

RICHARD D. LAMM  
Governor



JERIS A. DANIELSON  
State Engineer

**DIVISION OF WATER RESOURCES**  
WATER DIVISION VI

Steven J. Witte  
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January 16, 1987

Dr. Jeris A. Danielson  
Colorado State Engineer  
Room 818 Centennial Bldg.  
1313 Sherman Street  
Denver, Colorado 80203

Dear Jeris;

Having completed my report of the operations of Water Division 6 for the 1986 Water Year, there are several concerns which I would like to have you address. While some of these concerns may be effectively addressed only through you, others involve joint responsibilities for which I would like to have your assistance and I have fashioned the following recommendations accordingly.

1. Concern: The assessment of moving and relocation expenses to the Division 6 operating and travel budget will result in a drastic reduction in the services provided by this office for the remainder of this fiscal year unless mitigating action is taken. (See section I.B.1.c of annual report)

Recommendation: Allocate a portion of any funds acquired through the Supplemental Appropriation process or reallocate existing funds to compensate Division 6 for the \$1975 impact to its operating budget and the \$750 impact to its travel budget.

2. Concern: The Division of Water Resources acquired an extensive computer system through a windfall and has become increasingly reliant upon this system to perform many fundamental responsibilities. Since it is unrealistic to expect the reoccurrence of such a windfall and the legislature has not in the past fully funded even the operational and maintenance requirements of the system, I am concerned about how this agency will be able to afford the inevitable replacement costs necessary to support the system and all of the dependent functions. (See sections I.B.1.e,f,k and I.A.1.c,e,f,k of annual report)

Recommendation: Seek to establish a precedent of an increased funding commitment for computer services from the legislature. It would seem that the opportunity for doing so is ripe while the effects of the federal tax revisions are being considered.

3. Concern: The current hiatus in oil shale development activity has de-emphasized the need for monitoring in the Piceance basin. Since the original purpose of the monitoring programs was to establish baseline hydrologic conditions, and this can most accurately be determined over a long term there is a question as to whether we should independently continue this activity. (See section I.B.1.i of annual report)

Recommendation: A joint review should be conducted by knowledgeable members of your staff and myself to assess the importance of this monitoring in consideration of other relevant factors.

4. Concern: The BLM does not recognize the authority of the State Engineer with respect to dam safety issues related to structures on BLM property. (See section I.A.3.d of annual report)

Recommendation: Direct your staff to enter into negotiations with the BLM for the purpose of developing a memorandum of understanding similar to that made with the Forest Service outlining the roles of each agency in regard to this concern.

5. Concern: According to the most recent copy of the proposed Rules and Regulations for Dam Safety (11th Revision), the standards used in determining the hydrologic adequacy of existing jurisdictional dams rely on estimates of probable maximum precipitation made by the Office of Hydrology, National Weather Service (NWS), NOAA. Since the probable maximum floods that result when these estimates are applied in this vicinity are greatly in excess of any event on record, the probability of the occurrence of such an event is suspect, and the resultant findings of hydrologic adequacy may be causing inappropriate hardship among dam owners. (See Section I.A.3.f of annual report.)

Recommendation: Direct your staff to investigate the methodology used in the development of probable maximum precipitation estimates and if the investigation indicates that it is warranted, lend the influence of your office to persuade the NWS to change its procedures.

6. Concern: Under the terms of the United States Supreme Court decree in Nebraska v. Wyoming exports of water from the North Platte River basin to any other stream basin is limited to 60,000

acre feet in any period of ten consecutive years. Since there are competing interests the question as to how entitlement to the exportable water will be determined has arisen. (See section I.A.3.g of annual report)

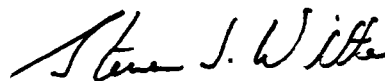
Recommendation: Request an opinion from the Attorney General determining the most appropriate basis for administering these transmountain diversions in light of the judicial limitation.

7. Concern: There seems to be unreasonable delays in the issuance of well permits. My research has shown that 24% of the applications for non-exempt well permits within Division 6 are not acted upon within 6 months of the date of application. This may be due, in part, to the number of technicians assigned to evaluate non-exempt well permits for this region. (See section I.A.3,b of annual report)

Recommendation: Redistribute work force within the Groundwater Section to achieve a balanced production of the different types of well permits, statewide.

I will appreciate any help that you can provide in these areas.

Sincerely,



Steven J. Witte  
Division Engineer  
Division 6

RICHARD D. LAMM  
Governor



JERIS A. DANIELSON  
State Engineer

**DIVISION OF WATER RESOURCES**  
WATER DIVISION VI

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January 19, 1988

Dr. Jeris A. Danielson  
Colorado State Engineer  
Room 818 Centennial Bldg.  
1313 Sherman Street  
Denver, CO 80203

Dear Sir;

I submit herewith my report of the operations of Water Division 6 for the 1987 water year. This report summarizes the accomplishments of this office throughout the past year, it contains my perception of the issues that affected our operation as well as those that will have an effect in the future. Additionally included are the goals I have set for the coming year.

Looking back over the past year I believe that the Division 6 staff has made significant accomplishments, especially in view of the number of "distractions" brought about the the abnormally dry year. Therefore, I wish to recongnize the contributions made by each and everyone of these people.

Of course we were not able to accomplish everything that we had intended, and so there are plenty of challenges before us in this new year.

It is my hope that you will find this report informative, and that you will concur that the goals that have been set are appropriate.

Sincerely,

Steven J. Witte  
Division Engineer  
Division 6

Enclosure

STATE OF COLORADO  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RESOURCES  
WATER DIVISION NO. 6

1987 ANNUAL REPORT

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TABLE 1C

## STATISTICAL PARAMETERS FOR SELECTED STREAM GAGES DURING RECENT LOW WATER YEARS

STREAM GAGE	1977 WATER YEAR		1981 WATER YEAR		1987 WATER YEAR	
	MEAN Q	MIN Q	MEAN Q	MIN Q	MEAN Q	MIN Q
YAMPA RIVER @ STEAMBOAT	169 CFS	28 CFS	225 CFS	48 CFS	312 CFS	64 CFS
ELK RIVER @ CLARK	121 CFS	43 CFS	181 CFS	43 CFS	212 CFS	68 CFS
YAMPA RIVER NR MAYBELL	477 CFS	22 CFS	765 CFS	36 CFS	1125 CFS	124 CFS
LITTLE SNAKE R NR SLATER	87 CFS	15 CFS	148 CFS	9 CFS	125 CFS	13 CFS
WHITE RIVER NR WATSON UT	308 CFS	27 CFS	466 CFS	142 CFS	795 CFS	330 CFS

Some of the more notable effects of the shortage of available water in the past year include:

- Winter releases from Yamcolo reservoir were reduced on 1/15/87 in anticipation of a drought year
- The Michigan river placed an unprecedented call on the Illinois river on 5/12/87
- Preparations were made for late season storage releases from upper Yampa river reservoir by Colorado Ute Electric for their powerplants at Hayden and Craig for the first time
- There was an unusually high incidence of small dam construction activity

I believe that the Division 6 staff's response to all of this was commendable, however, because of the increase of regulatory administrative activity required some of the other goals established in January of 1987 were not met. A review of our performance of these goals follows:

- a. The Division 6 staff has sought to fulfill statutory responsibilities of this office, the directives of the State Engineer, and to provide such other services as have come to be expected from this office.
  1. Diversion records were developed and maintained for water rights throughout the division.
  2. Surface and groundwater diversions were regulated in accordance with state laws. Administrative "call sheets" were maintained to document such regulatory actions.
  3. Consultations were held with water court referees concerning all new applications for water right determinations and written recommendations were subsequently submitted to the courts.
  4. Expert testimony was provided in court cases as needed.
  5. Informal hearings to resolve disputes between litigants were held.

6. Judicial determinations were enforced to the best of our ability.
7. Mediation was conducted to resolve disputes in an attempt to avert litigation at every opportunity.
8. Investigations were conducted and reports were issued to document Colorado's compliance with the terms of Upper Colorado River Compact, the Pot Creek agreement with Utah water users, and the United States Supreme Court decree in Nebraska v. Wyoming as it applies to the North Platte River within Colorado.
9. Meetings with water officials from other states were attended to represent Colorado's interests in matters of mutual concern.
10. Assistance was provided to the public as requested in relation to the proper completion of applications for well permits, water rights, and dam construction permits.
11. Well permits were issued for 130 structures in 1987. The Division 6 well inspector performed 113 inspections for new and replacement structures. These figures represent increases from 1986 of 41% and 26% respectively.
12. Inspections of 88 dams were made within Division 6 during 1986. Division 6 personnel conducted 33 inspections. The other 50 inspections were made by members of the Dam Safety Branch of the Denver office. Currently, 20 reservoirs within Division 6 are classified as having storage restrictions.

Table 2

DAM INSPECTIONS PERFORMED IN DIVISION 6  
DURING 1987 BY DISTRICT

District	Denver Staff Completed	Division 6 Staff # Completed
43	10	1
44	6	8
47	12	5
54	3	0
55	0	0
56	0	2
57	1	10
58	18	7
<b>Subtotal</b>	<b>50</b>	<b>33</b>
<b>TOTAL INSPECTED</b>		<b>88</b>



13. Hydrologic investigations and data collection activities were continued to support our efforts to compute consumptive use, to improve administrative measurements, and to gain a more thorough knowledge of hydrologic conditions in key areas.

14. Presentations were made to water user groups and concerned organizations to inform and educate them.

15. Supervision was provided to the Division 6 staff and the resources allocated for Division operations were managed to the best of my ability.

b. The goal of improving the performance of the entire Division 6 staff was probably misstated. While improved performance is the desired effect of good supervision, I think that the goal should have been stated as "Provide effective supervision to the entire Division 6 staff", and in terms of the number of identified objectives that were accomplished I must honestly admit that this goal was not met.

There were some successes in this area. In particular, I believe that we were quite successful in staffing vacant positions with well qualified and promising personnel. I believe that these recruits were well oriented and trained. I believe that each employee was afforded the opportunity to participate in some type of continuing education. These included PACE workshops, river mechanics workshops, and speech classes. Finally, I believe that two substantive water commissioner meetings were held which promoted better planned division operations.

Nevertheless, this area of responsibility holds the greatest potential for improvement.

c. The goal of maintaining and improving system(s) to store and order all decreed water rights in priority was met. Our initial objective was to retain the ability to generate straight-forward listings of water rights by maintaining an independantly developed data base, but in our efforts to meet our second objective, which was to transition to the standard water rights storage system, (WISP), that had been developed by the Information Services Branch, we found that we could satisfy our first objective without the duplicate effort of maintaining the in-house system. This transition was facilitated by the decision that was made to publish the 1988 Tabulation of Water Rights in a "Current Status" format, which obviated any immediate need to restructure the Division 6 water rights data into a "transaction format". (See Will Burt memo to Jeris Danielson dated 6/10/1987). This in turn allowed our efforts to be directed toward quality control activities such as verification of database content and completeness.

d. The goal of responding effectively to administrative issues was satisfactorily achieved. This goal encompasses two objectives. The first was to prepare to address interstate issues. The following activities were undertaken to meet this objective:

1. A consumptive use determination program was continued for the sixth consecutive year. This program involves the collection of precipitation, temperature, pan evaporation data, the operation of two lysimeter sites, and synthesis of the information to compute annual net depletions for each of the major drainages within the Division. Such a program is valuable because it may be used to document Colorado's compliance with the Colorado and Upper Colorado River Compacts. The results of this activity will be included in Appendix A of this report.

2. Efforts were made to monitor the proceedings initiated by the state of Nebraska on October 6, 1986 wherein a motion for leave to file petition for an order enforcing decree and for injunctive relief was filed in the United States Supreme Court against the state of Wyoming. This motion pertains to the Decree of October 8, 1945 as modified on June 15, 1953, which controls the use of the North Platte River by the States of Colorado, Wyoming and Nebraska. Wyoming filed a brief in opposition to this motion on December 17, 1986, however, the Court determined that the matter warranted a hearing. According to a Rocky Mountain News article dated September 14, 1987 the two states are attempting to reach a negotiated settlement but both states have made appropriations for litigation purposes. As of this writing Colorado has not been enjoined in this dispute.

3. Extensive investigations into the intent of Article XI of the Upper Colorado River Compact regarding the proper administration of the Little Snake River were conducted and a meeting with Wyoming administrative officials was held to determine the extent of diversions anticipated in the 1987 water year and their understanding of administrative procedures under the compact.

4. Discussions were held with Utah's administrative officials of the 1987 Pot Creek Water Users Association meeting regarding compliance with the Pot Creek Agreement. Since the original agreement is not clear in some respects certain compromises were arranged for the 1987 season.

Additionally, an unannounced field inspection in September revealed that Calder Reservoir was being enlarged. This will be the topic of further discussions.

5. I attended the Colorado River Water User's Association meeting held in Las Vegas, Nevada in December. Through this experience I learned a great deal about the issues surrounding the use of the Colorado along its lower reaches and how that may have an effect in the Yampa, Green, and White River drainage basins in the future.

The second objective under the goal of responding effectively to administrative issues was to improve this office's ability to administer the water within Division 6 according to the laws of the state and the decrees of the courts. This was at least partially accomplished through the following activities:

1. A portion of each of the two water commissioner meetings held in the past year were devoted to the discussion of recent Supreme Court decisions and how those decisions should guide the actions of water commissioners in the performance of their administrative duties. Although this was probably not as effective as the type of training exercise originally envisioned which would have required commissioners to respond to a hypothetical situation, it did prove worthwhile in several instances during the year.
  2. Summaries of several sets of court cases were completed that condense the pertinent information from interrelated decrees into a more understandable format.
  3. A decision was made to discontinue our efforts to collect hydrological data from within the Piceance basin. Whereas, this information is required from the augmentation plan proponents in case number W-2514 and W-3492, this activity drains our financial, equipment, and manpower resources with little or no apparent benefit in the foreseeable future, it was decided that our continued involvement cannot be justified.
  4. A review of the stream reaches that have been identified as being over-appropriated on the Division 6 "Critical Stream List" was begun. In some instance the justification for the determinations that have been made are no longer valid and since the Critical Stream List is used by the State Engineer to evaluate well permits an attempt to address potentially embarrassing defects was initiated.
  5. Continued attempts were made to realize the greatest benefit possible from each DCP installation in the Division 6 satellite monitored gauging station network. The principle change that was made was to identify sites that appear to have greater potential advantages than existing installations. These include; Yamcolo reservoir level, Coal Creek above confluence of Bear River, and Allen Basin reservoir level.
  6. In anticipation of a need for widespread regulatory administration during the summer of 1987 articles were written and published in local newspapers which described the necessity of headgates and measuring devices.
  7. In response to inquiries by Colorado Ute Electric Co., concerning how this office would administer a contemplated release of stored water, a meeting was held which included all of the potentially affected water commissioners, and a gain/loss investigation was conducted to determine the travel time and an appropriate transit loss factor. The results of this investigation will be include herein as Appendix #2.
- e. The goal of meeting the FY 86-87 budget allocation for Division 6 was accomplished. In spite of anomoulas moving and relocation expenses which amounted to 12.7% of the total allocation for Division

6, expenditures were effectively controlled so that our total expenses for the year were 1% under the total allocation. This was accomplished by closely monitoring expenses as they were incurred with the aid of a spreadsheet accounting system and tightly limiting purchases.

Although not within the scope of the goal originally established two additional related objectives were also accomplished. New requests for FY 88-89 were submitted with justifications and a detailed allocation request and justification was prepared for FY 87-88.

f. The goal of protecting and preserving the vested water rights of Division 6 from injury resulting from new appropriations and water right changes through improved case monitoring procedures was fulfilled.

1. We were able to do a much better job of contributing to the fact finding process by informing water commissioners of pending cases, identifying the issues of fact and law raised by cases, and implementing measures to get more pertinent information from efforts invested in field inspections.

2. Significant progress was made in the way that the court's referees view the requirements necessary to support a finding of reasonable diligence by directing their attention to recent case law addressing this point.

3. We have improved procedures to insure that the courts are aware of this office's position on each case and that those positions are appropriately considered.

g. The goal of striving to improve the services provided to the public was met in some respects and frustrated in others. Our broad objective was to make this office and the services that it provides as accessible and useful as possible. We sought to do this in several different ways:

1. We refined some of the data storage/retrieval methods utilized in this office by planning and proceeding with the development of automated systems to replace manual ones and eliminating duplication where possible. Two examples of this are:

- "Applicant Name/Case No. - Status File - "(WTEMP) which will be used to store and report information pertinent to pending cases and update the WISP structure file and thus eliminate an index file, a case status record book, and duplicate data entry.

- QINFO is a report program developed in access water rights information by structure name, structure ID, location, or applicant name and may be used to update water rights information. This has significantly reduced the requirement to maintain a card file and it can update water rights data bases more efficiently than WISP maintenance programs.

2. We spent a considerable amount of time and effort investigating the suitability of alternative office space and we were successful in identifying one location that better met our needs. However, this proved to be an exercise in futility because in the five months that have elapsed since a request was made pursuant to the Memorandum of Understanding between the Department of Natural Resources and the Joint Budget Committee (JBC) concerning line item consolidation, the JBC has not responded.

3. We began to document instances of inefficiency created by CRS 37-92-201(1)(c) which causes the Division 5 Water Court to have jurisdiction over water matters in water district 43, which is in Division 6. Because it is difficult to quantify the negative impacts no justification has been developed for legislation to incorporate Water District 43 into the Division 6 Water Court.

## 2. Involvement in the Water User Community

a. In addition to an administrative role, the primary service rendered to the water user community was assistance in the completion of various types of applications, answering questions concerning water law, water rights, and the like. A statistical summary of this office's contact with the public is included in Appendix F.

b. In 1987 a special attempt to interact with the public was made through a series of "Public Informational Meetings" held in May in Meeker, Steamboat, and Craig. The purpose of these meetings was to gain some exposure among water users, and to develop good will through a non-confrontational exchange of ideas. Although these meetings were reasonably well publicized, attendance was poor and therefore, the objectives were not met. I believe that the premise for meetings like these is still valid, but in the future they should be scheduled earlier in the year so as to avoid conflicts with agricultural pursuits and they should be advertised as being held for some specific purpose(s) of interest to the targeted audience in order to improve attendance.

c. Presentations were delivered to the Colorado Cattlemen's Association, the North Park Soil Conservation District, the Piceance Creek Water User's Association, the Jackson County Water Conservancy District, and the Upper Yampa Water Conservancy District concerning current water administration issues.

## 3. Issues of Concern

a. The current altercation between the states of Nebraska and Wyoming, if escalated to include issues relating to Colorado's use of the North Platte River, could have a dramatic impact on the water users of North Park and on this office's priorities. Nebraska's

counsel has informally informed the Colorado Attorney General of their intent to file a motion to expand the relief sought in the current proceedings to include limitations on all upstream uses on the basis of the Endangered Species Act. This may mean that Nebraska seeks either very strict enforcement and verification of the 1945 Decree as modified in 1953 or even stricter limitations on Colorado's use. Depending upon what action Nebraska actually takes an appropriate response must be formulated, and in any event this matter must be closely monitored to insure that Colorado's interests are not adversely affected.

Appurtenantly, Excalibur Resources Inc., has filed for conditional water rights in the North Platte basin, which they intend to export to the eastern slope. This application has raised numerous issues, not the least of which is the question of entitlement to the exportable waters under the Nebraska v. Wyoming decree. How this matter may be affected by Nebraska's anticipated motion remains to be seen.

b. Water Division 6 is the only Division within Colorado where two courts have jurisdiction over the determination of water rights. This situation created by Statute (CRS 37-92-201(1)(c)) causes a significant amount of inefficiency and confusion. Efforts must be redoubled to quantify these negative impacts and develop support for legislation to rectify this situation.

c. The concept of making government more cost-effective by using present staffing and funding levels to prioritize assignments on a cost/benefit basis and to responsibly perform all functions required by applicable legislation is valid and hopefully will be continued. However, there should be a rational basis for the equitable allocation of funds and all cost center managers should have an equal opportunity to present their allocation request justifications. To require allocation requests with justifications and then not use them in making allocation priority decisions defeats one of the primary objectives.

d. Delays in promulgating rules and regulations have a negative impact on field operations and public confidence. In particular, the pending rules and regulations pertaining to dam safety are needed to finally settle lingering questions related to spillway size requirements for proposed and existing structures, and to clearly specify the criterion used to justify enforcement actions.

The Probable Maximum Flood (PMF), as determined by the Office of Hydrology of the National Weather Service, that is used to determine hydrologic adequacy of proposed and existing jurisdictional dams in Division 6 seems to be excessive. The result is that the cost of new dams is substantially increased and the owners of dams approved for construction prior to the enactment of the National Dam Safety Act (PL 92-367) are faced with prohibitively expensive structural modifications in preparation for hydrological events of inconceivable magnitude. It is difficult for me to support findings of hydrologic

inadequacy that are based on hypothetical events that are so out of proportion to the historical record, and I believe that this makes the State Engineer's office appear unreasonably conservative in the eyes of the public. Rules and regulations would open the issue for public comment and give the people of this state ownership in defining acceptable levels or risk.

The need for the draft memorandum of 12/3/1987 entitled "Illegal Dam Procedures for Jurisdictional Dams" indicates that there is continuing confusion as to the appropriate response to a need for enforcement action in certain instances where no hazard exists. This leads to arbitrary and inconsistent actions. I believe that the procedures outlined in the 12/3/1987 memorandum should be adopted and incorporated with other procedures memoranda and policy statements in rules and regulations for the edification of all concerned.

e. The funding and distribution of the Satellite Monitoring System needs to be reassessed in light of current realities. Originally the distribution of installations was widespread throughout the state in order to generate broad support for the system in keeping with the legislatures mandate to collect two-thirds of the annual operating budget in the form of user fees.

Since that time there has been an initiative to persuade the legislature to allocate the entire cost of the system from the General Fund. In order to be successful at this, I believe that a statewide network must be proposed based upon prioritized economic evaluations of each existing or proposed installation, and the net economic benefit must be conclusively demonstrated. Such evaluations must be uniformly conducted and include all appropriate factors.

f. The seemingly endless saga of the federal claims determination process is too broad in scope to deal with effectively here, however, because the subject is of vital concern to the water users of this division, a status summary of some of the issues follows:

1. Reserved rights for national forests in Water Divisions No.'s. 4, 5, and 6, exclusive of reserved rights claims for wilderness area purposes and reserved rights in public springs and waterholes were finally determined in W-86 et. al., by decrees entered 6/30/86 and 5/28/86 respectively.

2. As mentioned above, the issue of reserved rights for Wilderness purposes has not been resolved. This is because claims for such reserved water rights were not made in the above referenced proceeding. However, because of the concerns caused by Kane decision of 11/25/85 in Sierra Club v John Block which found that reserved rights do exist in the designated wilderness areas of Colorado, Senators Armstrong and Wirth convened a panel of negotiators representing both sides of the issue in an attempt to resolve their differences. The discussions began in August, 1987 and not suprisingly continued well beyond the 9/30/87 target date without result according to a Rocky Mountain News ariticle dated 11/5/87.

3. The 6/30/86 order in W-86 et. al., directed further proceedings with respect to the establishment of appropriative water rights for national forest water uses which required the United States to submit appropriation dates for each such right sought by 6/30/87. For Division 6 (including water district 43) 575 appropriative claims were made. The court has allowed Division of Water Resources until the end of the 1988 field season to verify these claims.

g. Application of the heretofore untried terms of Article XI of the Upper Colorado River Compact, which govern the administration of the Little Snake River, has become more imminent due to the development of the Cheyenne transmountain diversion project. It is unknown if the terms of the Compact are administerable or how Wyoming might react to a call.

h. Site preparation for the construction of Stagecoach dam was begun in the summer of 1987 and it is anticipated that the dam will be completed by September, 1988. Integration of this facility into the administrative regimen of the Yampa River is expected to present an accounting challenge.

#### 4. Effect of Workload Changes

A redistribution of responsibilities was made in response to several personnel changes.

Assistant Division Engineer Bob McCabe transferred to the Division 5 office on August 1, 1987. Since there is no plan to replace this position, most of the duties formerly performed by the Assistant Division Engineer have been absorbed by other personnel. These include review of water right applications, expenditure accounting, and administrative assistance. Other duties that have not been effectively assumed by Division 6 personnel include maintenance of the hardware and software of the satellite monitoring system and dam inspections assigned to field engineers. In the future we will rely on assistance from outside of Division 6 to meet these requirements.

Due to the coincidental retirements of two water commissioners at the end of last year I was afforded a convenient opportunity to assess the workload requirements of the Division, and redistribute manpower accordingly. The two vacant positions had previously been assigned to administer the upper Yampa. Whereas, I determined that the responsibilities of this area could be consolidated under one full time position and that a frequent need for administrative assistance existed in water district 47, the two available positions were filled and redistributed to meet these objectives. Fortunately, 1987 proved to be an ideal year to prove the advantages of the concept. Elvis Iacovetto demonstrated that he is able to adequately administer the upper Yampa unassisted in spite of a high demand for administrative regulation, the enlarged responsibilities of the



position, and his own inexperience. Bill McEwen proved himself to be of immense value as a deputy water commissioner to Eric Wagner in administering the water of North Park, especially in view of the loss of the assistance that had been previously available from personnel from the Steamboat office.

#### 5. Impact of Budget

The 1987 Water Year spanned two fiscal years. The allocation for FY 86-87 was 7% less than for the previous fiscal year and no provision were made to compensate for anomalous expenses which amounted to 12.7% of the total allocation. However, as previously discussed in this report (see Accomplishments) we were able to budget expenditures to conform with an allocation that was effectively reduce by 19.4% from the previous year.

Allocations for FY 87-88 have been reduced by an additional 2% over those for FY 86-87, but in actuality given the flexibility of line item consolidation and barring any major unforeseen expenses we should be in a better position to fulfill the responsibilities of this office than we were in FY 86-87.

At this point I want to express my general approval of the line item consolidation concept that was put into effect in FY 87-88. In addition to providing for greater accountability for use of public funds and better planning through required economic justification, it allows for the kind of flexibility to address the type of problem that plagued our operations in FY 86-87. Certainly refinements are necessary to improve on the idea as will be discussed later in this report, but I think that this has been a step in the right direction.

Table 3 allows comparison of previous year's expenditures, conformance of FY 85-86 and FY 86-87 expenditures to allocations, and FY 87-88 allocations to those for FY 85-86 and FY 86-87 and to the expenditures of previous years.

TABLE 3

## EXPENDITURES/ALLOCATIONS - DIVISION 6

	FY 83-84 Expenditures	Fy 84-85 Expenditures	Fy 85-86 Allocation	Fy 85-86 Expenditures	Fy 86-87 Allocation	Fy 86-87 Expenditures	FY 87-88 Allocation
Operating	\$12,227 <sup>1</sup>	\$11,602 <sup>1</sup>	\$13,650 <sup>2</sup>	\$12,421	\$12,000	12,019	
Travel	\$ 8,495	\$ 8,199	\$ 9,550 <sup>3</sup>	\$10,082	\$ 9,550	9,303	
Total	\$20,722	\$19,801	\$23,200	\$22,503	\$21,550	21,322	21,100

1) Operating expenditures are reduced by \$9944 to illustrate expenditures incurred for goods and services other than for office rent, which was not charged to "Operating" after FY 84-85.

2) Indicates net allocation after supplemental allocation (+\$700) and reallocation (-\$5000) are considered.

3) Indicates net allocation after supplemental allocation (+\$350) is considered.

B. 1988 WATER YEAR

1. Operational Concerns

a. Of primary concern to Division 6 operations in the first quarter of this year will be preparations for the publication of the 1988 Tabulation of Water Rights. We believe that we will be able to produce a substantially improved product in terms of completeness and correctness of content over previous Tabulations, but a number of things must be accomplished before the mid-March deadline. Most of the currently unfinished work that must be completed is relatively routine verification of existing data and entry of data. Processing water rights information from the 1984 abandonment proceedings and federal reserved rights cases will be more problematic.

b. As previously mentioned Division 6 stores water rights information using the standard DBase data base definition, but the information stored is not the same as that maintained by any of the other Divisions. The normal practice used in the other Divisions is to store data in a transaction format -- that is every court action that establishes, alters, or eliminates a water right is stored as a separate record. In contrast, we store data in a current status format which means that each record represents an accumulation of all actions to rights having equal priority in the same structure. Both methods have advantages and disadvantages. In terms of being able to produce Water Right Tabulations in current status format as has been decided for 1988 it makes no significant difference which data storage method is used. However, if it is determined that Division 6 must adopt a transaction data storage format for the sake of conformity then considerable resources will have to be devoted to accomplishing this.

c. As the manager of an organizational unit that has broad responsibilities, a small staff, and a relatively large span of control I constantly find plenty to do, but effective supervision is not being accomplished. Since I do not see any practical way of reducing my personal span of control I need to reduce my personal involvement with the responsibilities of the organization and correspondingly develop staff through improved supervision. This problem is aggravated by the geographic disbursement of staff.

d. Although our present offices are satisfactory in many respects there are certain deficiencies that need to be corrected and may only be corrected by relocating. Unfortunately, our attempts to locate suitable alternative space and to obtain authorization for it have shown this to be a much more difficult endeavor than had been anticipated.

e. Changes are needed to optimize the advantages afforded by line item consolidation. Specifically, the controls imposed by the Memorandum of Understanding that require JBC approval of leases of additional office space and new lease purchases have proven to be too restrictive. Such controls should be lifted or procedures should be established to respond to proposals in a timely and efficient manner.

f. As of the first of 1988 the Water Judge for Division 6 is Rebecca Love Kourlis. Judge Kourlis succeeds Judge Claus Hume who was appointed to the Colorado Court of Appeals. What effect this change will have upon this office's relationship with the Water Court is not known.

g. Through a windfall from the Colorado Water and Power Development Authority the State Engineer's office was able to enter the modern era of micro-computers. I am concerned about our ability to maintain and ultimately replace equipment when it becomes necessary to do so. We rely on these machines so heavily that contingency plans must be made to preserve them.

h. Although I approve of the movement to decentralize many of the functions previously performed by the Information Service Branch, it has contributed to the problem of competition for the use of the office's personal computer. As the number of staff members needing access and the number of applications increased, it has become apparent that one single access installation is inadequate.

i. I believe that the Division of Water Resources in facing an impending crisis with respect to funding future travel that is being brought about by the policy of replacing state owned vehicles with leased vehicles. My figures for FY 85-86 and FY 86-87 show that the operating cost for a state owned vehicle averaged \$.07/mile while the cost to lease a comparable vehicle is approximately \$.12/mi. or 71% greater. While leasing vehicles may be economically justifiable in the long run allocations for operating those vehicles have not been correspondingly increased.

j. Working relationships with administrative officials in the other upper Colorado River basin states need to be improved so that Colorado's interests are protected.

## 2. Prioritized Goals, Objectives and Projects

a. Fulfill the statutory responsibilities of this office, all directives of the State Engineer, and provide such other services as have come to be expected from this office.

b. Provide effective supervision to the entire Division 6 staff

Objective: -Clarify expectations of employees

Projects: -Complete PC-8 job descriptions for each employee  
-Complete PACE performance plans, reviews, and evaluations for each employee  
-Conduct appropriate orientation/training for each probationary employee

Objective: -Improve planning, coordination, and accountability through increased communication

Projects: -Hold frequent office staff meetings  
-Accompany water commissioners in the field frequently  
-Require job procedures narrative from each water commissioner

- Provide appropriate feedback to employees
- Conduct bi-annual meetings of entire staff of substance
- Encourage team solutions within appropriate parameters

Objective: -Delegate responsibility and authority for office objectives

- Projects:
- Develop a job description detailing the activities that are currently primary responsibilities of the Division 6 Division Engineer
  - Identify which of those activities may be capably handled by present staff
  - Assign activities to staff with appropriate directions

Objective: -Provide opportunities for personal and professional growth

- Projects:
- Encourage participation in continuing educational opportunities
  - Promote deserving employees

c. Improve the adjudicative support, administrative, and informational services provided by this office.

Objective: -Establish efficient working relationships with the judiciary

- Projects:
- Develop support and rationale for legislation to incorporate Water District 43 under the jurisdiction of the Division 6 Water Court
  - Meet with recently appointed Water Judge for Division 6 to determine expectations and procedures for the future

Objective: -Improve this office's ability to administer the water within this Division according to the laws of the State and the decrees of the courts

- Projects:
- Attempt to provide copies of pertinent statutes, case law, and other useful materials to each water commissioner
  - Conduct training exercises for water commissioners to review regulatory administrative procedures
  - Review and summarize complex sets of court cases and plans for augmentation. Implement required measures
  - Update critical stream lists
  - Strive to increase the utility of the satellite monitored stream gaging network
  - Hold public informational meetings to increase understanding of this office's functions including legal and administrative issues

Objective: -Maintain and improve ability to provide convenient access to useful information

- Projects:
- Complete activities associated with preparation for publication of 1988 Tabulation of Water Rights by 3/15/88.

-Implement plans to improve office data storage/retrieval methods for pending and adjudicated water rights.

-Plan a course of action to store Division 6 water rights data in transaction format if directed to do so.

d. Improve management of financial and material resources assigned to Division 6.

Objective: -Meet FY 87-88 budget

Projects: -Account each month's expenditures for the remainder of the fiscal year  
-Utilize allocated funds to the greatest advantage toward the fulfillment of the goals and objectives of this agency  
-Implement whatever control measures are necessary to limit expenditures within the allowable limits

Objectives -Identify and effectively justify the financial allocation requirements for Division 6 to responsibly fulfill its duties in FY 88-89 and FY 89-90

Projects -Develop an assessment of needs for FY 89-90  
-Prepare a detailed and persuasive allocation request justification for FY 88-89

Objectives -Maximize the efficient use of material resources

Projects -Continue to investigate and secure suitable alternative office space  
-Promote Satellite monitoring network distribution based upon economic analysis  
-Monitor and analyze cost effectiveness of use of vehicles, tools, equipment, and supplies and reallocate accordingly

TRANSMOUNTAIN DIVERSION SUMMARY  
EXPORTS

SOURCE		Previous IYR				IYR of Record			RECIPIENT	
WD	NAME	STREAM	AF	Days	AF	Days	AF	Days	WD	STREAM
58	Dome Cr. Ditch	Bear River	543	61	413	57			53	Egeria Creek
	Stillwater Ditch	Bear River	1950	112	1136	118			53	Egeria Creek
	Sarvis Ditch	Service Creek	962	83	366	157			50	Muddy Creek
47	Cameron Pass Ditch	Mid. Fk. Michigan	0	0	148	35			03	Cache La Poudre
	Michigan Ditch	Mid. Fk. Michigan	860	110	1398	284			03	Cache La Poudre

SUMMARY OF WATER COURT ACTIVITIES  
FOR 1987

	Division 6	Division 5 (Dist. 43)
Number of Water Cases Filed	157	32
Number of Consultation with Referee (Structures)	93	
Number of Decrees Issued by Water Court	258	40
Plan For Augmentation	1	0



WATER DIVISION NO. 6

ACTIVITY SUMMARY

FOR 1987

Number of professional and technical staff	2
Number of clerical staff	1
Number of Water Commissioner FTE assigned (Full and part-time)	9
Number of decreed surface rights	298
Number of surface right administered	10,034
Number of wells	128
Number of plans for augmentation	1
Number of consultations with Referee	219*
Number of Water Court appearances	6
Number of meetings with water users	69
Number of contacts to give public assistance on water matters	3,287

\*Does not include Division 5 consultations with the referee

APPENDIX G







NAME OF CALLING STRUCTURE	DATE OF CALL	DURATION OF CALL ON RIVER	PRIORITY DATE OF STRUCTURE	STREAM AFFECTED	PERSON PLACING THE CALL
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Highland Ditch (59)	5-20-87	Irrigation Season	(14501) 7	W. Fish Cr.	Andy Karris
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Oak Creek Ditch (58)	6-3-87	see below	(13720) 1	Oak Creek	Tommy Gregory
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Oak Creek Ditch	6-15-87		(13720) 1	Oak Creek	Tommy Gregory
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Oak Creek Ditch	6-20-87		(13720) 1	Oak Creek	Tommy Gregory
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Oak Creek Ditch	6-27-87		(13720) 1	Oak Creek	Tommy Gregory
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Oak Creek Ditch	7-6-87		(13720) 1	Oak Creek	Tommy Gregory
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Oak Creek Ditch	7-16-87		(13720) 1	Oak Creek	Tommy Gregory
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Oak Creek Ditch	7-24-87		(13720) 1	Oak Creek	Tommy Gregory
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Trull Ditch (58)	7-29-87	fill of section	(12566) 1	Trull Creek	Lewis Henry
			8-27-87		

Trull Creek Ditch is introduced into Oak Creek. As the Trull Creek would diminish in flow, a Shortone as well as would exist in Oak Creek. Putting another "Call" on the Trull Ditch.

# Bear River

Most Senior Ditch

NAME OF CALLING STRUCTURE	DATE OF CALL	DURATION OF CALL ON RIVER	PRIORITY DATE OF STRUCTURE	STREAM AFFECTED	PERSON PLACING THIS CALL
Stillwater D.	5-5-87		22072.88905	Bear R.	
Lamarvale	5-27		19998.77614	" "	Clycke
Big Mesa	5-29		19991.79222	" "	Clycke
Leighton	7-3		18399.97434	" "	Bunnifield
Lindsey	7-6		18899.25399	" "	Clycke
FD Hutchinson	7-7		14806	" "	Clycke
Acton	7-8		14372	" "	Accord
Buckingham Marshall	7-9		14155	" "	Clycke-Acord
Acton	7-15		14372	" "	Accord
Buckingham Marshall	7-23		14155	" "	Clycke-Acord
Acton	7-29		14372	" "	Accord
Stillwater D.	7-30		22072.88905	" "	







