

JOHN A. LOVE
Governor



C. J. KUIPER
State Engineer

DIVISION OF WATER RESOURCES

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DIVISION OF WATER RESOURCES

STATE ENGINEERS OFFICE

IRRIGATION DIVISION NO. 4

ANNUAL REPORT

1969 Water Year

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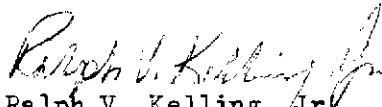
November 25, 1969

Mr. C. J. Kuiper, State Engineer
Division of Water Resources
101 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

Dear Mr. Kuiper:

Attached hereto for your consideration is the Annual Report of 1969 - 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.
Irrigation Division Engineer

ANNUAL REPORT 1969

IRRIGATION DIVISION NUMBER FOUR

" SENATE BILL 81 "

Probably the one item of greatest significance this year to our local area was the enactment of Senate Bill 81, the " Water Right Determination and Administration Act of 1969 ". Under this law, the question of tabulation of water rights on a division-wide integrated list appears to be of greatest concern to local and regional water users. A number of regional meetings have been attended by personnel from this office, at which the state engineer and others and the Legislative Council Executive Committee on Water have reviewed the import of the new law at public forums.

The Supreme Court appointed the Honorable Fred Calhoun to the post of water judge to represent Irrigation Division No. 4, and in turn the Court appointed Kay Phillips of Montrose as his water clerk and has recently appointed Mr. Elra Wilson of Delta as water referee.

Under this law the division boundary has been changed, to wit: "--- Division 4 shall consist of all lands in the state of Colorado in the drainage basins of the Gunnison river and all of its tributaries, the Little Dolores river, the San Miguel river, and that portion of the Dolores river and its tributaries north of the north township line of Township 45 North, New Mexico Principal Meridian." In effect, that area in former Water-District 42 tributary to the Colorado river (excepting the Little Dolores river and the Gunnison river and tributaries thereto down to the confluence of the Gunnison and Colorado rivers) are now a part of Irrigation Division No. 5. Further, all former divisional water districts have been abolished, as have water commissioners per se.

To date work continues on tabulations of decrees in the division by areas of administration. Hopefully these lists will be completed by the deadline date of July 1, 1970, as defined in Senate Bill 81; however a master tabulation of all decreed water rights in the division appears impossible, let alone impractical, to accomplish by the aforementioned date. Please refer to letter to Mr. C. J. Kuiper, State Engineer, dated July 28, 1969, in this regard.

GENERAL

An average to very good water year was the rule in the division, notwithstanding several extended dry summer periods. The winter snowpack was exceptionally heavy, being near-record on Grand Mesa and far above average in the San Juan mountains. Yet a normal high spring-runoff did not occur in many drainages with apparently much moisture going directly into the mountain soils.

Spring hail and frost damage injured some fruit crops in early season, but area wide good fall productions were obtained.

Heavy rains occurred in mid-June and most of October, easing administration throughout much of the division. This may be further noted on the water commissioners total mileage for these months.

The Uncompahgre Valley Water Users Association was on 60% of demand on a number of occasions during the summer yet this situation did not appreciably affect the administration between districts 41 and 68.

Mr. C. J. Kuiper and Mr. Donald Hamburg were in the division on several occasions to review the Kannah Creek conditions. This locality has been extremely quiet this year, and hopefully this may indicate that some of the problems here are being resolved.

It may be of interest to note that problem wise water districts 60 and 68 have received much attention this year while otherwise the rest of the

division was rather quiet. Some hanging ends of problems which are now under Division No. 5 administration will hopefully find resolution from this office before transfer, as initially Mr. Smiths' field duties have not been in this area, so far as specific problems are concerned. Likewise I have encouraged Mr. Saunders to continue to assist this division with the administration of the Kannah Creek, Little Dolores, and Gateway areas.

Numerous orders have been issued again this year for headgates, wastegates, and measuring devices. Also inspections of reservoirs involves considerable time, and reports of conditions are submitted to Mr. Paddocks' office.

Several meetings of water users have been arranged to resolve specific problems, and numerous conservancy district meetings have been attended during the year.

DIVISION PROBLEMS OF REGIONAL INTEREST

The Iowanna ditch, also known as the Bugscuttle, in former Water District 60, was brought to our attention again this year. In the past a gentlemen's agreement was enjoyed for joint use of the water involved, being 1/3 to each party and in which legal counsel concurred. Last fall one party enlarged the ditch at their own expense and has made a filing on excess waters, and new lands have been put into production under this water right. The other party objects to this condition and has requested the intervention of our office. Basically their reasoning is that formerly they had received excess water and this at no added expense. Numerous trips were made and meetings arranged in an attempt to resolve this dispute, however the problem centers more on the people involved than on the water. With this problem we were able to apply the new legislation (S. B. 81) concerning headgates (WHERE

NECESSARY); in this case none is necessary as sufficient water raises downstream to supply all other rights.

Another problem concerns the J. J. Foster ditch (0.25 cfs) for irrigation, in former Water District 60. Possibly 15 years ago a gropp of farmers formed a company and dug a drainage trench across seepy ground where water flows continuously. In so doing and apparently without knowledge, said construction left the ditch in question high and dry. The party owning the water right has attempted for two years to move his headgate upstream to secure his water. Our involvement to date has been attempts to bring all parties together to resolve this situation, so far unsuccessfully. At one point one party had the deputy sheriff present in attempting to support a no-trespass sign beyond which the ditch owner would have to go with equipment to reach the stream with his ditch. After our contact with the sheriff and the protagonists their attorneys, the situation was believed resolved. Our position has been that the ditch owner is legally correct, and circumstances now suggest that a court injunction or restraining order is necessary in order for the owner to secure his water right.

Presumably problems over water rights arise continuously on a state-wide basis partly because of attorneys who have neither a practical nor legal water background. In one particular situation a letter writing contest developed, which necessarily involved explanations of whys and wherefores of the laws we appempt to administer, our interpretations of these laws, and of some of the physical and time problems inherent in the distribution of direct-flow water.

The Kannah Creek area has been extremely quiet this year, apparently due in part to a good water year, interest and assistance in these problems at the state level, and the fact that the court has retained

jurisdiction over certain areas where problems of administration have been prevalent in the past. Hopefully with the courts' intervention and improved communication between this office and water users many past misunderstandings will be resolved and future cooperation may improve relationships.

In another instance an order was issued upon learning of a ditch break, whereby water could be run through a nearby parallel ditch and diverted back to the first ditch below the break, which brought unexpected complaints. To my knowledge three parties wrote letters of protest concerning this issue, ranging from the morality involved to the allegation that the water officials play favorites. Such a reactionary stand does nothing insofar as assisting to resolve any specific issue at hand.

Another problem of interest: a complaint that under the new law, this office should order the closing down of a "so called illegal diversion", i.e., no decree, headgate, or measuring device. The particular circumstances involve the ditch in question diverting turbid water past a city pipeline intake and back to the stream in order to bypass this water and avoid subsequent filtration problems. Based upon materiality of injury (quantity) lost to complainant because of this diversion (none), request for relief was denied.

RESERVOIRS

The Game, Fish, and Parks Department began construction and rehabilitation this fall on the Upper and Lower Dome reservoirs on Cochetopa Creek in former water district 28. Several inspections at the site were made at the request of Mr. F. W. Paddock. At the time of core trench and stilling basin excavation flows of approximately 700 GPM were encountered. Apparently the job was late starting by about six weeks, but

with good weather completion is expected in December. At this writing rip-rap has been placed and the job is proceeding satisfactorily.

Rehabilitation of the Mesa Lakes and Scales No. 3 reservoirs and a number of Leroux Creek reservoirs has been proceeding this fall. The Bailey reservoir on Leroux Creek rehabilitation consists of raising and widening the dam proper, emplacement of rip-rap, and spillway reconstruction.

Miramonte reservoir in former water district 60 has enjoyed excellent fishing this year with the impounded storage being much greater than local buffs had expected. Leakage from the abutments has not increased appreciably with increased storage as might normally be expected. The owners have been advised to change the wording of their decree from East Naturita Creek to Middle Naturita Creek, their source of supply. Blue Mesa reservoir achieved a maximum annual storage of 851,495 acre feet on October 31, 1969.

The Highline reservoir near Mack continues to plague its owners and Mr. Paddock, although our inspections at the site have been fewer this year.

At the Silver Jack reservoir site on the Cimarron River the east abutment slipped this spring (refer to comments in this regard in the 1968 Annual Report) to the extent of about 500,000 cu. yds. of earth. A concrete retaining wall has been constructed and drainage conduits emplaced in an attempt to control slippage of this hillside. Bureau personnel are hopeful that this precautionary work will be sufficient yet this appears very questionable in my mind.

PERSONNEL

As has been anticipated from past experience, we continue to enjoy extended time lags when attempting to secure replacement personnel through Civil Service channels. In the past our departmental personnel officer has advised Civil Service of our anticipated requirements a minimum of six months in advance, in order that employment would commence at the beginning of our water season. In one instance initial personnel requests were submitted in November, 1968, exams were given on May 13, 1969, and top scoring applicants finally employed the end of May, and these on an emergency basis as this office was never advised by Civil Service of exam results and individual scoring. In this regard it appears there is considerable lack of communication and appreciation of the serious need for personnel in the field at the beginning of a water season. Hopefully in the future more prompt reactions on these matters at the state level will occur, in order that field personnel will be available for duty at the time and place of their need.

Personnel changes in our staff this year are as follows: Maurice Lindsay, Dwayne Mansker, and Danny Hawkins were employed (formerly the position title was Deputy Water Commissioner) from a Civil Service register in former W. D. 42, Mr. Roy Schroeder (W. D. 40) resigned and was replaced by Mr. Richard Belden (from a similar register in W. D. 40). Mr. Lyndon Fogg was temporarily employed on an emergency basis due to an on-the-job injury of Russell Bertram. Russell lost the sight of one eye, and has since recuperated sufficiently that he returned to his regular duties later in the season. At this time Russell continues to be plagued with complications from this injury and is presently on sick leave after a recent Denver operation. An Intermediate Clerk-Typist, Mrs. Doris Stithem, was employed with

this office on August 1, 1969. After a three-month initial period the party was released from employment for the good of the service. In this regard please refer to a letter to the state engineer dated October 30, 1969. It appears extremely unfortunate to both employee and employer whereby upon employment in the state service under Civil Service regulations an individual is now considered to be on permanent status. This apparently leaves no room for a supervisors right to evaluate performance on a provisional basis, or to question an ability to pass a test compared to on-the-job qualifications and performance. Certainly an employment interview may not necessarily bring to light pertinent data. Hopefully Civil Service will re-evaluate their employment criteria with these thoughts in mind, as I assume that other agencies in the state have been faced with the same dilemma.

ANNUAL MILEAGE REVIEW

The annual mileage through August of this year for Irrigation Division No. 4 was 117,063 miles, which translates to 92% of our six-year average. As one might expect, these figures relate initially to the exceptionally good water year which generally has been enjoyed state-wide. Rather than presenting supporting data on mileage figures here, please refer to the 1968 Annual Report. Last years mileage figure through August was 94%, and previous to that 97% of average was the lowest figure reached during the six-year period used as a base. In any budget or other evaluations based on these figures it should be noted that the mileage allowance increased from \$0.08 to \$0.10/ mile effective July 1, 1969.

RECOMMENDATIONS

It would appear to be timely to request that the state engineer establish one field office in Division No. 4, to be located at Cedaredge. Because

of boundary changes in former water district No. 42 as a result of the enactment of Senate Bill 81, and subsequent shifting of areas of administrative responsibility, former Water District No. 63 and the southern third of District No. 42 should now most logically be under the administrative supervision of Mr. R. E. Robinson at Cedaredge. With fourteen or fifteen personnel under Mr. Robinson and with the area having a multiplicity of decrees, the establishment of a field office in this locality would appear to be highly desirable. Office rental space in the community is available, however furniture, equipment, and supplies will need to be procured through the state office. It would appear that similar reasoning would suggest the establishment of a field office at Clifton, now in Irrigation Division No. 5.

CONCLUSIONS

An exceptionally good water year was enjoyed throughout the division, as is indicated by the fact that monthly precipitation at Blue Mesa reservoir in October was in excess of 5.4 inches, compared to less than six inches at Grand Junction in 1967, computed on an annual basis. New personnel were employed during the year to replace retirees and resignees. In this regard it appears that the Civil Service Commission should review their recruitment policies as they relate to the employing agency.

The enactment of Senate Bill 81 in mid-year hopefully will be a milestone in resolving the integration of wells problem. Regionally the law does not appear to present deleterious effects, and the region surely will enjoy the future benefits to be obtained in resolving the massive integration of wells with surface rights in eastern slope areas.

It is further evident that the new law has been instrumental in raising the level of the function of the department, upon which so large a part of the states' economy is based.

1969

Annual Tabulation of
Water Commissioner Reports for
Irrigation Division No. 4
STATE of COLORADO
Reservoir Report

Water District Number	No. of Reservoir Decreases 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 Storage Acre Feet, Deliv-	Amount of Holdover storage November 1, in Acre Feet
28	23	5					
40	603	137	82,884	63,075			19,981- Oct.1
41	6	0					
42	467	90		22,831			
59	19	0					
60	102	4		8,500			
61	1	1		1,427			
62	28	0	#708,236		1,443	# 886,620	#851,495
63	4	0					
68	24	1		624			
Total for Division 4	1,276	237		96,457			

Denotes Blue Mesa reservoir
Cumulative discharge Oct.1, '68- Sept.30, '69

1969
Annual Tabulation Report of
Water Commissioner Reports
Irrigation Division No. 4
State of Colorado
Ditch Report

Water District Number	No. of Ditch Decrees 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 in Acre Feet	Power & Manufacturing Water Run in Acre Feet	No. of Acres Irrigated in the Water District
28	569	228	220,000					29,062
40	2095	484	432,775	1494		13,743	0	153,961
41	222	73	647,790			365		77,550
42	1014	265	850,073	2187		12,761	918,870	124,510
59	661	57	258,150					35,596
60	529	35	71,883			436	18,348	10,240
61	59	11	10,917					3,347
62	460	20	397,965					23,015
63	114	27	13,675			1,040		1,258
68	452	139	140,174					26,201
Total for 4 Division	6175	1339	3,043,402				937,218	484,740

2024/10/25