

APPENDIX

Press Release

March 26, 1976

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COLORADO DIVISION OF WATER RESOURCES

DIVISION 3 ANNUAL REPORT - 1976

I. INTRODUCTORY STATEMENT

The physical, economic, and sociological makeup of the San Luis Valley has been covered in preceding annual reports, and will not be repeated in this report.

As was pointed out in last year's report, the spirit of cooperation which had existed among the water users had deteriorated drastically at that time. This situation has worsened, with the result that at the present time the only communication between the various factions is thru their attorneys.

The Proposed Rules and Regulations submitted by the State Engineer to the Water Court (W-3466) in September of 1975, drew protests from virtually each and every water user group in the division. The protests were wide ranging, and covered all conceivable matters relating to the administration of water. It became clear that no decision by the court would be forthcoming by the start of irrigation season 1976.

At the beginning of the 1976 irrigation season, we were obviously to be without rules and regulations, and with any consensus on operating criteria completely out of the question, the matter of how we were to administer water in 1976 became a problem. The obvious position, in fact the only realistic position, was to rely upon the constitution, statutes case law, and the compacts. This position was stated in a press release issued by this office on March 26, 1976 (Appendix pp.29).

On the last day of his tenure, June 23, 1976, the retiring water judge, Donald G. Smith, remanded the Rules and Regulations back to the State Engineer. Needless to day, the day-by-day administration of water, particularly the underground portion, (See III E, Underground Water) became extremely difficult because of this decision by the judge. Normal administrative

legal steps taken by this office have resulted in several additional matters of litigation which are still pending in the court.

On July 5, 1976, the Attorney General, on behalf of the State Engineer, filed a motion for a new trial or in the alternative, to alter or amend the order as issued by Judge Smith on June 23, 1976.

On November 18, 1976, the Attorney General's office wrote the newly appointed water judge, Robert W. Ogburn, requesting a determination as to whether he or former Judge Smith was the presiding judge in the matter of the motion covered in the previous paragraph.

A recent letter to the Attorney General's office from Judge Ogburn states that Justice Pringle of the Colorado Supreme Court has appointed the former water judge, Donald G. Smith, as a special judge to hear the outstanding motions before the court on the Rules and Regulations, as well as several other water matters pending at the time of his resignation. We look forward to an early decision on the Rules and Regulations case at the local level since the decision will undoubtedly be appealed regardless of the outcome.

A committee of engineer representatives for the various litigants has held a series of meetings in an attempt to work out mutually acceptable hydrologic and engineering facts. This committee, chaired by Dr. Jeris A. Danielson, was formed in the hope that if a consensus on these matters could be reached, many expensive and time consuming court appearances could be eliminated.

Although no concrete progress has been made to date, it does appear that there is a genuine desire to achieve the purpose of the group. If this effort is unsuccessful, it is frightening to estimate the time and money necessary to finally resolve the problem in the courts, but it is likely to bankrupt the people of the Valley. It is likewise not pleasant

to look forward to an extended period of attempting to administer water under such conditions.

WATER RESOURCE RELATED PROJECTS

A. Ongoing

<u>Sponsor</u>	<u>Owner/Project</u>	<u>Status</u>	<u>Remarks</u>
Rio Grande Water Conservation District Colorado Water Conservation Board 1/	Flowing well control	2,000+ wells finished, others in progress	1/ Last funds from CMCB
RGWCD, BUREC, USGS	Closed Basin Salvage	2 test wells, 19 observation wells, 1 test well-drilled by RGWCD	Funding for fiscal 1977 - \$375,000 expected
RCWCD, USGS	Water level monitoring well network	Drilled 7 new wells, added 24 new wells. Total now 83 wells	17 additional wells will monitor hydraulic divide.
RCWCD	Norton Drain	\$10,000 spent on new construction (roads and ditches) and annual maintenance	New ditch will deliver a new source of water.
RGWCD	Rio Grande critical area treatment	Installation of riprap on oxbows on main stream completed	Vital to effective flood control
RGWCD, USGS	San Luis Valley Analog Model Study	Use of model by Engineer Advisor group, Rules and Regulations, completed	Results not available at this time
Division of Water Resources, USGS	Investigations for Geothermal Exploration	Drilling, logging and geophysics completed	Results unavailable at this time.
SLVRC & D	Trinchera Watershed Phase 1 1.5 mi. concrete ditch lining, install steel wire	Completed	Cost \$50,000

<u>Sponsor</u>	<u>Owner/Project</u>	<u>Status</u>	<u>Remarks</u>
ASCS - SLVRC & D	Trinchera ASCS Special Project - 5 mi. concrete ditch lining	In progress Est. compl. spring 1977	Estimate Cost \$300,000
ASCS - SLVRC & D	Sentry Box Mutual, On stream (La Garita Cr) reservoir	Environmental Assessment	Poss. problem with minimum stream flows
SLVRC & D	Trinchera Watershed Phase 2 Ditch lining and structures	Design surveys 4-5 miles	
SLVRC & D	Rito Seco Creek flood control	Preliminary survey and field evaluations	
SLVRC & D	Commonwealth Irrigation Co. Ditch lining and structures	Preliminary survey and field evaluations	
SLV Irrigation Well Owners Association			

B. New Projects

Houston Natural Gas	Water supply for coal slurry line	Drilling and investigation in Mesita area, Costilla County, in progress	
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II. PERSONNEL (November 1, 1975 - October 31, 1976)

<u>NAME</u>	<u>POSITION 1/</u>	<u>DIST.</u>	<u>MO. WORKED 2/</u>	<u>MILEAGE</u>
Mc Fadden, D. H.	Supr. WRE	Div.	FTE	94*
Waddington, L. A.	Sr. WRE	Div.	FTE	244*
Tipton, C.	Admin. Clrk Typist B	Div	FTE	0*
Alspaugh, L. R.	Wtr Comm C	20	FTE	0*
Nash, M. E.	Wtr Comm A	20	FTE	13,321
Kernen, R.	Wtr Comm A	20	6 1/2 mo. (6)	6,831
Holslag, T.	Wtr Comm A	20	2 1/2 mo. (3)	1,082
Gonzales, L. B.	Wtr Comm B	21	10 mo. (8)	11,222
Morch, K. S.	Wtr Comm A	21	11 mo. (9)	10,102
Parker, E.	Wtr Comm C	Div.	FTE	5,067
Sorensen, D. M.	Wtr Comm A	22	FTE	14,946
Simons, L.	Wtr Comm C	22	FTE	22,155*
Hamilton, J.	Wtr Comm A	22	1 1/2 mo. (2)	2,960
O'cana, G.	Wtr Comm B	24	6 mo. "S" pos. 1 mo. perm. (8) (10/1/76)	9,035
Espinoza, J.	Wtr Comm B	24	5 mo. (8)	7,641
Lamm, H.	Wtr Comm B	25	9 mo. (6)	9,461
Voth, D. R.	Wtr Comm B	26	1 mo. (8)	821
Lovato, T.	Wtr Comm B	26	6 1/2 mo. (8)	11,207
Watts, G. R.	Wtr Comm B	27	4 mo. Retired	2,987
Alspaugh, P	Wtr Comm B	27	6 1/2 mo. (6)	7,558
Smith, W.	Wtr Comm B	35	7 mo. (8)	5,669
Vandiver, S.	WRE C	Div	FTE	0*
McDanold, J.	WRE A	Div	FTE	0*
Beegles, K.	WRE B	Div	FTE	87*
Trujillo, A.	Engr. Aid A	Div	3 mo. (3)	0*

1/ Status on November 1, 1976

2/ Working months - Nov. 1, 1975 to Oct. 31, 1976. Some 1/2 months were were on labor payroll for new employees. Months reported for Water Commissioners include annual leave taken. Numbers in parentheses show funded months.

3/ Asterisk indicates complete use of State vehicle.

Mileage shown for private vehicles.

Mileage and asterisk show mileage in private vehicles and also that they used State vehicle part time.

Donna Hernandez, Clerk Typist, was dropped from Division 3 personnel due to funding.

Robert Kernan, Water District 20, replaced W. Phillips on a permanent 6 month appointment.

Mike Armstrong terminated his employment and Albert Trujillo was appointed to this 3 month position as Engineer Aide A.

Timothy Lovato was appointed in Water District 26 to replace Dennis Voth, who left the State's employment.

George R. Watts, Water District 27, retired in May, this position was filled by Perry Alspaugh.

Gilbert O'Cana was retained in the "S" position in Water District 24 until October 1, 1976 when he was appointed as Water Commissioner in that area. He and Joe Espinoza will share work load until Joe Espinoza retires in December, 1976.

II. A. Snow Pack

The snow pack/water content measurements through the 1976 spring months indicated an expected annual yield of approximately 110% of the 15 year average, as of May 1, 1976. Actual yield's will be somewhat below the forecasts, possibly due to wind effects in the late spring.

COMPARISON OF ANNUAL YIELD FORECASTS FOR 1976
(Thousand of Acre - Feet)

<u>Index Station</u>	<u>May 1</u>	<u>June 1</u>	<u>July 1</u>	<u>(Est.) Nov 21</u>
Conejos nr Mogote	225	215	196	197
Los Pinos nr Ortiz	75	65	64	63
San Antonio nr Ortiz	<u>25</u>	<u>20</u>	<u>15</u>	<u>12</u>
Combined Conejos Index	325	300	275	272
Rio Grande @ Del Norte	600	600	582	600 <u>1/</u>

1/ The 14,400 AF of out-of-priority storage held in Rio Grande and Santa Maria Reservoirs in 1975 was released plus 6000 AF from Beaver Park Reservoir, these releases were taken into account

B. PRECIPITATION - SUMMER

The period reported is the summer growing season from May 1 through September 30. Normal precipitation (1931-1960 averages) for the period, at National Oceanic and Atmospheric Administration reporting stations, is 6.28 inches.

The average annual precipitation is approximately 7" on the Valley floor.

PRECIPITATION AND DEVIATION FROM NORMAL (FROM NOAA REPORTS)
(inches of precipitation)

Station	May		June		July		August		Sept	
	1	2	1	2	1	2	1	2	1	2
Alamosa	.77	.15	.07	-.45	1.43	.26	1.22	.07	.67	-.04
Blanca	1.60	.73	.06	-.65	1.15	-.26	1.28	-.38	.71	-.02
Center	.70	-.01	.28	-.33	.62	-.38	1.57	.31	.97	.28
Del Norte	---	---	.71	-.03	.40	-1.08	2.51	.82	1.62	.76
Great Sand Dunes	1.48	---	.13	---	1.29	---	1.94	---	.65	---
Hermit	.55	-.57	1.30	.42	1.35	-.78	2.60	.41	1.35	-.01
Manassa	.74	.10	.09	-.55	1.15	-.01	1.31	-.14	---	---
Monte Vista	.61	.06	.25	-.33	.49	-.69	2.82	1.49	---	---
Saguache	1.97	1.22	T	-.71	1.10	-.43	2.32	.79	1.94	1.10
Wolf Creek	---	---	.46	---	2.28	---	3.31	---	4.30	---
Average	1.05	.15	.33	-.44	1.13	-.55	2.09	.27	1.53	.42

1/ Column 1 - Precipitation.
Column 2 - Deviation from normal.

Data from the table indicate about 98% of normal precipitation for the period. No major storms occurred.

No hail suppression work was done in Division 3 this year.

C. Floods

We are aware of no significant flooding or flood damage in the San Luis Valley this year.

D. General - Water Budget

Since we have no total diversion figures from 1975, we are unable to work up a Water Budget. However, as soon as we receive these, we shall work up a water budget and submit as a supplement to this report.

E. UNDERGROUND WATER

The Water Rights Administration and Determination Act of 1969 requires that we administer all water hydraulically connected, both surface and underground, in an unified priority system. As was pointed out in previous annual reports, we are having a great deal of difficulty in moving toward an effective conjunctive administration of water as required by the 1969 Act.

There are two interrelated problems mainly responsible for the difficulty. The first problem is that we do not now have, nor will we have in the near future, the detailed geohydrologic knowledge to adequately determine the exact nature of the hydraulic connection between the streams and the aquifers. A realistic assessment of material injury done by one underground water right to another senior right, surface or underground, can be made only with some detailed knowledge of this connection. It is a real tragedy that much of the valuable necessary lithologic information has been forever lost because adequate samples or sample logs were not obtained from most of the 10,000+ wells drilled in the San Luis Valley. This situation can be excused in past years, but there is no excuse for such omissions that have occurred recently in test wells drilled under the control of the Division of Water Resources.

The second problem area lies in the inability of the water officials to control to any degree the diversion of underground water. In each case where we have attempted to curtail an underground diversion, we have been brought to Court, and we have been forced to back down. Senior surface rights are understandably incensed when they are shut off, and extremely junior rights (wells), continue to divert. We have been virtually assured that we will be faced with open rebellion by the surface diverters unless the

wells are actually curtailed.

The interrelation between the two problems is clear. CRS 1973, 37-92-502 (2) cites the responsibility of the division engineer to issue orders that total or partial discontinuance of any wasteful diversion of water, or of water diversion to the extent such water is required by a senior priority. The statute is equally specific as to the responsibility of the division engineer to assume the burden of proof as to whether such discontinuance will actually furnish water to the senior at the time and place of need, or if there is material injury to the senior rights caused by such diversion. This division engineer would feel much more comfortable if he were armed with the necessary facts in fulfilling this mandate.

The prevailing interpretation of the hydrogeology of the San Luis Basin in Colorado is based on data collected by the USGS, and an interpretation by an analog model of the Basin of these data. This analog model has been criticized as being oversimplified, too generalized, with too loosely controlled parameters, and lacking in the flexibility to adequately deal with the complexity of the basin it attempts to model. These are valid criticism, yet this model is all we have at the present time, and we can only hope that a more sophisticated model, digital or a combination of analog/digital model can be built which will provide us with a better tool.

The analog model is currently being used by the engineers for the litigants in the Rules and Regulations case in an attempt to further evaluate the model, to extend the time frame beyond the varying period, and to attempt to evaluate the impact of varying pumping stresses in different zones of influence upon the various streams. There seems little cause for optimism in the hope that these runs will yield the type of conclusive answers which will satisfy each faction.

F. TRANS-MOUNTAIN DIVERSIONS (November 1, 1975-thru October 31, 19

<u>Ditch</u>		<u>Source</u>	<u>District</u>		<u>Acre Feet</u>
			<u>From</u>	<u>To</u>	
Don La Font No.1	<u>1/</u>	Piedra R	78	20	173
Don La Font No. 2	<u>2/</u>	Piedra R	78	20	66
Pine River Weminuche Pass	<u>3/</u>	Pine R	31	20	227
Tabor Diversion	<u>4/</u>	Spring Cr	62	20	540
Treasure Pass Diversion	<u>5/</u>	San Juan R	29	20	278
Weminuche Pass	<u>6/</u>	Pine R	31	20	2210
Williams Squaw Pass	<u>7/</u>	Williams Cr	29	20	86
Tarbell	<u>8/</u>	Cochetopa Cr	28	26	677
Medano and Hudson Ditches	<u>9/</u>	Medano Cr	35	16	880 es <u>10/</u>

Recipient

- 1/ Colorado Division of Wildlife
- 2/ Colorado Division of Wildlife
- 3/ Paul Weaver, L. B. McClung, Bill Buttman
- 4/ Colorado Division of Wildlife
- 5/ Falk Brothers
- 6/ Leon Raber
- 7/ Seaborn Collins
- 8/ Mel Coleman, Ted Goehl, George Ward
- 9/ Cuerno Verde Ranch, Gardner, Colorado
- 10/ Water exported to Division 2, District 16

G. RESERVOIRS

The amount of storage during the irrigating season has been entered in the data bank and these values will be included in the 1976 summaries for the different districts. Many of the reservoirs are used exclusively for fish culture and recreation and were full all season. A few of the privately owned reservoirs have entered agreements with the Colorado Division of Wildlife to maintain minimum pools. The Division of Wildlife uses their water from Beaver Park reservoir on an exchange basis for these pools. The amounts exchanged will be shown in the district summaries.

G. RESERVOIRS

<u>Name</u>	<u>Capacity in A. F.</u>	<u>Water District Number</u>
Alberta Park	598	20
Beaver Park	4,434	20
Big Meadows	2,437	20
Big Ruby	94	20
Bristol Head No. 1	121	20
Bristol Head No. 2	804	20
Continental	22,679	20
Cove Lake	6,380	22
Downing	30	20
Eastdale No. 1	3,519	24
Eastdale No. 2	3,041	24
Fuchs	238	20
Goose Lake	232	20
Grace	-	20
Hay Press Park	200	20
Hermit No. 1	385	20
Hermit No. 2	407	20
Hermit No. 3	192	20
Hot Springs	3	20
Humphreys	842	20
Hunters Lake	39	20
Jumper Creek	38	20
La Jara	14,056	21
Loch Haven	24	20
Lost Lake (Lower)	966	20
Lost Lake (Upper)	68	20
Love Lake	24	20
Meadow Lake (McCrone)	174	20
Meadow Lake (Wright)	115	20
Metroz (Lower Basin)	396	20
Metroz (Upper Basin)	84	20
Mill Creek	43	20
Mountain Home	18,595	35
Platoro	60,000	22
Poage	261	20
Regan's Lake	823	20
Rio Grande	51,113	20
Rito Hondo	561	20
Road Canyon No. 1	1,367	20
Road Canyon No. 2	84	20
Saguache	294	26
Salazar No. 1	234	24
Salazar No. 2	35	24
Sanchez	103,155	24
Santa Maria	45,070	20
Shaw Lake	681	20
S. Lazy U. Dude Ranch	106	20
S. Lazy U. Dude No. 2	42	20
Smith	5,651	35
Sowards No. 1-A	8	20
Sowards	35	20
Sowards No. 3	19	20
Sowards No. 4	45	20
Spring Creek	97	20
Spruce Lake No. 1	98	20
Spruce Lake No. 2	105	20
Squaw Lake	162	20
Stabilization (Head)	260	24
Streams Lake	41	20
Terrace	17,233	21
Trout Lake	198	20
Troutvale No. 1	201	20
Troutvale No. 2	257	20
Trujillo Meadows	913	22
Wee Ruby	186	20
Willow Creek	-	24

W. R. ...

IV. AGRICULTURE SUMMARY FOR THE SAN LUIS VALLEY - 1976

The increase in center pivot sprinklers continue to dominate the agricultural scene in the San Luis Valley of Colorado.

Power to drive these units is in short supply, but steps are being taken to increase the electric power supply.

The need to increase yield per acre has been the driving force behind the increase in sprinklers. Another plus has been the increase in water use efficiency for crop production.

<u>Crop</u>	<u>Acres</u>	<u>Yield</u>	<u>Estimate Total Value</u>
Potatoes	36,500	230 cwt.	19.3M
Barley	75,000		
Malt	68,000	55 bu.	7.4M
Feed	7,000	60 bu.	.75M
Wheat	24,500	65 bu.	3.5M
Alfalfa Hay	105,000	1.9 T	9.9M
Grass Hay	90,000	1.3 T	4.68M
Oats	5,000	45 bu.	.6M
Lettuce	4,850	520 ctn.	16.3M
Spinach	1,500	400 bu.	1.8M
Cabbage	350	280 cwt.	.35M
Other Vegetables	400	400 cwt.	.5M

The above report was submitted by Abe Relyea, San Luis Valley Extension Agronomist.

V. COMPACTS AND STIPULATIONS

A. Costilla Compact

The thirty-first annual meeting was held in Santa Fe, New Mexico on May 27, 1976. The following items have been extracted from the Watermaster 1975 Report, the minutes of the annual meeting, and the Engineer Advisors report to the Commission.

Eastdale Reservoir

A total of 3,005 acre feet was delivered to the reservoir between March 29, and September 5, 1975. Most of the water (1,825 AF) was delivered in April and May with minor amounts (180 AF) available during the latter part of the irrigation season.

Costilla Reservoir

The commission granted a pre-irrigation release beginning on May 1 since 1,200 AF had been delivered to Eastdale Reservoir by April 30.

The maximum storage in Costilla Reservoir during 1975 was 6,743.8 AF on June 16, 1975. The May 16 content, 4,409 AF, was used as the basis for an original allocation figure, although no storage water was released. Storage water actually was released on June 2, with the content at 5,947.3 AF, an additional reallocation was made on August 1 due to gains in storage after June 2nd. Storage releases continued until September 3, when the reservoir was shut down completely with storage at 335 AF.

During the season, 5,497 AF of storage water arrived at the canyon mouth, 3,347 AF going to New Mexico, and 2,150 AF to Colorado. After adjustment for operational losses, this meant an overdelivery to New Mexico of 45 AF, and an underdelivery of 45 AF to Colorado.

Other Business

Mr. Moises Cordova of Garcia, Colorado, speaking on behalf of the Garcia area water users, requested clarification

and definition of their water rights. Commissioner Kuiper suggested that the Garcia people arrange for a meeting with the Division Engineer to clarify the situation. The Division Engineer made several attempts to arrange such a meeting, but as has so often happened in the past, been unable to find any interested parties.

General

Comments have been made to this office in the past by Colorado water users to the effect that they have not always gotten their fair share of Costilla Creek water. We were in a position in 1976 to be able to use Gilbert O'Cana, "S" position water commissioner, on Costilla Creek on a fairly regular basis. Some minor inequities were found, mostly due to problems in New Mexico. We will continue to work with the New Mexico Watermaster on these problems.

B. RIO GRANDE COMPACT

1976 was a normal year as far as the administration of the Rio Grande Compact is concerned. The gradual decline in annual yield projection was no problem, and the only significant change was the restoration of a normal return flow pattern in the reach of the Rio Grande between Del Norte and the Lobatos gage. This loss of return flow in 1975 has caused problems, the re-appearance of the return flows in 1976 likewise causing problems. After our experience in 1975 we were initially reluctant to count too heavily on return flows making our compact obligation.

In early August, because of the return flow picture, 110% of the Del Norte Index flows were allocated to appropriators on the Grande. As the return flows continued to increase (and the projected yield declined), the compact delivery appeared to be in a very favorable status. At the end of September, all return flows were made available to the water users on the Grande.

Several rather unexpected events may have been partially responsible for the restoration of return flows. Two Division of Wildlife Reservoirs, La Jara and Beaver Park were evacuated this summer. We have assumed that gains to the Rio Grande system were significant, with the return flows from La Jara's release of 5,000 AF, and Beaver Park's 2,500 AF accruing in September, October, and November.

Diversions on the Conejos were curtailed 30% from the beginning of the irrigation season until July 29th, after which Conejos appropriators were allowed the full index.

We are anticipating a combined compact overdelivery of around 15,000 AF for 1976. We were able to continue diversion of water during the early part of November, which reduced the amount of overdelivery to some extent.

Problems were encountered again this year in the operation of Platoro Reservoir during the high runoff period. BUREC in

Albuquerque was unwilling to have the dam tender at the reservoir on a full time basis. Under operating criteria for flood control, control of the reservoir goes to the Corps of Engineer's when the flow at the Mogote reaches 2,000 cfs. In the absence of a full time attendant during 1976, water was stored as flood water which resulted in flows at Mogote well below the 2,000 cfs level. This resulted in a loss of valuable water to certain junior decrees on the Conejos River, who may receive water only during times when the flow is at or just below 2,000 cfs. The water commissioner can handle the problem of this flood or "inadvertant" storage only if he knows on a day-by-day basis what is being stored (This information can only be supplied by a full time dam tender.), otherwise there is no practical way he can properly allocate this unnecessarily stored water. As a practical matter, flows well in excess of 2,000 cfs were handled in the 1973 and 1975 high runoff period with absolutely no damage or injury. Many junior decrees received their only water at these times.

The operation of Platoro since its control was moved from Amarillo to Albuquerque has been a constant source of trouble for the division office. Water users on the Conejos have been understandably upset that their already depleted water rights have been further diminished by a seemingly uncaring bureacracy. It is indeed unfortunate that we can not demand the same reservoir operation from the federal people that we require of all others.

VI. DAMS

A. State and Federal Dam Roster

Roster available in Data Bank.

B. Inspections, Failures, Restrictions and Stop Orders

Division personnel involvement during 1976 was limited to routine inspection of the smaller reservoirs, and to trips with dam inspectors from Denver.

La Jara Reservoir, owned by the Colorado Division of Wildlife, was drained in August of 1976, exposing the upstream gates. The control cable for these gates appeared to be in bad shape, and we recommended that this cable be replaced. Thanks to the cooperation of the staff in Denver, the cable was replaced.

VII. WATER RIGHTS

A. Tabulations

Changes have been made to the 1974 tabulation to correct clerical errors. There is a need to issue a current printout from the data bank so that the division personnel can verify these corrections prior to the publication of the 1978 tabulation.

The 1978 tabulation will reflect judgments and decrees entered prior to January 1, 1978. Approximately one-third of the W-cases in Division 3 have been tabulated and key-punched.

In tabulating these decrees, errors have been found. The court has provided a form for requesting a suggested correction, and the court proceeds in accordance with the provision of CRS 1973, 37-92-304 (10). One of the valley's attorneys has found a "gold mine" in this procedure, and has entered several motions to vacate the amended judgment and decrees.

B. Referee's findings and decrees

SUMMARY OF WATER COURT DECREES

<u>Category</u>	<u>1969 thru Oct 1972</u>	<u>Nov 1, 1972 thru Oct 31, 1975</u>	<u>Nov 1, 1975 thru Oct 31, 1976</u>
Underground Water Right	110	7517	2257
Change of Water Right	1	8	5
Plan of Augmentation	0	6	4
Surface Water Right, Ponds, and Springs	6	72	31
Diligence (Conditional Decree)	0	9	15
Water Storage Right	<u>0</u>	<u>7</u>	<u>0</u>
Total Decrees	117	7619	2317
Applications Rec'd by the Water Court	2914	562	132
Number of Referee Consultations	62	7610	2884

Total W-Cases received 1969 thru October 31, 1976 is 3,608.

Total W-Cases terminated 1969 thru October 31, 1976 is 3,070.

The court was without the service of a field investigating referee for much of the year, and this, no doubt, is responsible for the decline in applications ready for review, hence the decline in number of cases handled.

C. Unresolved Court Litigation

Numerous matters affecting the Division of Water Resources are still in litigation in Division 3 Water Court. Protests filed by various water users against the 1973 tabulations are still unresolved. The numerous protests to the Proposed Rules and Regulations have resulted in various legal documents filed with the court which now have reached a thickness in excess of 6 inches.

Cease and desist orders to underground water users brought an injunction filed against us by a group of the municipalities. The Attorney General's office felt that it was advisable to adopt a conciliatory attitude, so we were left in a weakened posture in attempting any further curtailment of wells.

Other court cases involving cease and desist orders on surface diversion have met with mixed success. We obtained a temporary restraining order on a ditch on the Conejos (Mogote), but have had difficulty in getting action on a similar case where cease and desist orders were issued to a surface water right owner on the San Antonio.

It is becoming clear that our difficulties are only beginning, and that all such attempts to properly administer water may end up hopelessly bogged down in court. We can only look forward to expedition and resolution of the Rules and Regulations case, since all these other matters appear to hinge on guidance from rules and regulations decreed by the water court. Other division engineers may find this situation difficult to understand or accept, but it is a fact of life here in Division 3.

Former Water Judge Donald G. Smith is expected to rule on all outstanding motions on the Rules and Regulation case on December 16, 1976. Our considered opinion is that he will reaffirm his original order that the Proposed Rules and Regulations be remanded to the State Engineer.

VIII. ORGANIZATIONS

A. Water Conservation and Water Conservancy Districts

Rio Grande Water Conservation District
Mr. Franklin Eddy, Manager
Alamosa, Colorado 81101

Conejos Water Conservancy District
Mr. Leland Holman, Secretary
Manassa, Colorado 81141

San Luis Valley Conservation District
Mr. William DeSouchet, Attorney
Alamosa, Colorado 81101

Trinchera Water Conservancy District
Mr. Carl Escherman, Secretary
Blanca, Colorado 81123

B. Water Users Associations

Alamosa-La Jara Creeks Water Users Protective Ass'n.
Mr. John Shawcroft, President
Alamosa, Colorado 81101

Association of Senior Water Rights
Mr. James Higel, President
Alamosa, Colorado 81101

Monte Vista Water Users Association
Mr. Leland Ullstrom, President
La Jara, Colorado 81140

Rio Grande Canal Water Users Association
Mr. John Wright, President
Monte Vista, Colorado 81144

C. Ditch Companies and Irrigation Districts

The listing of ditch companies and irrigation districts is no longer a part of this report. All of the information carried under this heading is in the data bank and will be available in the print-out of the district summaries.

IX. WATER COMMISSIONERS' SUMMARY

The Water Commissioner's summary is no longer a part of this report. All of the information carried under this heading is in the data bank and will be available in the print-out of the district summaries.

X. Recommendations and Suggestions

In past years we have made recommendations and suggestions on routine administrative problems such as fish ponds, beaver ponds, etc., which continue to bother us. We are now encountering more problems with the increases in extended use of water, and we need guidance on how we stand on "extended use". We have gotten little support from the water court on this subject. Many of these problems are problems because of a difficulty in receiving a clear cut statement of policy. Since these policies are in reality based on legal interpretation, it is unfortunate that we no longer have ready access to our attorney.

Much of the body of this annual report has related to our present difficulty in effective administration of water, and to our considered belief that these difficulties will increase. We will continue to exert our best efforts towards maintaining control of the situation by seeking counsel from and cooperating closely with the Denver staff to this end.

To achieve our goal of a smoother administration of the Rio Grande system for compact purposes, we strongly recommend that we work even more closely with the engineering section in Denver. We still are in some degree of variance in forecasting yields and monthly flows, which lead to differences of opinion as to curtailment percentage requirements. We are of the opinion that simply because we are so close to the problem, and day-by-day association with the river, our local input can be useful in this difficult guessing game.

Variance in return flows have posed problems in compact regulation as was mentioned in that section of the report. We suggest that we make such efforts as are necessary to get as current return flow information as possible to minimize

this problem.

One new problem does need attention. As mentioned in the Rio Grande Compact section, the operation of Platoro Reservoir during the 1976 high runoff period was not at all satisfactory. We feel that Colorado water users are entitled to the services of a full time dam tender during these critical times. We recommend that this issue be taken up with BUREC, and that we insist on an operation which will insure that there will be no injury to Colorado water users.

Data Bank

We still do not have corrected copies from the data bank of the 1975 daily diversion records, and are unable to fill some of the diversion information requests.

The 1976 diversion records were entered in a very simple program on the Adams State College computer. This program did not give us totals so we do not have a summary by district or division; but we were able to check all of the water commissioner entries and make corrections to the keypunched cards before submitting them to the Denver office for entry into the data bank. We are also able, with a minimum of calculation, to furnish 1976 diversion data for a given ditch. This check by the water commissioners revealed a wide variance in the attitude of the water commissioner toward his records. In some districts, the commissioner appreciated the efforts made to submit accurate records, but in some other districts the commissioners failed to find even the most obvious errors. The commissioners who maintained the "old field books" had fewer errors and it was much easier to check. It is suggested that the computer services section write programs compatible with the different computers that the division personnel have access to that will expand and summarize the daily diversion data.

It is also suggested that the permanent structure information file be revised to include the priority numbers

carried in the structure. In districts where the commissioner has changed, we have had difficulty in identifying what decrees are being reported in a ditch (structure). The "old style" records that carried this information have proved to be invaluable in making this identification.

It goes without saying that the dedicated and competent people here and in Denver deserve a big "thank you" for keeping us in business. This has been a trying year, and it would have been an impossibility to do this job without this help.



DIVISION OF WATER RESOURCES

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March 26, 1976

PRESS RELEASE

D. H. McFadden,
Division Engineer
Division 3

The State Engineer has determined that direct flow diversion from the Rio Grande and the Conejos River and their tributaries, and the use of underground water tributary to these streams, will begin on Monday, March 29, 1976.

Request for surface and underground diversions from other streams in Division 3 should be made to the appropriate water commissioner or to the division engineer.

During the remainder of calendar year 1976, the Division of Water Resources will curtail the diversion of underground water from aquifers hydraulically connected to surface streams on Saturday and Sunday of each week, if necessary to reasonably lessen the injury to prior vested rights. Water rights appropriating underground water from drains are also subject to this curtailment. This curtailment is also necessary to provide for a reasonable lessening of material injury to senior appropriators.

This curtailment will apply to all uses of underground water, except those exempted in Section 37-92-602 CRS 1973. Exempted under this statute are livestock wells, domestic wells, in-house use wells, and wells which furnish water for drinking and sanitary facilities in individual commercial businesses.

Curtailment of underground water as provided above will apply except to those underground water users which are operating pursuant to a decreed plan of augmentation, or a replacement water plan, or under a temporary plan of augmentation, approved by the State Engineer.