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# *Division 7*

## *2014 Annual Report*

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### **Water Supply**

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Snowpack in the San Juan and Dolores River Basins during the winter of 2013-2014 (2014 Water Year) once again followed the trend of the last several years with below average snowpack and earlier than normal runoff. A spring precipitation event provided much needed water in the area to help offset the lack of snow during the winter. Generally, the Water Year 2014 (November 1, 2013 – October 31, 2014) was a better year than the 2013 year. Precipitation in September and October 2014 allowed reservoirs to start the fill process heading into the 2015 Water Year. The Piedra River, Animas River, and San Juan River were slightly below average runoff. The La Plata, Mancos, McElmo, and Navajo were well below average.

### **Surface Water Issues**

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Surface water administration was once again somewhat challenging due to the lack of snowpack. However, spring rains were effective in filling reservoirs prior to the irrigation season. There were 120 administrative calls were placed on 18 different stream systems in Division 7. From the total, 54 of the calls were on the La Plata River. The other stream systems were: Alkali Canyon, Cherry Creek, Chicken Creek, Coal Creek, Devil Creek, Elvert Creek, Florida Creek, Four Mile Creek, Hartman Draw, Lunch Draw, Mancos River, McElmo Creek, Middle Fork of the Mancos River, Narraguinne Canyon, Pine River, Spring Gulch and the West Fork of the Mancos.

Vallecito Reservoir, with a live capacity of 125,400 acre-feet, contained 80,426 acre-feet at the start of the water year. Vallecito filled to a volume of 125,575 acre-feet on June 14, 2014 and later dropped to a low of 62,119 acre-feet on September 21, 2015. Ending the 2014 water year and heading into the 2015 water year, Vallecito contained 87,995 acre-feet.

McPhee Reservoir, with a live capacity of 381,051 acre-feet, contained 173,866 acre-feet at the start of the water year. McPhee filled to a volume of 283,546 acre-feet on June 12, 2014 and later dropped to a low of 183,900 acre-feet on September 27, 2014. Ending the 2014 water year and heading into the 2015 water year, McPhee contained 185,577 acre-feet.

Lemon Reservoir, with a live capacity of 39,790 acre-feet, contained 16,190 acre-feet at the start of the water year. Lemon Reservoir filled to a volume of 35,020 acre-feet on June 7, 2014 and later dropped to a low of 11,740 acre-feet on September 16, 2014. Ending the 2014 water year and heading into the 2015 water year, Lemon contained 20,910 acre-feet.

The San Juan – Chama Project, which diverts water from Colorado into New Mexico, diverted 60,424 AF during the year, which was 70% of average since diversions started in 1971.

### **Ground Water Issues**

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There were 231 well permits issued in Division 7 during the 2014 water year. Of these, 172 were exempt well permits processed in the Durango office. There were also 53 non-exempt well permits, 4 geothermal well permits and 2 dewatering well permit processed in the Denver office.

There are currently over 3,900 coal bed methane (CBM) wells in Division 7, 90% of which lie within the Southern Ute Indian Reservation boundary. Produced water from CBM produced water first became an issue and introduced into the Division 7 Water Court in 2005 in Case No. 05CW63, Vance, et al., v. Simpson (Wolfe). The Division 7 Water Court ruled that the Colorado State Engineer's Office has the authority to regulate produced water, that CBM produced water is a beneficial use, and that CBM produced water shall be considered to be tributary unless proven otherwise. In 2009 the Colorado Supreme Court tried Case No. 07SA293 and upheld the lower court's findings, and in 2010 the State Engineer promulgated rules to administer the water. The rules were challenged but were upheld by the court, except that a question remained of the State Engineer's authority to administer non-tributary groundwater within the Ute Reservation boundary. The question of authority to administer non-tributary groundwater within the Ute Reservation boundary was upheld by Colorado Supreme Court Case No. 12SA13, dated November 25, 2013.

## **Compact Issues**

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### La Plata River Compact Issues

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A call was made by New Mexico on March 4, 2014. Deliveries to New Mexico were successfully made through the main stem of the La Plata River through mid-June in order to fulfill Compact obligations. Dry summer conditions made deliveries difficult, at which point Cherry Creek was used to deliver water from the upper portion of the La Plata River to the lower portion in order to minimize stream losses.

Long Hollow Reservoir, with a capacity of 5,300 acre-feet was completed in October 2014. Long Hollow Reservoir stores water that is legally and physically available without adverse impact to Colorado's compliance with its Compact water delivery obligations to New Mexico. The Reservoir is divided into two pools used for Compact uses and District uses. A Compact Pool of 300 acre-feet will be used to help meet Compact obligations when River conditions are such that an attempt to deliver water for Compact purposes from the upper La Plata River to the lower River would be futile. The District Pool is to fill second to the Compact Pool and is to be used to provide supplemental irrigation water to La Plata River water rights in priority by exchange, water banking, direct delivery or augmentation and by delivering water to the Lower Index Gage in lieu of curtailing existing water rights.

### Animas La-Plata Compact

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The application to Make Absolute and for a Finding for a Reasonable Diligence for the Animas La-Plata Project (Case Number 2013CW3011) continued throughout the 2014 Water Year. The State Engineer's Office remains an opposer in the case due to the Statement of Opposition filed October 24<sup>th</sup>, 2013. Many of the Project beneficiaries, including entities in New Mexico, have also entered the case as opposers. Trial was set for November 2, 2015.

## **Problems Solved**

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### Chicken Creek, West Fork of Mancos, and Jackson Gulch Reservoir

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A call for water on the Mancos River and the new coding for Hydrobase concerns with past water administration practices. Water from the West Mancos River was being diverted out of priority into Chicken Creek through Jackson Gulch Reservoir, causing injury to water users on the Mancos River. To address these concerns, Division 7 staff created an Excel spreadsheet that proved to be a useful tool in administration and records accounting. As a result, the Water Commissioner was extremely successful in proper administration of the water rights in this area according to the priority system.

## Community Involvement

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Division 7 strived to be involved in the community in 2014. Division staff regularly attended meetings of the Southwestern Water Conservation District; Animas-La Plata Operation, Maintenance, and Replacement Association; La Plata County Water Advisory Commission; Animas-La Plata Water Conservancy District; La Plata Water Conservancy District; Dolores Water Conservancy District; Montezuma Valley Irrigation Company; Pagosa Area Water and Sanitation District; and other water user group meetings they were invited to attend. The Division also made efforts to keep the public at large informed of water issues by participating in interviews for articles in the local newspapers and other venues, and work closely with local city and county governments on water issues. Water Commissioners regularly attended ditch company meetings held in their Districts. Additionally, Division 7 staff participated in the “Water Fair” used to educate hundreds of local school children on where their water comes from, what it is used for, and how it gets to their homes and farms.

## Highlights

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### Abandonment

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There were no abandonment cases this year.

### Important Court Cases

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The two court cases that are on track to go to trial are 13CW3, and 13CW3001. The other court case of interest is 13CW3034.

#### Case 13CW3

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Case 2013CW3, In the Interest of Pagosa Area Water and Sanitation District (PAWSD), was referred. The Applicant stated that the objections by the Division Engineer could not be resolved without adjudication by the Water Judge. The applicant intends to protest any adverse ruling of the Water Referee.

In this case, PAWSD originally filed for diligence on Martinez Dam. Later, the application was amended to include a claim to make 1120.49 acre-feet of the conditional water right absolute based on PAWSD’s storage of water in the enlarged Stevens Reservoir, an alternate place of storage for the Martinez Dame water right as decreed in Case No. W-958-72. At issue for the State was the status of the enlarged Stevens Reservoir as a decreed structure and alternate place of storage under the applicant’s Plan of Augmentation and reservoir accounting.

#### Case 13CW3001,

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Case 13CW3001, In the Interest of Southwestern Water Conservation District, Animas – La Plata Project was mentioned earlier. A total of 11,295 acre-feet was pumped through the Ridges Basin Pumping Plant, from the Animas River to Ridges Basin Reservoir to replace evaporation in the reservoir. 5,626 acre-feet was pumped in May and 5,669 acre-feet was pumped in June with a maximum flowrate of 97 cfs. No water was released for beneficial use.

#### Case 13CW3034

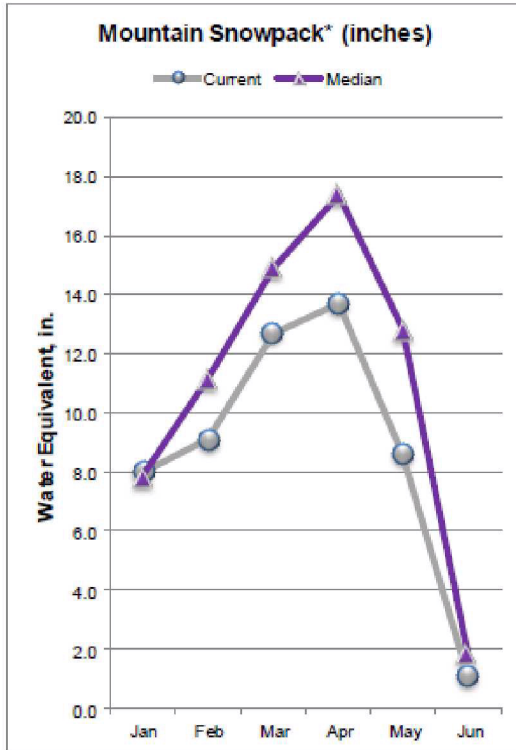
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Case 13CW3034, In the Interest of Southwestern Water Conservation District and La Plata County, is an application for diligence for the Animas Service Area Water Right, also known as the “Carve Out”. This water right allows for year round depletions associated with the uses of water diverted from the Animas River. The water right associated with the Animas Service Area Water Right (Admin No.

57031.00000) is senior to the Durango Boating Park (Admin No. 57032.00000). The Animas-La Plata project participants opposed this case due to concerns over impacts to Project water supply.

## Appendix

### SAN MIGUEL, DOLORES, ANIMAS, AND SAN JUAN RIVER BASINS as of June 1, 2014



\*Based on selected stations

