

## TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
I. A. Introductory Statement.....	1
B. Water Resource Related Projects.....	3
II. Personnel.....	5
III. A. Snow Pack.....	7
B. Precipitation - Summer.....	8
C. Floods.....	8
D. General - Water Budget 1978.....	9
E. Underground Water.....	10
F. Transmountain Diversions.....	12
G. Reservoir Storage.....	13
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.....	21
B. Inspections, Failures and Restrictions.....	21
VII. Water Rights	
A. Tabulations.....	23
B. Referees Findings and Decrees.....	24
C. Unresolved Court Litigation.....	25
VIII. Organizations	
A. Water Conservation and Water Conservancy Districts.....	29
B. Water Users Associations.....	29
C. Ditch Companies and Irrigation Districts.....	29
IX. Annual Summary.....	30
X. Recommendations and Suggestions.....	31

COLORADO DIVISION OF WATER RESOURCES

DIVISION 3 ANNUAL REPORT - 1978

I. INTRODUCTORY STATEMENT

Water year 1978 was not one of our better years for administration in Division 3. Problems encountered will be mentioned only in summary in this introduction, then covered in some detail in the appropriate section.

Each year we here in the San Luis Valley, along with the concerned people in Denver, are faced with a trying problem, i.e. a calendar year assessment of factors relating to the Rio Grande Compact. Prior to the start of the irrigation season, we must forecast the total yield, Colorado's obligation, and the curtailment percentages to assure meeting this obligation. In 1978, Mother Nature refused to cooperate, and threw us every curve in the book.

Our underground water picture continued to look dark. Underground water users continued to report lowering pumping levels, declining yields, and in some cases wells going completely dry. We have received significant amounts of precipitation since the first of November, and we will have to wait until next spring to determine their effect on recharging our underground aquifers. We are hopeful that this moisture plus a good runoff next spring will mitigate this serious condition.

The "injunctive" process in water administration as statutorily provided for in the Water Rights Determination and Administration Act of 1969 has now been tried for almost 10 years. During this period, we have seen a continually increasing erosion of our administrative control, and a corresponding increase in litigation.

It is becoming more apparent that each order issued by the State Engineer or the Division Engineer will likely go to the Supreme Court before the issues are settled.

in <sup>an</sup> many cases, we with administrative responsibility are powerless, in the interim, to prevent continuing material injury to vested water rights.

Our inability to control the use of underground water continues to be the root cause of many of our surface water problems. Our patient explanation as to why we cannot shut down every well in the Valley is listened to but not understood. We also continue to stress that the solution to this problem lies in others joining us in applying pressure to the legal and judicial branches in an effort to expedite the necessary litigation to termination.

WATER RESOURCE RELATED PROJECTS

A. Ongoing

<u>Sponsor</u>	<u>Owner/Project</u>	<u>Status</u>	<u>Remarks</u>
Rio Grande Water Conservation District (RGWCD) Colorado Water Conservation Board (CWCB)	Flowing well control program	Approximately 3,000 wells now controlled.	
RGWCD	Norton Drain	Maintenance to improve access, water delivery, and monitoring.	
RGWCD, USGS (United States Geological Survey)	Develop digital computer to replace analog model	Digital model has been verified.	
RGWCD, USGS	Observation well network Exploration holes (Costilla)	Added 5 wells, restored 1. 4 wells drilled and logged. 4th well, Death Valley, San Luis Hills, peizometers not installed.	
RGWCD, USGS, CWCB, BUREC (Bureau of Reclamation)	Closed Basin Project	Inactive	
San Luis Valley Irrigation and Well Owners Association (SLV Irr. Well)	Well Augmentation Plan	Inactive	
San Marco Pipeline (Houston Natural Gas)	Water supply for Coal	Investigative work nearing completion. Test pumping continuing.	
SCS (PL 566)	Trinchera Watershed ditch lining and structure	Phase 3, 2 3/4 mile ditch lined. Phase 4, planning	

B. New Projects

<u>Sponsors</u>	<u>Owner/Project</u>	<u>Status</u>	<u>Remarks</u>
RGWCD	San Luis Valley Water Resource Committee	4 meetings on re-charge investigation. West side of SLV.	Colorado State University, Colorado School of Mines, DWR, SCS, Agronomist, water users and RGWCD board members.
RGWCD	Well monitoring with permanent recorders. Rio Grande fan	11 recorders in place	Records (obsolete) furnished by USGS and CSU. Additional recorders expected

II. PERSONNEL

(November 1, 1977 - October 31, 1978)

<u>Name</u>	<u>Position 1/</u>	<u>District</u>	<u>No. Worked 2/</u>	<u>Mileage 3/</u>
McFadden, D. H.	Supr. WRE	Div	FTE	1800*
Waddington, L. A.	Sr. WRE	Div	FTE	500*
Tipton, C.	Admin. Clrk. Typist B	Div	FTE	0*
Alspaugh, L. R.	Wtr. Comm. C	20	FTE	499*
Nash, M. E.	Wtr. Comm. A	20	FTE	13,375
Kernen, R.	Wtr. Comm. A	20	4 mo. (6) Left 8/1/78	4,193
Smith, T.	Wtr. Comm. A	20	4 mo. (6) Begin 7/15/78	3,629
Gonzales, L. B.	Wtr. Comm. B	21	10 mo. (8)	11,419
Morch, K. S.	Wtr. Comm. A	21	11 mo. (9)	9,765
Parker, E.	Wtr. Comm. C		FTE	5,175
Sorensen, D. M.	Wtr. Comm. A	22	FTE	16,207
Simons, L.	Wtr. Comm. C	22	FTE	19,798
Hamilton, J.	Wtr. Comm. A	22	2 mo. (2)	2,811
O'Canas, G.	Wtr. Comm. B	24	7 mo. (8)	7,795
Lamm, H.	Wtr. Comm. B	25	12 mo. (6)	13,523
Lovato, T.	Wtr. Comm. B	26	10 mo. (8)	12,773
Alspaugh, P.	Wtr. Comm. B	27	10 mo. (6)	7,395
Escherman, C.	Wtr. Comm. B	35	11 mo. (8)	6,114
Vandiver, S.	Sr. WRE	Div	FTE	0*
Beegles, K.	WRE B	Div	FTE	0*
Haubenreiser, D.	WRE A	Div	FTE	0*
Cotton, T.	Engr. Aide A.	Div	3 mo. (3)	0*

1/ Working force as of November 1, 1977

2/ Working months - November 1, 1977 to October 31, 1978. 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.

Todd Cotton was again appointed to this 3 month position as Engineer Aide A.

Chris Flores was hired through the YACC (Young Adult Conservation Corp) a federally funded program for unemployed people 18-26.

Robert Kernan terminated his employment and Travis Smith joined us as a Water Commissioner A in District 20.

III. A. SNOW PACK

The snow pack/water content measurements through the 1978 spring months indicated an expected annual yield of approximately 88% of the 15 year average, as of May 1, 1978.

COMPARISON OF ANNUAL YIELD FORECASTS FOR 1978  
(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>
Combined Conejos Index	263	231	271	246
Rio Grande @ Del Norte	457	347	440	400



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 1/		June		July		August		Sept	
	1	2	1	2	1	2	1	2	1	2
Alamosa	1.59	0.97	1.23	0.71	1.04	-0.13	0.27	-0.88	0.19	-0.52
Blanca	1.79	0.92	0.68	-0.03	1.64	0.23	0.46	-1.20	0.61	-0.12
Center	1.19	0.48	1.18	0.57	1.10	0.10	0.23	-1.03	0.30	-0.39
Del Norte	2.20	1.44	0.85	0.11	1.17	-0.31	0.57	-1.12	0.64	-0.22
Great Sands Dunes	0.85	---	1.18	---	0.56	---	0.65	---	0.04	---
Hermit	2.40	1.28	0.60	-0.28	2.15	0.02	1.35	-0.84	0.25	-1.11
Manassa	2.18	1.54	0.90	0.26	0.73	-0.43	0.42	-1.03	0.76	0.05
Monte Vista	1.75	1.20	1.38	0.82	1.16	-0.02	0.08	-1.25	0.35	-0.40
Saguache	1.06	-0.31	0.83	0.12	1.86	0.33	0.98	-0.55	0.43	-0.41
Wolf Creek	---	---	-.46	---	1.00	---	0.21	---	3.22	---
Average	1.79	0.89	0.87	0.10	1.20	-0.48	0.60	-1.22	0.67	-0.44

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

Data from the table indicate about 0.82% of normal precipitation for the period. A major snowstorm occurred in the first week of May over the entire San Luis Valley. Over one foot of snow containing 1.27" moisture fell in Alamosa, while at Platoro almost four feet of snow fell. This got our spring off to a very good start as well as greatly increasing our snow pack.

C. Floods

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

D. GENERAL

WATER BUDGET - DIVISION 3  
Water Year 1978

WATER YIELD:

<u>Water Source</u>	<u>Yield</u>
1. Inflow from gaged and estimates on ungaged streams. <u>1/</u>	583,060
2. Valley floor precipitation not accounted for in previous item.	<u>1,330,000</u>
Total	1,913,060

Diversions and Depletions:

<u>Item</u>	<u>Diversion 1000AF)</u>	<u>Depletions (1000 AF)</u>
Directflow diversions	496.5	248.2
Wells	1400	980.0
Non-beneficial (E.T.)		800.0
Municipal <u>2/</u>		4.0
State line delivery		61.2
Underflow leaving division		<u>50.0</u>
Total.		2,143.4

Summary:

<u>Item</u>	<u>AF</u>
Total water yield	1,913,060
Total water depletion	<u>2,158,400</u>
Change in underground storage	Total (245,340) minus

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

From an administrative viewpoint the underground water problem is essentially unchanged from last year, as outlined on our 1977 annual report.

All indications point to a continuing depletion of our underground water supply. The proliferation of center pivot sprinklers in the Valley continues with 1235 sprinklers now in operation. Without a significant increase in groundwater recharge, many of these sprinklers, especially along the west side, will not have sufficient water to operate. The economic impact of this situation would be disastrous.

The Rio Grande Water Conservation District has sponsored an ad hoc committee to enlist the aid of the states' colleges and university in supplying expertise in various phases of groundwater investigations. Representations from Colorado State University and from the Colorado School of Mines are quite active on the board, along with representatives from the USGS, DWR and water user entities.

The immediate concern of this committee is to investigate areas and methods for optimum recharge, and to make contacts for the necessary funding. As the DWR representative (and the division engineer), I have urged that the state engineer be kept advised of the program in order to obviate any legal problem when the time comes to actually divert water for recharge.

Several of us on the committee have felt that much investigative work in geology and hydrology is needed in the Valley. We are hopeful that some of the more sophisticated techniques being used at CSU and the Mines can be used here to begin an indepth

study of the area. Knowledge of aquifer characteristics, boundaries, separations and hydraulic relationships assist in the effective and equitable administration of water.

The investigations by San Marco Pipeline Company in the Mesita area of Costilla County is reported to be nearly ready to go to final report. An exhaustive pump test is scheduled to be started before the end of 1978, and the operators feel that this test will finally determine if sufficient water is available.

We expect to learn much more valuable information about the complex hydrogeology of this area.

The San Luis Valley Closed Basin Project was one of the fortunate survivors of the President's infamous "hit list", with the appropriation of \$100,000 for "Advanced Land Acquisition", which constitutes "start of construction", the future of the project appears to be assured.

It is contemplated that the Definite Plan Report and the Environmental Impact Statement will be completed before the end of fiscal 1979, and land acquisition could then begin by the end of fiscal 1979.

To date, 55 exploration wells have been completed in the project. 25 of these wells were completed as observation wells, and are continually monitored for pre-project conditions and design planning. Contracts are now being let for the drilling of additional wells, to be used for pump tests and water level monitoring.

F. TRANS-MOUNTAIN DIVERSIONS (November 1, 1977-October 31, 1978)

<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	62
Don La Font No. 2	<u>2/</u>	Piedra R.	78	20	31
Pine River Weminuche Pass	<u>3/</u>	Pine R.	31	20	67
Tabor Diversion	<u>4/</u>	Spring Cr.	62	20	792
Treasure Pass Diversion	<u>5/</u>	San Juan R.	29	20	306
Weminuche Pass	<u>6/</u>	Pine R.	31	20	1396
Williams Squaw Pass	<u>7/</u>	Williams Cr.	29	20	0
Tarbell	<u>8/</u>	Cochetopa Cr.	28	26	503
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, George Ward, Jerry Denton
- 9/ Cuerno Verde Ranch, Gardner, Colorado
- 10/ Water exported to Division 2, 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

<u>Name</u>	<u>Capacity in A. F.</u>	<u>Water District Number</u>
Troutvale No. 1	201	20
Troutvale No. 2	257	20
Trujillo Meadows	913	22
Wee Ruby	186	20
Willow Creek	-	24

#### IV. AGRICULTURAL SUMMARY FOR THE SAN LUIS VALLEY - 1978

Crop yields were average or near average due to several desiccating wind storms in May and June which caused abnormally high evapotranspiration. The 1978 growing season was shorter than normal, with 82 frost free days. Freeze damage to either small grains or potatoes was minimal.

Surface and sub-surface soil moisture was below normal later in the season resulting in both poor range conditions and low native hay yields.

Crop quality, especially of potatoes, was excellent. Favorable weather conditions allowed for a quick and easy harvest and contributed to the good quality.

<u>Crop</u>	<u>Acres</u>	<u>Yield</u>
Barley (malt)	85,000	63 bu.
Barley (feed)	12,500	69 bu.
Wheat (spring)	10,500	75 bu.
Alfalfa hay	110,000	1.5 T.
Grass hay	100,000	0.6 T.
Oats	8,300	51.1 bu.
Lettuce	5,500	325 ctn.
Potatoes	35,500	260 cwt.
Spinach	900	400 bu.
Cabbage	200	285 cwt.
Carrots	100	230 cwt.

The above report was submitted by Jack Skwara,  
San Luis Valley Area Extension Agronomist.



## V. COMPACTS AND COURT STIPULATIONS

### A. Costilla Creek Compact

The Engineers Advisor meeting was held in Santa Fe, New Mexico on May 18, 1978. Computations were reviewed with the New Mexico State Engineer's staff. Some computations were revised, and revisions are to be included in the final report to the commission.

The Costilla Creek Compact Commission meeting was held in Santa Fe, New Mexico on May 28, 1978. The meeting went comparatively smooth since there had been an equitable distribution of waters between the states water users.

The available storage in Costilla Reservoir was somewhat below the estimated yield. A pre-season release of 114 A. F. was made to Colorado prior to the end of the storage season (May 15). A total of 966 acre feet was delivered to Eastdale Reservoir #1 prior to May 15, and 35 acre feet during the remainder of the year. Icing problems in the Eastdale Costilla Canal prevented the required amount of 1000 acre feet being delivered to Eastdale prior to May 15th.

Mr. Othelle Reed, speaking on behalf of the Eastdale Reservoir people, again raised the question of whether or not the commissioners from the two states were correctly interpreting and administering Article IV of the Amended Costilla Creek Compact. Mr Reed assured us that he intends to go to the court with this matter against both commissioners. To date, we are not aware of any action having been taken on this matter.

The new diversion works at the Cerro heading

were completed during the year, and should provide the means for the watermaster to better allocate Cerro water as well as the decrees on Costilla below the heading.

## COMPACTS

### B. Rio Grande Compact

The past several years (1967-1977) were thought to be fairly successful from a compact administration viewpoint. Adjustments in annual yield forecasts were within nominal limits during the year. This allowed us to impose curtailment (if necessary) in a rational manner without ruffling too many feathers. Year 1978 proved to be a horse of a different color.

Our early season predictions based on a high water content snowpack, limited to the higher elevations, was for a well below normal runoff. In past years with these conditions, (i.e. high snows and dry soil conditions), much of the high moisture never reached the upper index stations.

In early May 1978, however, we were blessed with a widespread snow with a high moisture content. The beneficial effect of this moisture, and the late June rains, far exceeded any expectations, with the result that we had badly underestimated the index yield and our compact obligation. When curtailment for compact requirements comes after the runoff period, a higher percentage is required and senior decrees are shut off, while with a lower percentage during high flows more junior rights were allowed to run earlier. This situation leads to discontent. We are thankful that most of the seniors understood our situation, and in fact, agreed that they were as fooled by Mother Nature as we had been.

Our compact curtailment has for the last few years been based on delivery amounts at Los Sauses and at Lobatos less Los Sauses. We "set" the rivers to assure that the curtailment percentage arrives at the delivery points, which accounts for river gain, which is normal for the Rio Grande, or loss, as is now normal with the Conejos.

This methodology requires quite a bit of juggling on a day by day basis, as the gain/loss factor is not static. We have been using our gaging stations on the main stem (Grande) to monitor our return flow picture, and visual observations by our commissioners on the Conejos to try to assess our losses on the Conejos.

The following is the curtailment schedule for 1978:

	<u>Rio Grande</u>	<u>Conejos</u>
Started	March 24, 1978 Del.	March 15, 1978
Diversions:	ret. flows to Compact	No Curtailment
Curtailment:	April 15 5%	April 20%
	May 17 10% priority storage	May 15 25%
	June 16 5% curtailment	July 1 35%
	July 8 5% storage	July 8 55%
	July 8 20% curtail to compact + return flow	July 27 100%
	Nov 1 Diversions flows ceased.	

During the irrigation season approximately 16,600 acre feet were stored in the Rio Grande, Continental, and Santa Maria Reservoirs. (8300 AF in Rio Grande, and 8300 AF in Continental-Santa Maria).

From the end of June until the forepart of October we were extremely dry, and our compact delivery status was precarious. It was agreed to release a portion of the compact water stored to assure our compliance with the Compact and Stipulation. This release began on October 12th, and stopped on October 27, and totalled 10,380 AF.

Early November "rains" covered the Valley and the surrounding mountains. This caused us two separate problems. The first problem was that we were unable to accurately define how much of the released storage water actually reached Lobatos. The second problem was that we received moisture which quickly reached the river and the Lobatos gage, and was probably sufficient to have assured our meeting the compact obligation without the storage release. We are

anticipating a compact delivery margin of approximately 11,000 acre feet.

Flows at Mogote during the high runoff period were below flood operation thresholds, so there was no flood storage in Platoro Reservoir. For a period of days, the inflow to Platoro exceeded the outlet capacity and 800 acre feet were stored in June. The matter of the 1400 acre feet of 1973 flood storage lost during the 1976/1977 storage season has not been completely settled, although we anticipate that the 1400 AF may be picked up during the current storage season.

## VI. DAMS

### A. State and Federal Dam Roster

Roster available in Data Bank.

### B. Inspections, Failures, Restrictions and Stop Orders

Dam inspections in the San Luis Valley kept several agencies and many people busy this year. Annual inspections of high hazard dams plus the National Dam Safety Program were responsible for this. Division personnel were on hand for most of these inspections.

The Division of Wildlife engineers supervised the extension of the outlet tube at Beaver Park Reservoir early this spring. This project came about to insure unimpeded flow from the outlet because the downstream banks were sluffing off into the river and are going to continue doing so. Therefore, approximately 140 feet of 48" steel tube was added to the outlet to enable the release of water beyond these points of sluffing. The tube was then covered with graded material several feet deep to protect the tube in event of any major sluffing. The project was completed in April, 1978.

Terrace Reservoir was drained in the fall of 1977 to repair the cracked valves. The valves were repaired, replaced, and seem to be working when they were shut in early January, 1978. Dam owners and division personnel are keeping them under observation.

The National Dam Safety Program brought a team of Army Corps of Engineer inspectors, and two teams of inspectors from the private engineering firms of Ken Bruns Engineering and Engineering Consultants Incorporated to the Valley. The corp of Engineers inspected La Jara, Beaver Park, Humphreys, Conti-

mental and Terrace Reservoirs. The Bruns firm inspected Santa Maria and Rio Grande Reservoirs, and the ECI firm inspected Mountain Home and Smith Reservoirs.

Much expertise was represented by these teams and the dams got a thorough inspection. Some of the criteria used by the Corps in their hydrology analysis, caused quite a stir among owners and division personnel. We only hope consideration will be given to the owners when recommendations are made for modifications to their structures, keeping the Corps unproven rainfall criteria in mind.

VII. WATER RIGHTS

A. TABULATIONS

The 1978 tabulation has been completed and published. A few decrees were omitted because the Court has assigned a low priority to correcting decrees.

We are busy now making corrections to remove the "inconsistencies" which show up in the current status list.



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, 1977</u>	<u>Nov 1, 1977 thru Oct 31, 1978</u>
Underground Water Right	110	10,074	1143
Change of Water Right	1	307	N/A
Plan of Augmentation	0	11	1
Surface Water Right, Ponds, and Springs	6	172	12
Diligence (Conditional Decree)	0	25	4
Water Storage Right	<u>0</u>	<u>41</u>	<u>41</u>
Total Decrees	117	10,630	1201
Applications rec'd by the Water Court	2,914	800	159
Number of referee consultations	62	11,301	544

Total W-cases received 1969 thru October 31, 1978 is 3930.

Total W-cases terminated 1969 thru October 31, 1978 is 3475.

In 1978, even with the court appointed field investi-  
gator (appointed in 1976-77 term), our "speed up" progress  
has not "accelerated" very much.

C. UNRESOLVED COURT LITIGATION

Little real progress has been made toward resolution of the important issues before Division 3 Water Court. Several decisions from the Colorado Supreme Court were handed down, and will be discussed.

A brief update follows:

W-3039 Application for Water Rights of Rio Grande Water Conservation District for conditional water rights.

This case involves the application for and issuance of some 130 well permits for the Closed Basin Water Salvage Project. These permits were issued in 1976 by the State Engineer, and have been renewed or extended as required by law.

The initial hearing was set before the Water Referee in March of 1978. The Attorney General made his appearance for the State Engineer in support of the District. Several objectors withdrew prior to the hearing, but several objectors persisted and were represented by counsel at the hearing.

After much testimony, the Referee, Richard Conour, ruled that the due notices requirement had not been complied with. The Referee took this position because testimony indicated that the precise location for the 130 proposed wells had not been determined, and the Referee felt that changes in the location of a well to another parcel of land might be made without due notice to that owner.

This decision by the Referee was appealed to the Water Judge. The Judge overturned the Referee's decision and re-referred the matter

to the Referee for hearing. No date has been set at this time.

W-3247 MAPCO -

Application for water rights in the Closed Basin. Application withdrawn and Order of Dismissal issued by Judge Ogburn on October 19, 1978.

W-3394 Middlemist/San Luis Valley Irrigation Well Owners.

Plan of Augmentation.

The matter of "credit" for the Taos Valley #3 Canal to be applied to the plan is still unresolved. No measuring device was installed as per our order. During the past year, no water would have been available (even if the required measuring device had been installed).

The engineer for SLVIW0, John Dumeyer, calculated on the basis of index supplies that over 7000 A.F. was available for 1978. This is a totally unrealistic and unacceptable method of arriving at a credit from our administrative position. An Entry of Appearance to appear as co-counsel for the SLVIW0 was filed on December 29, 1978 by Geddes, MacDougall, Geddes and Poxton, P.C. of Colorado Springs.

W-3466 Proposed Rules and Regulations for Division 3

The appeal to the Colorado Supreme Court, Case 27651 has been heard. The Supreme Court ordered that the matter would be heard in full by Division 3 Water Court and has appointed Judge William Eakes from Durango (Division 7) to preside. Trial dates are set, and our understanding is that the Rio Grande Compact questions will be heard during the weeks of March 5th and March 12th,

1979, with the rest of the matter during the weeks of May 14, 21, and 28, 1979. This case began September of 1975, and we are now back to to square one, after three and one half years of limbo.

W-3542 People vs. Peter and Augustine De Herrera.

The Order by Judge Ogburn granting the Permanent Injunction was appealed. The Supreme Court (Case 27766) reversed Judge Ogburn, and the trial is set for April 3, 4, and 5, 1979.

W-3560 People vs. Mogote Northeastern Consolidated Ditch

This matter is still pending. We understand that Judge Eakes advised certain attorneys that he would hear either the Rules and Regulations or the Mogote in the near future. Counsel apparently decided that the Compact related issues in the Mogote case would be settled in Rules and Regulations.

W-3894 People vs. Othelle Reed, et al.

This case began as an action rising out of the refusal by Reed to comply with a Cease and Desist order issued by this office. As has so often been the case, the main issue became secondary to the position taken by Reed's attorney, Michael White, that we had incorrectly interpreted the court decrees and therefore had no right to issue such orders. We have now gone to Court with a Motion for Declaratory Judgment, which hopefully will lead to a resolution of the question prior to the start of irrigation season 1979.

No mention of unresolved court litigation would be complete without mentioning a series of applications to

the Water Court by Stoutco, KSD, and David Lawrence, concerning a well as an alternate point of diversion. We issued a CEASE and DESIST Order in June of 1977; to date, we have had no action on this matter, and the man has been using water illegally for the last two irrigation seasons.

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.

ANNUAL SUMMARIES

1978  
ANNUAL SUMMARY - DIVISIONS  
ACRE FEET (11-1-77 thru 10-31-78)

DIVISION 3 Districts	Non-Exempt Wells #	Ditch Structures Reported #	IRRIGATION			CURRENT YEAR		TRANS MOUNTAIN	
			Direct Diversions To Irrigation	Diversions To Storage	Storage to Irrigation	Acres Irrigated	Export	Div. to Div. Import	
20		183	375,611	---	12,058	302,918	---	2654	
21		62	56,472	---	---	30,732	---	---	
22		98	173,679	---	---	84,082	---	---	
24		67	48,282	13,702	5,859	26,870	---	---	
25		62	36,703	---	---	5,877	---	---	
26		48	20,684	---	---	8,130	---	3503	
27		13	5,816	---	---	1,905	---	---	
35		32	22,596	---	4,324	11,960	400*	---	
TOTAL		565	739,843	13,702	22,241	472,474	400	3,157	

\* No recording device or check by water commissioner.

  

Districts	MUNICIPAL			INDUSTRIAL			RECREATION		ACTUAL STORAGE		# Decree Appli	# Water Court Appl
	Direct Diversions	To Storage	Storage Releases	Direct Diversions	To Storage	Hydro-Power	Storage - Wild- Life Parks	For Year All Reservoirs				
20	456	---	---	361.0	---	---	264.0					
21	---	---	---	---	---	---	---					
22	---	---	---	---	---	---	---					
24	---	---	---	---	---	---	---					
25	---	---	---	---	---	---	---					
26	---	---	---	---	---	---	---					
27	---	---	---	---	---	---	---					
35	---	---	---	---	---	---	---					
TOTAL	456			361.0			264.0					159

X. RECOMMENDATIONS AND SUGGESTIONS

It is quite clear after reading this report that this has been a difficult year for us in Division 3. We made valiant efforts on all fronts, but our overall success was minimal. The bottom is that we are glad that the year is over, and we are looking forward with the expectation of a much better year.

Several problem areas which we have hopes of some resolution next year include our perennial "beaver pond" fights, fish pond proliferation, and even a faint hope that we may tackle the extended use question.

It is our firm belief that most of our frustration and discouragement could be greatly alleviated if we had strong, consistent legal representation. Apparently this is a problem we share with the other six divisions and with the Denver office. We understand that the assignment of specific members of the attorney generals staff to the Division of Water Resources will be the thrust of proposed legislation. We would be most willing to land whatever support possible as directed by the State Engineer.

My thanks and gratitude to the personnel in Division 3, who have maintained their sense of responsibility (and humor) through this trying period. Without their support, the year could have been much worse.

We would also like to express our appreciation to the Denver staff for their patience, understanding, and counsel. We look forward to better times for all concerned with water administration in Division 3.