

DIVISION III

ANNUAL REPORT

Bill Mattheus —  
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Alan

TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
I. Introductory Statement.....	1
II. Personnel.....	5
III. A. Snow Pack.....	7
B. Precipitation - Summer.....	8
C. Floods.....	9
D. General - Water Budgets (1975 & 1976).....	10
E. Underground Water.....	12
F. Transmountain Diversions.....	13
G. Reservoir Storage.....	14
IV. Agriculture.....	15
V. Compacts and Court Stipulations	
A. Costilla Compact.....	16
B. Rio Grande Compact.....	18
VI. Dams	
A. State and Federal Dam Rosters.....	19
B. Inspections, Failures and Restrictions.....	19
VII. Water Rights	
A. Tabulations.....	20
B. Referees Findings and Decrees.....	21
C. Unresolved Court Litigation.....	22
VIII. Organizations	
A. Water Conservation and Water Conservancy Districts.....	25
B. Water Users Associations.....	25
C. Ditch Companies and Irrigation Districts.....	25
IX. Water Commissioners' Summary.....	25
X. Recommendations and Suggestions.....	26

COLORADO DIVISION OF WATER RESOURCES

DIVISION #3 ANNUAL REPORT-1977

I. INTRODUCTORY STATEMENT

Year 1977 in Division 3 will be a record year in many respects. Major stream flows for the year are assured to be the lowest of record, with the estimated annual yield on the Rio Grande at Del Norte only 83% of the lowest previous year (1902). The estimated yield on the Conejos at Mogote is only 77% of the previous lowest year (1934).

The reduced streamflows resulted in a reduction of crop yields, the principle declines being in alfalfa, native hay and to a lesser extent potatoes. Hardest hit were the farmers who relied upon surface water rights alone to finish their crops, but had no water for their decrees in the later months of the season.

Groundwater withdrawal was heavy, and has undoubtedly stressed our underground aquifers. Significant numbers of individuals have come into the office inquiring about replacing domestic wells. Although many of these wells were shallow or poorly constructed, it must be assumed that the combination of drastically reduced recharge, both natural and artificial, and the heavy pumping have contributed to this problem.

We have suggested to the local representative of the Governor's Drought Council, Ralph Curtis, that he investigate the impact of this year's drought on the wells in the Valley. We are aware that a significant number of well owners have had to lower their bowls this year, and this information should supplement the information received from the observation well network.

The anticipated problem of well regulation in Division 3 during the past year did not materialize. We had indicated that we would attempt to curtail tributary non-exempt

wells for two days a week as was proposed in the Rules and Regulations, upon complaint. We received no specific complaint, so the matter did not come to a head. We had no curtailment of surface decrees during the irrigation season, which helped take the pressure off. The well regulation problem has merely been postponed, not resolved. Resolution appears to be many court hours (days, months, or years) away.

In review, the drought had its positive aspects from the narrow water administrative viewpoint. Had we had a normal water year, curtailment for compact obligation would have been necessary, which would probably have met with open rebellion from some senior surface rights, and precipitated the well regulation question. We enjoyed the relief from the long court hours which we were dreading.

WATER RESOURCE RELATED PROJECTS

A. ONGOING

<u>Sponsor</u>	<u>Owner/Project</u>	<u>Status</u>	<u>Remarks</u>
Rio Grande Water Conservancy District Colorado Water Conservation Board	Flowing well control	Total wells now 2532 (2164 valves installed 368 capped & plugged)	Recent wells of larger diameter 6", 10", & 14"
RGWCD	Norton Drain	Installed 2 Parshall Flumes	New flumes to mea- sure inflow onto Norton Ranch
RGWCD, USGS, DWR, et al	San Luis Valley Analog up- date - Scenarios 1 thru 1V	Report issued by DWR on analysis by participants	
BUREC, RGWCD, CWCB	Closed Basin Project BUREC Field Office, Alamosa	Exploration and test holes in stages 1 & 2 of the ad- vanced planning stage completed	Moving into stage 3. Pump testing of stage 1 & 2 to begin
ASCS - SLRC & D	Trinchera ASCS Special Pro- ject - 5 mile concrete ditch lining	Completed	Section damaged by local flooding
ASCS - SLRC & D	Sentry Box Reservoir	Still in review	
SLVRC & D	Trinchera Water shed ditch lining and structures	Phase 2 completed Phase 3 surveyed	
SLVRC & D	Rito Seco Watershed	Preliminary survey & field evaluation completed	
SLVRC & D	Commonwealth Irrigation Company	Preliminary survey & field evaluation completed	

<u>Sponsor</u>	<u>Owner/Project</u>	<u>Status</u>	<u>Remarks</u>
San Luis Valley Irrigation Well Owners Inc.	Well Augmentation Plan	Plan of agumentation await- ing final court action	No information a- vailble on future plans.
San Marco Pipeline (Houston Natural Gas)	To find and appropriate water for coal slurry pipeline in Mesita area	Second production well test pumping underway	Geophysical & hydro- geological investi- gations planned in the near future.
<b>B. <u>NEW PROJECTS</u></b>			
USGS, RGWCD, DWR	Geologic test holes in Costilla/San Luis hills	Two holes drilled and logged, third hole out for contract	

II. PERSONNEL

(November 1, 1976 - October 31, 1977)

<u>Name</u>	<u>Position 1/</u>	<u>District</u>	<u>Mo. Worked 2/</u>	<u>Mileage</u>
McFadden, D. H.	Supr. WRE	Div	FTE	130
Maddington, L. A.	Sr. WRE	Div	FTE	0
Tipton, C.	Admin. Clrk Typist B	Div	FTE	0
Alspaugh, L. R.	Wtr. Comm. C	20	FTE	3,278*
Nash, M. E.	Wtr. Comm. A	20	FTE	10,382
Kernen, R.	Wtr. Comm. A	20	7 mo. (6)	6,966
Gonzales, L. B.	Wtr. Comm. B	21	9 mo. (8)	10,468
Morch, K. S.	Wtr. Comm. A	21	11 mo. (9)	9,071
Parker, E.	Wtr. Comm. C	Div	FTE	5,100
Sorensen, D. M.	Wtr. Comm. A	22	FTE	12,765
Simons, L.	Wtr. Comm. C	22	FTE	15,933*
O'cana, G.	Wtr. Comm. B	24	9 mo. (8)	10,650
Espinoza, J.	Wtr. Comm. B	24	2 mo. retired	124
Lamm, H.	Wtr. Comm. B	25	11 mo. (6)	11,539
Lovato, T.	Wtr. Comm. B	26	10 mo. (8)	11,674
Alspaugh, P.	Wtr. Comm. B	27	9 mo. (6)	8,544
Smith, W.	Wtr. Comm. B	35	1 mo. retired	84
Escherman, C.	Wtr. Comm. B	35	9 mo. (8)	5,030
Vandiver, S.	WRE C	Div	FTE	60*
McDanold, J.	WRE A	Div	FTE (left June 1, 1977)	0*
Beegles, K.	WRE B	Div	FTE	0*
Haubenreiser, D.	WRE A	Div	FTE (began Nov. 1, 1977)	0*
Cotton, T.	Engr. Aid A	Div	3 mo. (3)	0*

1/ Status on November 1, 1977

2/ Working months - Nov. 1, 1976 to Oct. 31, 1977. Some 1/2 months were on labor payroll for new employees. Months reported for Water Commissioners include annual leave taken and work in office on the data bank. 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.

Walt Smith retired in 1977, and Carl Escherman was appointed to replace him in District 35.

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

Jim McDanold left Division III June 1, 1977 to work for the Denver office. Dan Haubenreiser began November 1, 1977 as a WRE A replacing Jim.



III. A. SNOW PACK

Initial snow course measurements at the end of January 1977 indicated an extremely light accumulation. Subsequent measurements continued the trend and the snow report as of May 1 clearly indicated a record low runoff was possible for the principal streams rising in the San Juan mountains. The streams rising in the Sangre De Cristo mountains were forecast as 75% to 85% of the average.

COMPARISON OF ANNUAL YIELD FORECASTS FOR 1977  
(in thousands of acre feet)

<u>INDEX STATION</u>	<u>May 1</u>	<u>June 1</u>	<u>Aug 1</u>	<u>Dec 1</u>
Conejos nr Mogote	99.0	80.0	62.0	78.0
San Antonio nr Ortiz (Apr thru Oct)	2.5	2.0	1.7	1.9
Los Pinos nr Ortiz	<u>24.5</u>	<u>14.5</u>	<u>15.3</u>	<u>17.2</u>
Combined Conejos Index	126.0	96.5	78.6	97.1
Rio Grande @ Del Norte	252.0	247.3	195.2	216.1

The decline in stream flow from May 1 to August 1 is characteristic of years where the previous November and December snows were considerably below normal. The increase in forecast amounts from August to December were due to late summer precipitation above the indices.

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 <sup>1/</sup>		June		July		August		Sept	
	1	2	1	2	1	2	1	2	1	2
Alamosa	.35	-.27	1.17	.65	2.20	1.03	.63	-.52	1.15	.44
Blanca	.28	-.59	1.06	.35	2.10	.69	.98	-.68	.59	-.14
Center	.17	-.54	.20	-.41	1.98	.98	.80	-.46	.51	-.18
Del Norte	.34	-.42	.68	-.06	1.61	.13	1.81	.12	.75	-.11
Great Sand Dunes	.39	----	.81	----	2.40	----	2.13	----	1.32	----
Hermit	.75	-.37	1.00	.12	3.15	1.02	2.35	.16	1.15	-.21
Manassa	.47	-.17	.36	-.28	3.93	2.77	1.00	.45	----	----
Monte Vista	.14	-.41	.04	-.52	1.43	.25	1.10	-.23	.45	-.30
Saguache	.46	-.29	.12	-.59	.84	-.69	2.45	.92	.58	-.26
Wolf Creek	----	----	----	----	----	----	----	----	2.67	----
Average	.37	-.53	.60	-.17	2.18	.50	1.47	-.35	1.09	-.02

<sup>1/</sup> Column 1 - Precipitation.  
Column 2 - Deviation from normal.

Data from the table indicate about 91% of normal precipitation for the period. No major storms occurred.

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

C. FLOODS

A flash flood occurred in the Blanca-Ft. Garland area on July 25, 1977. A small local rain cell became stationery on the south flank of Mountain Blanca, and the ensuing rains resulted in considerable damage to a newly completed section of concrete lining belonging to the Trinchera Irrigation Company. Several diversion structures were damaged and several homes in the area were water damaged. We understand that drought emergency funds may have been used to help pay for the repairs.

D. GENERAL

WATER BUDGET - DIVISION 3  
WATER YEAR 1975

WATER YIELD:

<u>Water Source</u>	<u>Yield (1000 AF)</u>
1. Inflow from gaged and estimates on ungaged streams. <u>1/</u>	1,544.4
2. Valley floor precipitation not accounted for in previous item.	<u>1,010.0</u>
Total	2,554.4

Diversions and Depletions:

<u>Item</u>	<u>Diversion (1000 AF)</u>	<u>Depletions (1000 AF)</u>
Directflow diversions	1,300.0	650.0
Wells	800.0	530.0
Non-beneficial use (ET)	0.0	1,000.0
Municipal	13.0	4.1
State line delivery		400.0
Underflow leaving division		<u>55.0</u>
Total		2,639.1

Summary:

<u>Item</u>	<u>AF</u>
Total water yield	2,554.4
Total water depletion	<u>2,639.1</u>
Change in underground storage	Total -84.7

1/ Estimated at entrance to Valley floor.

2/ Estimated for towns in the Valley on the basis of withdrawals from Alamosa Municipal Wells.

D. GENERAL

WATER BUDGET - DIVISION 3  
WATER YEAR 1976

WATER YIELD:

<u>Water Source</u>	<u>Yield (1000 AF)</u>
1. Inflow from gaged and estimates on unged streams. <u>1/</u>	1,179.7
2. Valley floor precipitation not accounted for in previous item.	<u>1,200.0</u>
Total	2,379.7

Diversions and Depletions:

<u>Item</u>	<u>Diversion (1000 AF)</u>	<u>Depletions (1000 AF)</u>
Directflow diversions	1,025.3	512.6
Wells	900.0	585.0
Non-beneficial use (ET)		900.0
Municipal		4.1
State line delivery		307.0
Underflow leaving division		<u>55.0</u>
Total		2,363.7

Summary:

<u>Item</u>	<u>AF</u>
Total water yield	2,379.7
Total water depletion	<u>2,363.7</u>
Change in underground storage	Total <u>+16.0</u>

1/ Estimated at entrance to Valley floor.

2/ Estimated for towns in the Valley on the basis of withdrawals from Alamosa Municipal Wells.

E. UNDERGROUND WATER

Administration of underground water conjunctively with surface water as required by Statutes continues to pose problems in Division 3. The Rules and Regulations matter is tied up in litigation, as is the municipal well question, leaving us in a considerably weakened position in any attempt to curtail wells.

The proposed coal slurry pipeline from Walsenburg to Angleton, Texas, has become a very controversial subject in the San Luis Valley. The San Marco Pipeline Company, a subsidiary of Houston Natural Gas and Rio Grande Industry, is proposing to deliver underground water from the Mesita area, in Costilla County, to Walsenburg to be mixed with coal from Colorado, Wyoming and Utah and then slurried to Angleton.

The appropriation of underground water and subsequent exportation out of the State presents formidable legal obstacles to the future of the project. (See VII C). Considerable money has been spent or has been allocated for geologic and hydrologic investigation in the Mesita area in an attempt to define the tributary or non-tributary nature of this water. Data from these studies will undoubtedly add much to our knowledge of the Costilla Basin, and give us more facts on which to base our administration in this area.

A field office for BUREC Closed Basin Project was opened in Alamosa this summer. Drilling of test and pilot holes is on-going, and the information from this work will be used in preparation for the definite plan and EIS report. There seems to be some indication that there is accelerated interest in the project.

F. TRANS-MOUNTAIN DIVERSIONS (November 1, 1976-October 31, 1977)

<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	3.8
Don La Font No. 2	<u>2/</u>	Piedra R.	78	20	0
Pine River Weminuche Pass	<u>3/</u>	Pine R.	31	20	0
Tabor Diversion	<u>4/</u>	Spring Cr	62	20	180
Treasure Pass Diversion	<u>5/</u>	San Juan R.	29	20	14
Weminuche Pass	<u>6/</u>	Pine R.	31	20	64
Williams Squaw Pass	<u>7/</u>	Williams Cr	29	20	115
Tarbell	<u>8/</u>	Cochetopa Cr	28	26	162
Medano and Hudson Ditches	<u>9/</u>	Medano Cr	35	16	500 <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 4, District 16

G. RESERVOIR STORAGE

<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 Ranch 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



IV. AGRICULTURE SUMMARY FOR THE SAN LUIS VALLEY - 1977

A long frost free growing season partially offset short surface water supplies to give average, or about average, yields on all crops grown, except alfalfa and native hay, here in the San Luis Valley of Colorado.

There was only minor wind and freeze damage to spring small grains and alfalfa and little or no frost damage to potatoes.

The number of center pivot sprinklers continues to increase and this adds to the efficiency of water applied to the crops grown.

Even more efficient water use can be achieved as growers learn more about this change in water application on the crops which are grown here.

<u>Crop</u>	<u>Acres</u>	<u>Yield</u>	<u>Estimated Total Value</u>
Barley (Malt)	82,000	61 bu.	5.3M
Barley (Feed)	12,000	66 bu.	.61M
Wheat	10,000	71 bu.	2.1M
Alfalfa hay	108,000	1.5 T	8.7M
Grass hay	90,000	.6 T	1.8M
Oats	4,300	50 bu.	.4M
Lettuce	5,800	500 ctn.	10.2M
Potatoes	36,000	220 cwt	16.2M
Spinach	1,500	400 bu.	1.9M
Cabbage	310	285 cwt.	.21M
Carrots	135	230 cwt.	.23M

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

V. COMPACTS AND STIPULATIONS

A. Costilla Compact

The thirty second annual meeting was held in Alamosa, Colorado on May 17, 1977. The following information has been extracted from the Watermaster's 1976 report, the minutes of the annual meeting, and the Engineers Advisors Report to the Commission.

Eastdale Reservoir

A total of 1200 acre feet was delivered into Eastdale Reservoir. Diversion to the reservoir began on March 1, 1976, but was restricted to a portion of the available flow due to snow and ice in the Cerro Canal. On March 24, the total flow was diverted through the canal to the reservoir, reaching the intake gage at the reservoir on March 26. By April 26, approximately 1200 acre feet had been delivered past the gage.

Pre Season Irrigation

By agreement with the Compact Commissioner the flow of Costilla Creek was made available to the direct flow rights on April 26. It was confirmed at this time that Eastdale Reservoir had received more than its 1000 AF of storage water.

Costilla Creek Reservoir

Storage in Costilla Reservoir was 4400 AF on May 16, which was approximately the maximum storage for the 1976 year. This was the original allocation of reservoir waters, but was revised downward on June 30 and again on August 20. These steps were necessary because of unexpected net reservoir losses.

Storage water releases continued until September 3, and the gates were completely closed on September 13, since the call for water after that date were less than the inflow be-

low the reservoir.

The subject of Garcia water rights was brought up again this year. The Garcia water user group met with the State Engineer and his staff to request his assistance through the Attorney General in restoring the water rights which has been "lost" during the early 1900's.

A comprehensive report on the Garcia water rights situation was written by Duane Helton, of the Colorado Water Conservation Board, and clearly points out the problem, which was that the change in ownership of water rights in the Garcia area was probably legal, if not moral, and occurred in the period around 1910. This change in ownership resulted in the moving of these rights into the Cerro Canal under the Costilla Compact and the amended Costilla Compact. Under terms of the existing compact, Garcia rights are minor in quantity and very junior in priority.

The Helton report concluded that little could be done from a legal or administrative standpoint to provide more water for Garcia. This was in essence the conclusion reached, but did not appear to satisfy the Garcia water users. Suggestions were made that the Garcia people work thru other agencies to secure (purchase) water.

B. RIO GRANDE COMPACT

As in all low streamflow years, the Rio Grande Compact posed no real problems for us. The record low yields required minimum obligation which were easily met by deliveries in January thru March, and the return flows accruing below the lowest point of diversion during the irrigation season. It appears that we will overdeliver approximately 10,000 AF again this year.

There was no problem in the operation of Platoro Reservoir, this irrigation season, since flows at Mogote and La Sauses were well below the flood threshold. Thanks to the cooperation of BUREC, Dalton Morrow, damtender, moved into Platoro full time, and the reservoir was maintained at the proper inflow/outflow level.

There was a loss of storage of 1400 acre feet of the 1973 flood storage left in Platoro due to overestimating the inflow during the storage season. Since most of this water was from the Rio Grande's allocation, they had requested that it be picked up prior to next irrigation season. This request was forwarded to the BUREC by the State Engineer of Colorado. BUREC then asked for approval from the other Rio Grande Compact Commissioners. The request has not been approved as of this time, and there are rumors to the effect that the request will not be granted.

It is our understanding that the Conejos Water Conservancy District will insist that Platoro be completely drained as quickly as possible. This request will undoubtedly cause a further separation between the Conejos and Rio Grande factions.

VI. DAMS

A. State and Federal Dam Rosters

Roster available in Data Bank

B. Inspections, Failures and Restrictions

Division personnel were involved in numerous trips with dam inspectors from Denver, checking on progress of required maintenance on Hermit Lakes, Metroz and Fuchs Reservoirs. Division personnel were on hand for the annual inspection of Sanchez Reservoir.

The newly formed Costilla County Water Conservancy District had expressed concern to this office about the safety of the Sanchez structure, and we were able to reassure them that this structure was one of those which were inspected frequently. Only minimal maintenance was recommended on the Sanchez Dam and Reservoir, and there were no problems with the safety of the structure.

Terrace Reservoir level dropped instead of gaining over the 76/77 storage season, with the gates closed, and inspection by the owners revealed significant leakage around the right side gate. This was relayed thru this office to the dam inspection branch. The reservoir was evacuated in August, and several trips were made to inspect the valves. Necessary replacement, repairs to the valves, and maintenance to the trash rack and upstream tube are in progress.

An order has been issued on 3 small earthen dams in the Creede area. These dams are each 12' in height, and have no outlet tube or spillway. Owner has hired an engineer, and is expected to comply.

VII. WATER RIGHTS

A. TABULATIONS

Last year's annual report mentioned the Court's suggested procedure for correcting W-case decrees. However, the court has been apathetic in following through on their suggested procedure in order that the correct information can be entered in the 1978 Tabulation. In some cases it has been necessary to remove the key punched cards from the tabulation because the computer will not accept them (nor will common logic). Such a case is an appropriation date later than the adjudication date. There are also many applications which have not been completed to the Judgment and Decree stage.

The new printout of the water rights tabulation has been a great help in making corrections for the 1978 Tabulation.

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, 1976</u>	<u>Nov 1, 1976 thru Oct 31, 1977</u>
Underground Water Right	110	9,774	300
Change of Water Right	1	13	294
Plan of Augmentation	0	10	1
Surface Water Right, Ponds, and Springs	6	103	69
Diligence (Conditional Decree)	0	24	1
Water Storage Right	<u>0</u>	<u>7</u>	<u>34</u>
Total Decrees	117	9,931	699
Applications rec'd by the Water Court	2,914	694	106
Number of referee consultations	62	10,490	811

Total W-cases received 1969 thru October 31, 1977 is 3,771.

Total W-cases terminated 1969 thru October 31, 1977 is 3,327.

In 1976-77, the court appointed Gene McElreath, as field investigating referee. We had anticipated this referee would "speed up" our progress; however, this "speed up" has not occurred.

C. UNRESOLVED COURT LITIGATION

Numerous matter of litigation of substance are still pending in Division 3 Water Court (and before the Colorado Supreme Court). A brief update of these cases follows:

W-3247 Mapco Application for water rights in the Closed Basin. Pretrial conference held on July 23, 1975. Pre-trial continued for 6 months from that date. There has been no further action on this case.

W-3394 Middlemist/San Luis Valley Irrigation Well Owners Plan of Augmentation. Counsel agreed to a request by the SLVIWOA to hear the trial in two parts, the first part being a determination by the court as to the amount of water available at the headgate of the Taos Valley #3 as a "fund" for augmentation of wells owned by the association. The court would retain jurisdiction for later consideration of the operational details and limitations of the plan.

The decree issued by the court on this first part, allowed a 10 year rolling average for credit, which was contrary to recommendations based on testimony by Division of Water Resources personnel. Such an accounting procedure in a normal sequence of water years will undoubtedly result in material injury to senior rights on the Rio Grande and Conejos Rivers.

Protests were filed by the Conejos Water Conservancy District and by the Manassa Land and Irrigation Company, but Judge Smith ruled that the initial decree was not appealable until both parts of the case had been concluded. It is our understanding that Judge Smith will also hear this matter to its conclusion.

An additional matter of controversy in this matter has arisen as a result of the partial decree. The decree states



that the Division Engineer will compute on an annual basis the amount of water which would normally be available to the Taos Valley Canal #3, and therefore applicable to the plan of augmentation. This office issued an order requiring the installation of a measuring device in order to comply with the court directive. This order has not been complied with, and we are taking the position that the well owners will receive no annual credit until the measuring device is installed and operating satisfactorily.

W-3542 People of the State of Colorado vs Peter DeHerrera and Augustive DeHerrera The District Court (Judge Ogburn) issued a permanent injunction against the defendants (DeHerreras') in which they were ordered to obey the orders of the Water Commissioners regarding the irrigation of their land. A motion by the defendants for a new trial or alternate ruling was denied by the District Court, and has been appealed to the Supreme Court (#27766).

W-3560 People vs Mogote Northeastern Consolidated Ditch Co.

The present Division 3 Water Judge, Robert Ogburn, has disqualified himself, and Judge Eakes from Durango has been assigned to hear the case. We have heard that a stipulation is circulating among the attorneys concerned to limit the case to a determination of the interpretation of Article III of the Rio Grande Compact. We have not seen the document, but agree that this is a logical step to expedite a solution to the litigative mire in which we find ourselves.

W-3593 Municipalities et al vs Harris Sherman et al Judge Ogburn has disqualified himself, and Judge Eakes has been assigned to hear this case. Nothing has occurred in this matter during 1977.

W-3665 San Marco The application by the San Marco Pipeline for underground water rights (W3665) is not yet a matter

of litigation but is expected to become so in the coming years. Some twenty three objections have been filed, one of which was by the State of Colorado. Permits for the six production wells were also denied by the State Engineer.

W-3466 Proposed Rules and Regulations - Division 3

As was expected, Judge Donald Smith reaffirmed his original decision which remanded the Rules and Regulations back to the State Engineer. This latest decision has been appealed by the Attorney General, on behalf of the State Engineer, to the Supreme Court, Case #27651.

As result of these pending cases, water administration is in a state of suspended animation. We are forced to rely on basic water law, but find that we are unable to fully implement the basics because of complications resulting from the unresolved litigation. It is unlikely that any relief is forthcoming for the 1978 irrigation season.

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

Costilla Water Conservancy District  
Mr. Maclovio Martinez  
San Luis, Colorado 81152

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 printout 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.

A review of this section in immediate past annual reports reveals little or no progress has been made in the many problem areas of water administration. Such problems as extended use of water, fish ponds, beaver ponds, and regulation of wells (which should include a schedule to meter all wells) are still essentially unresolved.

We have had several opportunities to discuss the beaver problem with Division of Wildlife personnel at the local and state level, as well as similar discussions with the Denver staff and the Attorney General's office. It appears that statutorily we have no effective means to take care of this problem and assure the proper administration of water where beaver alter the priority system. This alteration has resulted in material injury to certain water users, and is a constant source of time consuming controversy for division personnel. We strongly recommend that a means of solving this problem be pursued at the State level.

In summation, this has been a relatively quiet and calm year. As usual, the Division III staff performed in a highly competent manner to minimize or obviate the problems we did have. Their cooperative effort is deeply appreciated. The spirit of cooperation between this office and the Denver staff continues to improve, and this has also helped make this a successful year.

