

COLORADO WATER CONSERVATION BOARD
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ANIMAS-LA PLATA PROJECT

The Animas-La Plata project is located in southwestern Colorado and northwestern New Mexico in the San Juan River basin. The project was authorized by the Congress in 1968 under the provisions of the Colorado River Basin Project Act as a participating project of the Colorado River Storage Project. The Colorado River Basin Project Act authorized the Central Arizona Project and five projects in Colorado; to wit, Animas-La Plata, Dallas Creek, Dolores, San Miguel and West Divide. Section 501(b) of the act (Public Law 90-537) provides as follows:

"The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: Provided, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 4 of the Colorado River Storage Project Act (70 Stat. 107) before construction shall start on that particular project."

The La Plata Water Conservancy District was organized in 1944 to act as the sponsoring and contractual agency for that portion of the project located in the state of Colorado. The district includes a portion of La Plata county. The Southern Ute and Ute Mountain Ute Indian tribes are also project sponsors.

Plan of Development

The Animas-La Plata project would develop flows of the Animas and La Plata River systems for irrigation, municipal and industrial use, recreation, and fish and wildlife conservation.

Principal project storage would be provided at the Howardsville Reservoir or a substitute therefore on the Animas River. Most of the releases from the reservoir and river accretions in the 23 miles of channel below the reservoir would be diverted into the Animas Diversion Canal and conveyed southwest for use in the La Plata River drainage area. The remainder would be used for municipal and industrial purposes at Durango, Colorado, and Aztec and Farmington, New Mexico. The Durango water, consisting of releases from the Animas Diversion Canal and flows of Falls and Junction Creeks, would be stored in the potential Animas Mountain Reservoir for release to the city's municipal system. Part of the water would replace that now diverted to Durango from the Florida River. The replaced water would then be used for irrigation of land under the recently constructed Florida reclamation project. The water for Aztec and Farmington would flow in the Animas River past the head of the Animas Diversion Canal to the diversion points of the municipal systems.

In the La Plata River basin the Animas Diversion Canal would cross the river and deliver water to the potential Hay Gulch Reservoir at its terminus. Water would also be released from the canal to the potential Red Mesa Canal and to existing irrigation ditches on both sides of the La Plata River. The Cherry Creek lateral would branch from the Animas Diversion Canal just above the Hay Gulch Reservoir, extend across the top of the Hay Gulch Dam, and serve lands too high to be served from the reservoir. At times water would be released from the Animas Diversion Canal into the La Plata River for downstream use and at other times surplus river flows would be diverted into the canal.

Water in Hay Gulch Reservoir would be released into the Dry Side Canal which would extend southwest and together with its branches, Ute and Ponds Canals, would provide water for presently undeveloped lands on both sides of the low divide between La Plata and Mancos Rivers. Some water for municipal and industrial use would also be delivered through the Dry Side Canal.

Natural flows of the La Plata River, together with releases to the river from the Animas Diversion Canal and return flows from project use, would be used for irrigation and municipal and industrial purposes in the southern portion of the project area in Colorado and New Mexico. Canals heading at the potential Long Hollow Diversion Dam would divert on both sides of the river. The Long Hollow Canal would extend southeast, delivering water to the Three Buttes Reservoir.

Part of the reservoir water would be available for use at a

coal-fired steam-electric generating plant expected to be constructed nearby, and the remainder would be distributed for irrigation through the McDermott Canal that would extend south from the reservoir. The Meadows Diversion Canal would extend southwest from the Long Hollow Diversion Dam to the Ute Meadows Reservoir, releasing part of its water for irrigation en route. Ute Meadows Reservoir water would be released into the Meadows Canal and distributed for irrigation. Some water for municipal and industrial use would also be available at the Long Hollow Diversion Dam. The Helton Diversion Dam and some ditches and laterals would be constructed to supplement existing structures in diverting water from the La Plata River below the Long Hollow Diversion Dam and delivering it to nearby lands. Other facilities required for the diversion of river water for municipal and industrial uses would be provided by the water users.

Laterals would branch from each of the project canals. Extensive drainage systems would be constructed. A limited system of flood channels would be provided to carry off storm runoff.

Fisheries would be created in the inactive space in project reservoirs, and recreational facilities would be provided at each reservoir.

The plan covered in this statement is the same as presented to Congress in the feasibility report in 1968. Some changes are anticipated as a result of advance planning studies now under way.

Substantial quantities of water from the project would be made available to the Southern Ute and Ute Mountain Ute Indian reservations in southwestern Colorado. Up to this time, no water has ever been allocated to the Ute Mountain Ute Indian reservation. A small amount of water has been allocated to the Southern Ute Indian reservation through the Pine River project.

Project Costs (Estimated)

Irrigation	\$116,023,400
Municipal and industrial	41,542,300
Fish and wildlife	1,494,000
Recreation	<u>940,300</u>
Total Cost	\$160,000,000

Project Costs (Estimated), Cont'd.

Water allocations (Colorado)

Irrigation	138,900 a.f.
Municipal and industrial	<u>62,700 a.f.</u>
Total	201,600 a.f.
Annual depletions of the Colorado River (Colorado)	112,300 a.f.
Annual salinity contribution to Colorado River	6 to 10 ppm
Benefit-cost ratio (3 1/4%)	1.59 to 1
Benefit-cost ratio (5 1/2%)	0.99 to 1

Environmental Impact

Advance plans are under way to alter the feasibility plan to eliminate Howardsville Reservoir and the Animas Diversion Canal, both of which would have a detrimental impact on the environment from the standpoint of their effect on water quality and aesthetics of the area. The alternate plan for pumping water from the lower Animas River to serve the project lands would significantly reduce the environmental impact of the project. Sufficient water would be released downstream to maintain a fishery in the Animas River below the diversion. The environmental impact of irrigation will be minor as most lands in the project are either presently irrigated or dryfarmed. There may be some increases of salinity in the Colorado River from irrigation and M&I use of water by the project. Secondary effects of providing water for private developments, such as a thermal powerplant in the area, will need to be determined and remedial measures identified to reduce pollution.

Current Status

Advance planning studies were initiated in F.Y. 1971 with funds contributed by the state of Colorado and local water user organizations. Federal funds in the amount of \$225,000 were appropriated in F.Y. 1971 and placed in budgetary reserve. These funds were released for use in F.Y. 1972. Advance planning studies will be curtailed at the end of F.Y. 1973 until funds are made available. The F.Y. 1974 program of \$100,000 is based on carryover funds from F.Y. 1973 and is to be used to

determine the effect of the project on the salinity of the Colorado River and to estimate the cost for facilities to offset salinity effect of the project.

Feasibility and advance planning costs to June 30, 1972 amount to \$1,314,228.

Present advance planning activities include a comprehensive re-evaluation of the plan as formulated in the authorizing report. A re-assessment of the area's needs is also being made. Current plan formulation studies include a scaled-down development of both irrigation and municipal and industrial water supplies. Attempts are being made to reassess water requirements for the communities of Durango, Aztec and Farmington. Water deliveries planned for Indian resource developments are being revised.

The La Plata and Southwestern districts have joined in a campaign to organize a new conservancy district covering all of La Plata County, Colorado. The present La Plata Water Conservancy District will be dissolved if the new district is organized. Efforts are also being made to form a new conservancy district in New Mexico which would include the municipal areas of Aztec, Farmington, Kirtland, etc., in the project area.

Indian and Federal Water Right Problems

In November of 1972, the Justice Department on behalf of the United States government and the Ute Mountain Ute and Southern Ute Indian tribes of southwestern Colorado filed a civil action in the United States District Court for the District of Colorado (Civil Action No. C-4497), in which suit the United States seeks to have its water rights and the water rights of the Indian tribes established in the San Juan River basin in southwestern Colorado. Although these claims have not as yet been defined in amount, they are known to represent large quantities of water. Because of the legal precedents established by the United States Supreme Court in *Winters vs. United States*, 207 U. S. 564, (1908) and *Arizona vs. California*, 343 U. S. 546 (1963), it is expected that the water rights claimed by the Indian tribes will receive priority dates as of the establishment of the various reservations, which priority dates will be senior in right to all of the water rights now in use in the San Juan basin.

It appears that the town of Mancos, population 1,200, and the surrounding Mancos reclamation project with an irrigated agricultural

area of about 10,600 acres will be affected most seriously by these pending water rights. The Ute Mountain Ute Indian tribe has potentially irrigable lands located downstream from Mancos that are several times larger in area than that of the area irrigated by the Mancos project. If the tribe receives a first priority water right for their lands and builds facilities to put the right to beneficial use, there will be essentially no water left for the community of Mancos. The entire financial economy of the area could be lost.

Probably the community with the second most serious impact would be Fort Lewis Mesa. This area's economy has already dwindled seriously as a result of the administration of the Colorado-New Mexico Interstate Compact on the La Plata River. During the 1920's there were about 20,000 acres of irrigated land on Fort Lewis Mesa that produced good crops. Marvel, the trading community of the area, had a thriving economy with about 15 businesses, including a bank. The irrigated acreage has now decreased to about 3 or 4 thousand acres with only a meager water supply. There is only one small general store in Marvel now. The impact resulting from prior Indian water rights could finish the area's economy.

The Animas-La Plata project provides the only practical solution to the critical social and financial problems that would otherwise develop as a result of the Indian water right claims. It would make about 80,000 acre-feet of water available for the development of land and mineral resources of the two Ute Indian tribes. As the definite plan report for the project is currently being formulated, an effort is being made to further maximize Indian participation. The tribes have indicated they are much more interested in receiving "wet" water from the project than they would be in receiving a "handful of paper water rights" with no facilities with which to put them to use. They have further indicated they would be willing to enter into an agreement whereby they would forego the use of their potential water rights in lieu of receiving water from the project.

Conclusions and Recommendations

The Animas-La Plata project offers the best and possibly the only solution to the settlement of the Indian water rights problem in the area. Up to the present time, no water has ever been adjudicated or allocated to the Ute Mountain Ute Indian reservation. The small amount of water which the tribal members use now for domestic purposes was obtained by purchase from the Montezuma Valley Irrigation Company and is delivered to the Indians through an open irrigation ditch. The principal

occupation of the tribe is the production of cattle and sheep. Some of the best tribal grazing lands are situated on the high mesas in the vicinity of the Mesa Verde National Park. In order to supply the cattle on these lands with drinking water, a tank truck is utilized on a daily basis over a long and tortuous road. Both the Southern Ute tribe and the Ute Mountain Ute tribe have a substantial amount of land which could produce considerable feed for their livestock if water could be made available. Both reservations also contain significant coal deposits. The Animas-La Plata project is designed to furnish both tribes with sufficient water supplies to take care of their domestic, irrigation and industrial needs. The eventual construction of the project will be a test as to whether or not the federal government is serious in its many pronouncements of providing better economic opportunities for the various Indian tribes.

In addition to the developing Indian resources, the project will make water available to the nonIndian population for substantial industrial development, for municipal and rural domestic uses and for the production of better crops. Aside from the valley floor of the San Luis Valley, the southwestern portion of the state is the most arid in Colorado. However, the lands there are generally of high quality and will produce abundantly with irrigation. In large segments of the rural areas, the residents now haul their domestic water from distant sources and store it in home cisterns. The project is in an area of fairly high unemployment and depressed incomes.

The project is beset with some difficulties. A reservoir to store the excess waters of the La Plata River is essential to the project. However, because of various conditions, it may not be possible to actually construct a reservoir on the Animas River. However, various off-channel sites are being investigated and will probably furnish the solution to the reservoir problem. Another problem is the high cost of the project and the low tax base of the sponsoring water conservancy district. A further problem is that the lands contemplated to be irrigated in New Mexico have a high salinity content.

There are potential solutions to all of the problems and they are being explored at this time. However, these problems cannot be resolved unless advance planning continues.

It is therefore recommended as follows:

1. That funds in the sum of \$400,000 be sought for F.Y. 1974 to continue the advance planning.

2. That funds in the sum of \$550,000 be sought for F.Y. 1975 to substantially complete the advance planning.

3. That for F.Y. 1976, construction funds in the amount of \$1,870,000 be requested, if a repayment contract has been executed.