rio Grande Watershed Emergency Action Coordination Team (RWEACT), Tom Speeze:** This year, although we have no fire or smoke, we cannot get complacent. Post-wildfire effects on the watersheds and forests are continuing, with lots of new work going on. We have a commemorative poster and some 3-minute videos reminding of safety measures. Rio Grande, San Juan and Gunnison forest services are having RWEACT teach them how to get ahead of the game on their forests. They've been meeting with landowners, working with the Forest Service, EMS managers, reservoir owners, installing audible alarm systems, posting wildfire flood and potential risk maps for realtors, bankers etc.; monitoring the ¼ acre test plots; working with Colorado School of Mines – all of this is in the BIP. Volunteers for Outdoor Colorado are doing stream and habitat restoration around trails and campground areas. They have a new more powerful radio transmitter and are redeploying Doppler radar on Bristolhead. From the end of August to the end of October they will be working with National Weather Service. Workshops are being conducted on flood insurance. Mike Blakeman will be doing a tour of the Papoose Fire area. Although he's not here, many thanks to Dan Dallas.

**Snow Pack & Water Content – Kip Canty, Assistant Division Engineer, Water Division 3, Colorado Division of Water Resources –** The April forecast of 25,000 AF was downgraded in May. Because we had paid already, the curtailment was lowered, but in June it started to go back up and is currently at 590,000 AF. On the Conejos we have gone back to where we started at 220,000 AF. On the Rio Grande we're currently at significantly more than was forecast, plus we had more snow down low last year, in addition to the effects of the burn which are causing higher flows. This is the first time in a while we're showing below average temperatures. Next few months will probably be near normal. There will be a PRT meeting on the 21<sup>st</sup> of this month and another rules advisory meeting in August. We're making progress to get them promulgated. There is no change in the status of the Texas v. Colorado court case.

**Report from IBCC Representatives – Travis Smith / Steve Vandiver:** IBCC has come to general agreement about what a new water supply project from west slope to east slope COULD look like. The cumulative effect of eight years of work is that we know there are risks for not investigating the possibilities. Agreed priorities are to preserve agriculture, recreation and the environment through further conservation measures by front range water providers and to find what projects could also benefit Municipal and Industrial.

Future west slope needs must be accommodated in ANY trans-basin transfer and the basin plans being developed should make that clear. It will be interesting to see how projects align between metro Denver and the South Platt and projects from the West Slope. IBCC felt it best to wait a few months, then study the details in the BIPs. “We call this level of agreement a small victory.”

Status on initiatives 89 and 103 that advocate the Public Trust Doctrine: Initiative 103 went before the Colorado Supreme Court. The Colorado Water Congress is challenging the initiatives on the basis of the “single subject” issue. Proponents wanted to appeal the court’s decision, but they were not present, so the Court did not rule on it. Initiative 103 is now a dead issue, but they promised to come back. Initiative 89 did get approved by the Court, so people will be collecting signatures, but Justice Hobbs wrote the dissenting opinion stating that water cannot be changed to common property, and this is pretty well accepted.

**Future Meetings – The August meeting has been canceled.** In September we may be meeting in Saguache – Stay tuned.

**Mike / Rio – please provide details on location for the September meeting!**

**Light Refreshments Will Be Served**

**Next Meeting: September 9, 2014  
2:00 to 5:00 PM**

**~~Conference Room, San Luis Valley Water Conservancy District  
623 Fourth Street, Alamosa, Alamosa, Colorado~~**