

Division 3 Annual 'Document'

Water Administration

Snowpack during the winter of 2009-2010 followed closely to the average throughout much of the season. At its peak, the snowpack was at approximately 110% of the average peak. It appeared as though the 2010 water year would be very similar to the 2009 year. Even with the higher peak snowpack, the yearly streamflow amounts for most Division 3 streams ended up slightly below normal, but the timing of those flows was anything but normal. As with 2009, the combination of early warm temperatures and dust-on-snow effects caused the snowpack to melt out earlier than normal and caused the peak flows on most streams and rivers to also occur earlier than normal. The peak of the runoff was also much sharper and higher than normal, but the runoff itself did not last as long. The impact of this change on the runoff was both positive and negative for water users in Division 3. On the positive side, the higher peak allowed many junior ditches that may not have otherwise gotten into priority to run water early in the season. The earlier runoff wetted up the systems and kick-started the return flow patterns on many rivers before many of the ditches were even ready to turn on.

On the negative side, just when everyone started to think that the earlier streamflow forecasts may have been too low, the runoff season ended and the river flows plummeted. In mid-June, when the rivers and streams should have been experiencing flows near the peak for the year, the snowpack disappeared along with the water in the streams. Many ditches with mid-level priorities were turned off earlier in the season than they might otherwise have been.

The 2010 water year was the first in which the State Engineer's irrigation season policy was in effect. This policy, signed by the State Engineer on April 14, 2010, set in place the presumptive irrigation season dates of April 1 through November 1 of each year, but also set certain criteria that could be looked at to adjust these dates. Diversions for irrigation on the Rio Grande mainstem were curtailed as of November 2. Irrigation diversions on most other streams within Division 3 were shut off on November 10. However, because it appeared that the Conejos system would over-deliver on its compact obligation, irrigators in this area were allowed to divert until December 15. Colorado hit its Rio Grande Compact delivery obligations nearly perfectly this year with 400 acre-feet of credit from the Rio Grande and 1,600 acre-feet of credit on the Conejos system, of which 1,100 acre-feet was relinquished to account for inadvertent storage in Platoro Reservoir.

For the first time in five years, the area involved in the "Rio Grande Water Conservation District (RGWCD) Unconfined Aquifer of the Closed Basin Change in Storage Study" lost water in 2010. This loss was fairly significant as the aquifer dropped by over 100,000 acre-feet, ending at near 800,000 acre-feet below the 1976 levels.

Stream Administration

Stream administration in Division III during 2010 was somewhat challenging due to the large and early peak runoff that occurred on most of the streams in the valley, and the dry summer that followed. The NRCS forecasts for basin yields were generally slightly higher than what actually occurred. The high peak runoffs initially caused sufficient water to pass through the Conejos system such that no compact curtailment was necessary. The prospect of higher annual flows than predicted early in the summer led to the re-establishment of the curtailment on the Conejos system on June 20. Then, on July 21, due to the very dry summer, the curtailments were taken off of both rivers. Compact curtailment on the Rio Grande reached a peak of 11% at times during the spring, but there was only compact curtailment of any amount on the Rio Grande for a total of 107 days. A 13% curtailment was the highest that the Conejos system experienced in 2009. However, there were only 31 days where there was any compact curtailment at all on the Conejos system, a fairly remarkable number given that most years have curtailments at all times throughout the irrigation season.

Ground Water Issues

DWR administration of the Well Metering rules appears to be working, as compliance with the Rules and submittal timelines by water users have continued to improve in 2010. Despite the improved cooperation, the division has mailed approximately 200 Violation Orders. Continued success with compliance efforts has minimized the need for services of the Attorney General's Office (AGO) regarding water users that do not comply with measurement rules. There were no Letters of Intent to file lawsuits mailed in 2010.

During the implementation of the well measurement program, hundreds of wells were identified as potential water rights to be abandoned. Significant efforts were made in 2009 to research and prioritize wells associated with water rights that will be included in the 2010 water rights abandonment process. The decennial abandonment process is currently underway for approximately 180 wells.

WATER ISSUES

For the last several years, the Rio Grande Water Conservation District (RGWCD) has encouraged the formation of groundwater Subdistricts to attempt to manage portions of the aquifer system. These types of Subdistricts were recognized in SB-222. They would have as their goals to stabilize the aquifers associated with each Subdistrict, prevent injury to senior rights, restore the historic stream aquifer connection, and promote a sustainable system. During the summer of 2006 the Court approved the formation of Subdistrict #1 located in the closed basin north of the Rio Grande. In September 2007 the Subdistrict #1 board of managers arrived at a plan of water management. The plan was adopted by the RGWCD and was sent to the State Engineer for review. The State

Engineer approved the plan. Many objections to the action of the RGWCD and the State Engineer in accepting the plan were filed in court. Both the civil case and the water case were combined by the judge, and a trial was held in the fall of 2008. The judge issued a ruling on this case in the spring of 2009, stating that the plan did not adequately protect senior surface water rights holders. The judge gave the subdistrict until June to come back with a revised groundwater management plan. The subdistrict board of directors did just that, and in June of 2009 the revised plan was approved by the RGWCD and subsequently by the State Engineer. The plan was then sent back to the water court, and a second trial, approximately 2 weeks in length, was conducted in the fall of 2009. In late spring of 2010 the judge approved this second plan. The approval meant that Subdistrict #1 would go forward and begin replacing depletions starting in 2012. The subdistrict set a fee schedule of \$6.00 per acre for the administrative and CREP fees, and began collecting that money via the county tax roles in the early spring of 2011. Some of the opposers protested the judge's ruling to the Supreme Court, and we are currently awaiting a date for oral arguments in that case. We are hopeful that a ruling will be issued by the Supreme Court prior to the start of 2012.

The formation of other Subdistricts in the Trinchera drainage, Rio Grande alluvium, Conejos area, Saguache area, San Luis Creek area, and Alamosa-La Jara Creek area are proceeding. All of these subdistricts are eagerly awaiting the modeling results from the RGDSS model so that they will know what depletions their wells are causing to senior surface water rights. Then the other subdistricts can push forward with their development and rapidly file their own plans

The State Engineer is currently in the process of developing Rules and Regulations concerning the use of Groundwater in Division 3. He is being assisted in this effort by an advisory committee comprised of approximately 55 individuals, representing groundwater users, surface water users, governmental agencies, etc. The goal of this advisory group is to develop rules and regulations on the future use of groundwater so that senior water rights are protected and the groundwater aquifers are brought into a sustainable position. Based upon results of studies done using the Rio Grande Decision Support System (RGDSS) water model, it has been determined that most of the wells in Division 3 have some effect on senior surface water rights. Therefore, the basis for the rules will be to require groundwater users to mitigate their injurious depletions to senior water rights. This can be done in three ways;

First, the well user may opt to develop an augmentation plan to offset any injurious depletions. These types of plans can be approved on a temporary basis through a Substitute Water Supply Plan, or on a permanent basis through water court.

Second, the well user may wish to join a subdistrict. These subdistricts will in many ways act as a very large augmentation plan. The subdistricts will collect fees or taxes from their constituents and use that money in various ways, such as purchasing augmentation water, constructing recharge facilities, paying senior water rights holders for injurious depletions, etc.

Third, if a groundwater user does not wish to attempt either of the first two options, that user must cease using their wells.

The basic idea of these rules is fairly straightforward, but there are many details that have got to be worked out in the advisory committee meetings.

Irrigation Season Policy

During 2009, a sub-committee was formed to tackle the issue of an irrigation season in Division 3. Division 3 has never had an official irrigation season, although decisions on turn-on and turn-off dates have usually been made by the Division Engineer in consultation with water user groups. In conjunction with the irrigation season sub-committee, the State Engineer developed this new policy and signed it on April 14, 2010. The irrigation season policy sets a 'presumptive' irrigation season as April 1 to November 1. It also says that different irrigation seasons can be determined based on the factors at work in different areas of the valley. These presumptive season dates can be changed or adjusted based on a list of criteria. These criteria include temperatures, weather patterns, compact obligations, soil moisture, etc. The Division Engineer is required to meet with water user groups at the beginning and end of the irrigation season to discuss the season dates and the list of criteria, and then make a decision as to the timing of the season. The decisions of the Division Engineer shall be published in a newspaper of general circulation so that everyone knows what the dates are. The irrigation season applies to surface water rights, as has been the case in the past, but also applies to groundwater users. This is something that is new to groundwater users. Because the irrigation season had started prior to the signing of the policy in the spring of 2010, the fall turn-off date was the first 'test' of the new policy. For the most part the guidance from the policy worked well. However, there were some complications arising from this new policy. Two of the main concerns were where the line was drawn to determine different areas, and therefore different irrigation season dates, within the valley, and whether wells should be allowed to pump at all in the wintertime, even for winter crops.

INVOLVEMENT IN THE WATER USER COMMUNITY

As always, we strived to be as involved as possible in the water user community again in 2010. Our staff attends the regularly scheduled meetings of the Rio Grande Water Users Association, the San Luis Valley Water Conservancy District, the Conejos Water Conservancy District, the Rio Grande Water Conservation District, the Closed Basin Operating Committee, the Trinchera Irrigation Company, and all other Water User group meetings that we are invited to attend.

We also strive to keep the public at large informed of water issues by sitting for interviews in the local newspapers and on the local television station, and discussing important issues on local radio stations.

Additionally, the staff has given presentations to various elementary and high schools around the Valley. The Water Commissioners make themselves available and attend many of the ditch company meetings held in their districts. We have actively participated in the San Luis Valley Wetlands Focus Group, the RGDSS Advisory Team, Upper Rio Grande Water Operations Model Advisory and Technical Teams, The Upper Rio Grande Water Operation Plan Review, the Rio Grande Compact Commission Salinity Committee, The Rio Grande Headwaters Restoration Project, and many other public forums which require input on water issues.

The Division staff have attended and provided input on the formation of Subdistricts throughout the valley under SB222 and in the development of service plans for numerous subdistricts.

The Division Engineer has been attending the Rio Grande Roundtable meetings as an adviser to the Roundtable. The meetings have been an opportunity to provide education on water issues to a large group of individuals with varied backgrounds and interests. The Roundtable has been evaluating water project funding proposals for submission to the CWCB.

The staff of Division III participated in a number of public forums relating to water. The Division Engineer has also been involved in a number of conferences and seminars in the San Luis Valley concerning water in Division 3. The level of interest is very high, especially regarding the well metering program, subdistricts, and the upcoming well use Rules and Regulations.

Members of the Division III staff have been involved in several emergency management 'tabletop' exercises in the past year. These exercises have been conducted by the emergency management coordinator for the San Luis Valley and usually involve a flooding or dam safety scenario. DWR staff members have provided crucial information and insight on streamflow, flooding, and dam safety issues to the emergency management teams, sheriff's office staff, county agencies, and others. It is anticipated that DWR staff members will continue to be involved in future emergency coordination exercises in Division III.