

JOHN A. LOVE
Governor



A. RALPH OWENS
State Engineer

DIVISION OF WATER RESOURCES

232 STATE SERVICES BUILDING
1525 SHERMAN STREET
DENVER, COLORADO 80203

DIVISION OF WATER RESOURCES

IRRIGATION DIVISION NUMBER 4

ANNUAL REPORT

1968 Water Year

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1525 SHERMAN STREET
DENVER, COLORADO 80203

Montrose Office
P. O. Box 456
Montrose, Colorado
81401

November 25, 1968

Mr. A. Ralph Owens, State Engineer
1845 Sherman Street
Denver, Colorado

Dear Mr. Owens ;

Attached hereto for your consideration is the Annual Report of Irrigation Division No. 4, as required under the provisions of Colorado law as provided in C. R. S. 148-12-7, 1963.

Respectfully submitted.

Ralph V. Kelling, Jr.
Ralph V. Kelling, Jr.
Irrigation Division Engineer

ANNUAL REPORT - 1968

IRRIGATION DIVISION NUMBER FOUR

WATER USER LISTS

In the matter of water user lists furnished by this office to the Clerk of the District Court in cases involving transfers, change of use, and change of point of diversion, seven such lists have been furnished to the Court this year. Several involve changes of point of diversion where there are no intervening rights and with as little water involved as 4 miners inches. Other lists have indicated a maximum of 12 intervening rights. However, under existing laws until very recently it has been required that all owners and users in the district be notified. In one instance a list of the entire division was involved which included over 850 names furnished to the Colorado River Water Conservation District for the Curecanti Unit legal shuffle which did not physically alter the change of point of diversion or storage.

This legal requirement of notification to all owners and users in the district appears absurd and it is encouraging to note that further revisions in the law are contemplated which efforts will remove this unnecessary inclusion and expense to the taxpayer.

Even at best, the present lists we maintain do not accurately reflect current ownership of all water rights, and they often create additional confusion to the general public upon either receipt or non-receipt of same.

PERSONNEL

Mr. A. T. Saunders of Collbran suffered a heart attack this spring and was unable to perform his normal duties this year. It is a pleasure to report that Tom is well on the road to good health again, and that his accumulated sick leave was a fine benefit of his prior years of state service. Mr. Donald Kenney of Collbran replaced Tom as Deputy Water Commissioner and Mr. W. W. Saunders of Water District # 42 reports that Donald's conscientious efforts have been most satisfactory.

A Civil Service Commission oral examination for positions of Deputy Water Commissioner was held June 25, 1968 in Cedaredge with six applicants present. Mr. Elton J. Watson and Mr. Silas A. Freshour scored highest and both men accepted state employment on August 19, 1968. We have had good reports on these men from local water users and we are happy to welcome them into the department. Their employment in W.D. 40 brings Mr. Robinson's staff to full strength again. Mr. Watson will be located in the Muddy Creek area and Mr. Freshour will be on Grand Mesa. The retirement of Mr. George Bowness of Cedaredge and Mr. George Pickens of Hannah Creek and Montrose took effect in October near the end of the water season. These two gentlemen have accrued a total of 53 years state service. We congratulate and thank them for their many years of conscientious efforts with the department and wish them well in their retirement. It is anticipated that Civil Service examinations will be requested in the spring to secure replacements on these jobs.

GENERAL

In general an extremely good water year was enjoyed in Irrigation Division # 4, primarily due to far above normal availabilities of water. The San Juan mountain snowshed held near the best snowpack in the state going into the spring run-off season. Unseasonably cool periods with frost damaged some crops in early summer.

Severe hail damage was inflicted locally in a part of the Paradox valley and near Mack, filling and flooding ditches and stream-beds.

The Uncompahgre Valley Water Users Association did not require users to go beyond 80% on demand.

The first hearing in the state under Senate Bill 40 was held in Delta on June 7, 1968. Mr. A. Ralph Owens and Mr. W. R. Smith from the state office conducted the hearing, and at a later date approval was granted for this requested alternate or supplemental change of point of diversion.

Administration was called for by several users in Water District # 39, Irrigation Division # 5 this summer. The Glenwood office promptly furnished us with a map and the priorities involved. Although the area is in Garfield County and the decrees are filed there, administration under law by the commissioner of Water District # 42 has been established since the district and division boundary roughly cuts the drainage area in half at the County line.

Numerous orders were issued again this year to water users in Water District # 40 for re-habilitation work on headgates, spillgates, and flumes. As in the past, local people have been very cooperative in complying with these requests.

RESERVOIRS

Curecanti Unit construction is at a near standstill because of monetary considerations, yet other phases of work still continue. Of interest is the fact of spillway flow tests on the date of our annual meeting, November 20, 1968. Maximum releases will be about 5,000 cfs, and these flows will have a free-fall of 350 ft. Initial power deliveries from this plant are scheduled for May 1970.

Blue Mesa reservoir storage reached a maximum to date on August 30, 1968 with 796,854 A. F. impounded. The lake level at this time backed water up about 1-1/4 miles upstream from the Lake City highway bridge.

The Hiramonte reservoir in Water District # 60 was dedicated on the Fourth of July. To date a sizeable amount of storage has been impounded and a very desirable recreation area is under development here. A minor leakage problem has developed in the south abutment which amounts to about 0.30 cfs.

The Highline reservoir north of Mack in Mesa County is still presenting leakage problems to Mr. Paddock, who has made a number of trips to the area this year.

Construction at the Silver Jack reservoir site on the Cimarron River has continued throughout the year. A severe hillside condition along the east embankment has been created as abutment excavation has progressed. The natural angle of repose here is very steep and the type soils suggest that the addition of normal precipitation will continue to aggravate the problem. It is my belief that massive sums of money will be expended before this problem is corrected.

DIVISION PROBLEMS OF REGIONAL INTEREST

Local division personnel were required defendant parties in the Kannah Creek legal battle in Mesa County District Court in latter March, and much of April and May. This court case consumed 21 days of testimony and to date no final judgment has been issued. Few details will be presented here, but it is very interesting to note that the City has now installed recorder stations at three of their reservoirs of their own volition, particularly after the legal struggle to avoid same and the Courts' Order for Preliminary Injunction that we did not have this legal authority. Of further interest is the fact that to date we have not been advised of any error on our part either by the State Engineer or the Court (other than the Courts' denial of our jurisdiction to impound storage because of failure of the City and Pool to install recorders as per our orders). This in addition to numerous letters from contesting parties prejudiced against our various actions has led us to believe that all such acts have been completely proper under the law and required of us by law. As this was our first serious legal involvement and as none of our personnel have a legal background, our efforts to protect our position appeared rather futile.

The trend toward summer home sites and recreational development in mountain areas necessarily has created conflicts with senior direct flow decrees. One such problem has developed over the last several years in Water District # 68. A cavern has been mined into a sedimentary formation in a cliffside above a mountain valley, said cavern to act as a water storage reservoir for this summer home

development area. We have received numerous protests from the owner of the number two priority in two districts concerning possible future infringement on this senior decree; said water right is located adjacent to and below this cavern at the mouth of a V-shaped canyon. A tunnel extension of the cavern appears to have been driven near the canyon floor of the stream which supplies this senior decree, and the probability exists that the formation may have been fractured at this point. The protesting party has anticipated and protested this occurrence, yet to date there has been no interference with this senior decree, which is for 0.62 cfs. The development owner has indicated that his intent was that he has tapped a spring and that he has done so, and has guaranteed to prospective clients the availability of a domestic water supply. The stream flow run-off in late spring probably exceeds 25 cfs and in late fall may drop to less than 1/2 cfs. To date we have been unable to deny this cavern appropriation and our future anticipated actions appear to have a rather weak legal basis, both in our view and that of the senior water right. As there is no means of physically shutting down this appropriation to protect the senior right, we expect to advise the party to request a hearing before the State Engineer for an alternate change of point of diversion. The party could then legally move upstream above this appropriation, install a small concrete dam and pipe the entire streamflow past the area of losses, then release this flow back to the stream and intercept it at the present headgate. The fallacy of this approach lies in the fact that we cannot protect this senior right, as present water law has defined as one of our duties, and that the senior right must, at his own expense, initiate additional moves in order that he secure in effect his own protection for his senior decree.

CONCLUDING REMARKS

Initially a word of appreciation is definitely in order to the personnel of Irrigation Division # 4, and I wish at this time to express my thanks to each man in the division. Without their conscientious efforts my duties would have been vastly more time consuming and unrewarding. Particularly I would like to cite the efforts of Mr. Pickens and Mr. Saunders, who, although under fire for some years in the Kannah Creek dilemma, have continued to exercise restraint and still have the respect of the local water users.

I also appreciate the cooperation extended me by water user organizations in this area, various attorneys, and the general public.

November 15, 1968

Ralph V. Kelling, Jr.
Ralph V. Kelling, Jr.
Irrigation Division Engineer

GENERAL COMMENTS AND RECOMMENDATIONS

developed over some period of time in a continuing effort to administer water rights under law and resulting partly from a recent water suit involving local department personnel.

As local water officials were among defendant parties involved in a Mesa County District Court case, which consumed 21 days of testimony, it has become increasingly apparent that certain changes are necessary if it is desirable to avoid future entanglements of this nature. In question are a lack of legal counsel and departmental involvement at the State level, an apparent tendency on the part of water users to discount our statutory authority and duties (possibly without knowledge of same), and the outmoded qualifications in certain laws relative to practical to practical results desired in the enforcement of these laws.

Recommendations which appear to be beneficial to local water officials and the general public for a better understanding of our duties under law are as follows :

1. Departmental and legal involvement at the State level in the most critical of local- regional administrative problems and significant court cases, with an attempt to review the position, correspondence, and orders issued at this level concerning errors and / or arbitrary or capricious acts, for the good of the department and in the public interest.
2. Representation of local water officials by a staff member from the Attorney Generals' office in any court case where such officials are defendants.
3. The State Engineers office to hold timely hearings and issue

correspondence to affirm or deny the actions of local water officials in problems of regional interest, and to publicize such reviews locally.

4. The State Engineers' office recommend to the legislative water review committee that such statutory amendments be considered which are more in harmony with various field conditions and of greater practical value to the individual water user and the general public, i.e. - CRS 1963, 148-7-17 (2), Reservoirs in streams; CRS 1963, 148-9-5, Notice of original adjudication suits; citing only two statutes where improvement is highly desirable.
5. Public education, through departmental pamphlets, news media, T V and film strips, highlighting water supply, climate, water requirements for domestic, municipal, industrial, and agricultural purposes, and focusing on the function, under law, of the Division of Water Resources- State Engineers' Office in water resource management and administration for the benefit of the people of the State of Colorado.

Additional comments that appear to have valid benefits to the department are :

1. Upgrade the job for per diem employees to the point where an individual need hold only this job while employed, and consider withholding for Social Security benefits for these employees as present retirement in itself is not sufficient job inducement for employing and keeping high caliber personnel.
2. Reinstate annual meetings of the Colorado Water Officials Ass'n.

1968

Annual Tabulation of
Water Commissioner Reports
Irrigation Division No. 4
State of Colorado

Ditch Report

Water District Number	No. of Ditch De crees In the Water District	No. of Ditches Administered	Irrigation Water Delivered in Acre Feet	Daily Amount of Water run in Second Feet	No. Days Water was Run	Domestic and Municipal Water Run Acre Feet	Power & Manufacturing Water Run in Acre Feet	No. of Acres Irrigated In the Water District
28	569	228	185,000					29,062
40	2095	484	434,140	1,610		12,050	7,290	153,961
41	222	70	656,296					77,550
42	1014	259	824,577	2,306		22,320	921,139	123,906
59	661	57	168,844					35,596
60	529	21	55,000					10,240 3,347
61	59	11	8,467					3,347
62	460	20	381,937					23,015
63	114	26	12,573			1,040		1,221
68	452	140	101,838					25,647
Total for Division 4	6175	1317	2,828,672					483,545

Note : Arlyn Davison on sick leave since October 10,1968, therefore record for annual report is incomplete.

1968

Annual Tabulation of
Water Commissioner Reports for
Irrigation Division No. 4

STATE of COLORADO

Reservoir Report

Water District Number	No. of Reservoir Decrees in District	No. of Reservoirs Administered	Amount of Storage on June 15, in Acre Feet	Irrigation Storage delivered during the season in Acre Feet	Domestic and Municipal Storage in Acre Feet, delivered	Manufacturing and Power Storage Acre Feet, Deliv-	Amount of Holdover storage November 1, in Acre Feet
28	23	5					
40	603	138	77,762	65,944			26,512
41	6	0					
42	467	91		20,654			21,778
59	19	0					
60	102	3		8,500			5,975
61	1	1		1,208			
62	28	0	450,000				1,000,000
63	4	0					
68	24	1		624			
Total for Division 4	1,276	238		96,930			1,054,265

WATER COMMISSIONERS ANNUAL MILEAGE REVIEW

YEAR	TOTAL MILEAGE BY MONTH											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
1968	3034	3312	5117	8840	23589	26982	25739	23228	21820			
1967	2530	3166	4771	10711	28202	27022	25900	26105	21685	15972	7718	2382
1966	3043	2449	3900	11409	25187	27636	25132	25172	22673	12338	6460	3200
1965	2637	2763	4079	7737	24726	27307	27411	26727	21044	12952	7693	3086
1964	1965	2874	2283	8173	26542	28938	28887	25946	23133	14282	6169	3166
1963	2642	3026	3976	15022	31008	27924	30112	29076	15390	13886	5834	2654

Ave. ---	2642	2932	4021	10315	26542	27631	27197	26042	20958	13886	6775	2898
1968	115	113	127	86	89	98	95	89	104			
% of Ave.												

YEAR	TOTAL ANNUAL MILEAGE	TOTAL MILEAGE THRU AUG.	TOTAL MILEAGE THRU AUG.	% OF 6 YR. AVG. THRU AUG.								
1968		119841	119841	94								
1967	176164	128407	128407	101								
1966	166598	123927	123927	97								
1965	168162	123387	123387	97								
1964	172358	125608	125608	99								
1963	180550	142786	142786	112								

Average \$ 15,000/month in summer salaries
 Average \$ 2,000/month in summer mileage

Average of four years (1964- 1967)

Average of all other years by month

\$0.07/ mile in Jan and Feb, 1964, otherwise \$ 0.08/ mile

WATER COMMISSIONER MAN MILEAGE

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1968	8	9	10	22	27	27	27	29	28			
	379	368	512	402	874	999	953	801	779			
1967	7	9	8	23	28	28	28	28	27	25	17	8
	361	352	596	466	1007	965	925	932	803	639	454	298
1966	9	9	10	27	29	--	29	30	30	25	19	7
	338	272	390	423	866		867	839	756	494	340	457
1965	10	9	8	20	30	30	30	30	28	22	16	8
	264	307	510	387	824	910	914	891	752	589	481	386
1964	8	7	8	23	--	29	30	30	29	24	17	15
	246	411	285	355		998	963	865	798	595	363	211
1963	--	9	8	28	29	29	29	30	18	--	14	7
		336	497	536	1069	963	1038	969	855		417	379
AVERAGE MEN EMPLOYED	8.4	8.7	8.7	23.8	28.6	28.6	28.8	29.5	26.7	24	16.6	7.5
AVERAGE MILES	318	341	465	428	928	967	943	883	790	579	411	346

DIVISION IV

Dist	SALARIES				TRAVEL				EXPENSES
	Grand Dist Tot	Division Engineer	Water Comdrs.	Total	Division Engineer	Water Comdrs.	Deputies	Total	
28	\$ 6,614.87	\$ 645.30	\$ 5,385.77	\$ 6,031.07	\$ 63.72	\$ 476.40	\$ 540.12	\$ 43.68	
40	65,982.53	6,309.64	9,425.10	58,523.63	821.25	428.16	5,770.72	438.77	
41	9,441.79	889.09	7,399.44	8,288.53	127.44	963.28	1,090.72	62.54	
42-63	40,835.05	3,914.85	8,149.92	36,255.34	504.43	1,439.44	2,363.84	272.00	
59-62	12,082.46	1,175.89	7,320.67	10,864.19	132.74	765.52	239.60	80.41	
61	8,035.92	788.71	6,548.69	7,337.40	76.11	568.80	644.91	53.61	
68-60	6,163.55	616.62	5,123.55	5,740.17	44.25	337.44	381.69	41.69	
	\$149,156.17	\$14,340.10	\$49,353.14	\$133,040.33	\$1,769.94	\$ 4,979.04	\$ 8,374.16	\$15,123.14	\$ 992.70