

**RIO GRANDE WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS SPECIAL MEETING  
September 9, 2019 at 9:00 A.M.  
RIO GRANDE WATER CONSERVATION DISTRICT CONFERENCE ROOM**

**Present:** Greg Higel, President; Brian David, Vice-President; Dwight Martin, Secretary/  
Treasurer; Peggy Godfrey, Director; Bill McClure, Director; Cory Off, Director; Armando  
Valdez, Director; and Mike Kruse, Director.

**Excused:** Mike McClure, Director.

**Staff and Consultants:** David Robbins, Hill & Robbins P.C.; Cleave Simpson, General  
Manager; Linda Ramirez, Program Assistant; Cheryl Anderson, Office Manager; Amber  
Pacheco, Program Manager; Chris Ivers, Deputy Program Manager; Rose Vanderpool, Program  
Assistant; Tim Carden, HCP Coordinator/Program Assistant; Allen Davey, Davis Engineering;  
and April Mondragon, Administrative Assistant.

**Guests:** Chris Shaffer, Jerry Berry, Ron Garcia, Donald Valdez, David Frees, Ted Heersink, Mario  
Curto, Jill Lucero, David Schmittel, Nathan Coombs, Willie Hoffner, Jim Warner, Erin Minks,  
Craig Cotton, Les Alderete, Heather Dutton, George Whitten, Karla Willshau, Lillian Adams,  
Morgan Garcia, Rich Roberts, Russ Plumber, Sam Vance, Ron Bowman, Ray Newmyer, Dale  
Gertsberger, Peter Van Der Laan.

**CALL TO ORDER**

President Greg Higel called the meeting to order at 9:04 a.m. The Pledge of Allegiance was  
recited. There was a quorum present for the meeting.

**APPROVE AGENDA**

President Higel asked for approval of the agenda. A motion was made by Dwight Martin to  
approve the agenda as presented. The motion was seconded by Cory Off and unanimously  
approved.

**PUBLIC COMMENT**

President Higel asked for public comment. There were none.

**REVIEW AND CONSIDER FOR ACTION**

- *Approve the 2018 Financial Audit of the Rio Grande Water Conservation District by  
Wall, Smith and Bateman*

Karla Willshau stated they audited the financial statements of the Rio Grande Water  
Conservation District and presented an independent auditors report and opinion. Lillian Adams  
presented the numbers and totals to the Board. Ms. Adams and Ms. Willshau answered any  
questions the Board had. Discussion was held on Subdistrict No. 1 CREP payments and the  
responsible party.

A motion was made by Bill McClure to approve the audit as presented. The motion was  
seconded by Armando Valdez and unanimously approved.

- *Subdistrict No. 4-Plan of Water Management*

Amber Pacheco provided the Board with the details and highlights of Subdistrict No. 4 Plan of  
Water Management. Ms. Pacheco explained they try to keep the Plans of Water Management  
similar to each other, however each are unique to its areas. She stated each Plan does have the  
same goals to recover the aquifer and maintain it at a sustainable level and replace injurious  
depletions to senior water rights.

A motion was made by Peggy Godfrey to adopt the resolution to approve the Subdistrict No. 4  
Plan of Water Management. The motion was seconded by Cory Off and unanimously approved.

- *Subdistrict No. 5-Plan of Water Management*

Amber Pacheco presented the details of the Subdistrict No. 5 Plan of Water Management and highlighted the differences from the other Subdistricts. Ms. Pacheco provided the formation date of the Subdistrict and provided the sustainability benchmarks. She stated this Subdistrict is considered sustainable and does have surface water credit. Ms. Pacheco was asked to provide the definition of forbearance agreements.

A motion was made by Peggy Godfrey to adopt the resolution to approve the Subdistrict No. 5 Plan of Water Management. The motion was seconded by Bill McClure and unanimously approved.

- *Subdistrict No. 6-Plan of Water Management*

Amber Pacheco provided the formation date of Subdistrict No. 6, stated the Subdistrict is considered sustainable and has the CAS Stipulation. Ms. Pacheco stated Subdistrict No. 6 set themselves up to be able to intervene at any time and require a reduction of pumping if they feel they are falling behind due to conditions.

A motion was made by Armando Valdez to adopt the resolution to approve the Subdistrict No. 6 Plan of Water Management. The motion was seconded by Dwight Martin and unanimously approved.

- *Review and consider action on Closed Basin Project Resolution, submitted by Director Godfrey*

Peggy Godfrey provided the Board with handouts including maps of the Closed Basin Project. Ms. Godfrey pointed out each phase of the Closed Basin Project. Ms. Godfrey read and presented her documents (copies attached) requesting a cease production of all wells in Phases 4 and 5 by the end of 2019.

A motion was made by Peggy Godfrey to adopt a resolution to cease production of all wells in Phase 4 and 5 of the Closed Basin Project. The motion was seconded by Cory Off. Mr. Off asked for the resolution to be cleaned up for clarification, therefor asked the resolution be tabled.

David Robbins provided procedural direction to the Board. President Higel asked for comments from the public and Board of Directors.

The Board took a break at 11:12 a.m. and resumed at 11:19 a.m.

President Higel asked Cory Off to clarify his second. Mr. Off purposed the resolution be simplified. Mr. Off withdrew his second. Bill McClure seconded Peggy Godfrey's motion.

President Higel opened up for public comment.

George Whitten reported how long he has been on the Closed Basin Operating Committee and provided his family history. Mr. Whitten reported his feelings and beliefs toward the Closed Basin Project and how they have changed based on the facts.

Ray Newmyer addressed the Board with his comments and stated he has been observing the Closed Basin Project for many years. Mr. Newmyer stated he feels the wells have not been properly maintained and feels that by restricting some water would begin recovery of the water.

Dale Gertsberger gave an account of his time lived in Kansas and described the water situation there. Mr. Gertsberger commended Colorado for taking action to get a hold of the water issues and he feels they need to start curbing the water use.

Allen Davey reported how long he has been employed with the district. Mr. Davey stated many of the statements in the proposed resolution are not correct and feels staff needs the opportunity to present an accurate picture of the Closed Basin Project. Mr. Davey disagrees with the comment of poor maintenance of the monitoring wells and stated the data is reliable.

Nathan Coombs stated decisions need to be based on the facts and opinions need to be set aside.

Craig Cotton addressed Peggy Godfrey's comments regarding the Closed Basin Project and provided some clarification and corrections. Mr. Cotton stated he feels the Closed Basin Project is necessary, needed and is operating as intended.

Cory Off questioned Craig Cotton regarding the salvage water the Closed Basin Project pumps. Mr. Cotton provided the definition of salvage water and stated he believes the Closed Basin Project is pumping salvage water according to the decree and the Closed Basin Project is a benefit to the San Luis Valley.

Rich Roberts from the Bureau of Reclamation provided the number of wells operating in Phase 4 and Phase 5 of the Closed Basin Project.

David Frees addressed the Board and provided his family History. Mr. Frees talked about decreed sources of water in the Closed Basin Project, tributary water, the level of the aquifer as well as the obligations to the compact.

Willie Hoffner commented on the Closed Basin Project and provided his family history. Mr. Hoffner stated how he and his family changed their farming techniques due to the drought.

David Schmittel provided the Board with his family history and stated he believes the Closed Basin Project is a contributing factor to the drop in the water table in the northern San Luis Valley.

Cleave Simpson read Heather Dutton's comments into record.

Armando Valdez reported still having a lot of questions in relation to the Closed Basin Project and its impact. Mr. Valdez stated he would have a hard time supporting the resolution as it is written at this time due to the unknown repercussions of shutting down Phase 4 and 5 of the Closed Basin Project.

Bill McClure stated he seconded the motion to approve the resolution Ms. Godfrey purposed in order to get the matter out in the open.

Discussion was held on the 60/40 agreement between the water users.

Peggy Godfrey stated the proposed resolution to cease production would not limit the production on Phase 1, 2 or 3.

A motion was made by Armando Valdez to table the resolution.

David Robbins commented on the motion and provided direction to instruct Cleave Simpson to gather facts the Board requires in order re cast the issue in terms based upon additional information requested.

Armando Valdez retracted his motion to table the resolution and called for question.

President Higel reported knowing George Whitten for a very long time and recalled he was very against the Closed Basin Project. Mr. Higel stated he respects Mr. Whitten's view and opinion of the Closed Basin Project and he would know if it was not being operated properly.

President Higel called for a vote to approve the Closed Basin Project Resolution presented by Peggy Godfrey. The motion was unanimously opposed and did not pass.

Armando Valdez excused himself from the meeting.

President Higel asked Cleave Simpson to organize an all-day work session to discuss the Closed Basin Project and the budget.

Peggy Godfrey quoted her references and questioned why the studies had not been done years ago.

- *Review and consider action on Subdistrict #4 Board of Manager appointment Jerry Berry representing Pieter Van Der Laan.*

Cleave Simpson reported Renewable Water Resources Representatives addressed the Board about one year ago and presented their concept of a water export proposal in which they were seeking assistance and/or a partnership. Mr. Simpson stated Jerry Berry participated in the conversation however he was unclear on Mr. Berry's association with Renewable Water Resources. Mr. Simpson stated he has requested the information from Mr. Berry, however remained unclear. Mr. Simpson also reported how Mr. Berry became a board of manager of Subdistrict No. 4 and the challenges with having Mr. Berry represent Subdistrict No. 4 and Renewable Water Resources.

Peggy Godfrey stated Jerry Berry has been a strong voice and has worked hard to address Subdistrict No. 4 issues. Cleave Simpson agreed.

Jerry Berry addressed the Board and stated he is part owner of Renewable Water Resources and feels he has done nothing to jeopardize his position on the Board. Mr. Berry provided his family history and reported on the ways he has conserved water.

Cory Off asked if there had been any complaints, Mr. Simpson stated there has been and asked Mr. Berry if he would like to comment on if he is being compensated. Mr. Berry stated he would be compensated 2% if the Renewable Water Resources project is successful. President Higel stated he feels Mr. Berry is in acting in a conflict of interest. Discussion was held on the requirements to serve as a representative on a board and whether or not Mr. Berry has violated it. David Robbins stated the official position of Mr. Berry puts the Board in a difficult position. Mr. Simpson requested direction from the Board.

Mike Kruse attempted to make a motion to direct Cleave Simpson to contact Mr. Van der Laan. Mr. Van der Laan was present and stated Mr. Berry represents him well and has done a great job. Mr. Van der Laan also stated he does not see the water export is a water scheme. Dwight Martin asked Mr. Berry if he would consider rescinding his association with Renewable Water Resources. Mr. Berry said he would not. Dwight Martin stated he considered him a conflict of interest.

A motion was made by Dwight Martin to have Jerry Berry removed from the Subdistrict No. 4 Board of Managers due to a conflict of interest. The motion was seconded by Mike Kruse and passed with five (5) in favor and two (2) opposed.

Cleave Simpson stated they would advertise to seek letters of interest to serve on the Board of Managers of Subdistrict No. 4. If more than one is received, a straw poll would be conducted, Mr. Simpson explained the process.

- *Review and consider action on process for filling vacancy on the Subdistrict #1 Board of Managers, from the Petition for Establishment of Special Improvement.*

Cleave Simpson reported Jake Burris who represents Eric Ellithorpe on the Subdistrict No. 1 Board of Managers presented a letter of resignation. Mr. Simpson outlined the structure of the governance of Board of Managers. Discussion was held on how to fill the vacant position, advertising and getting a pool of candidates.

- *Review and consider action on filing of amicus brief for Colorado Supreme Court case 19SA170.*

David Robbins reported Mr. Meager stated he was not going to submit his required reporting on his well to the Division Engineer. Mr. Robbins would like to have the states order sustained and have Mr. Meager report just like everyone else, therefore is requesting the Boards authority to file an amicus brief in Conejos County.

A motion was made by Dwight Martin to direct the attorneys to file an amicus brief in the case. The motion was seconded by Brian David and unanimously approved.

**DIRECTORS REPORTS**


President Higel asked for the director reports. Cleave Simpson made a few announcements including an invitation to the Doppler Radar Commencement and the Colorado Water Conservation Board meeting date and time.

**ADJOURN**

A motion was made by Bill McClure to adjourn the meeting. The motion was seconded by Dwight Martin and unanimously approved.

Meeting was adjourned at 2:25 p.m.  
The next scheduled quarterly meeting will be held on October 15, 2019.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary/Treasurer

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF THE  
RIO GRANDE WATER CONSERVATION DISTRICT**

**TO APPROVE THE OFFICIAL PLAN FOR SPECIAL IMPROVEMENT  
DISTRICT NO. 6 (ALAMOSA-LA JARA SUBDISTRICT)**

WHEREAS, on October 4, 2018, the District Court, in and for Conejos County, entered the Order Establishing Special Improvement District No. 6 of the Rio Grande Water Conservation District (“Subdistrict No. 6”); and

WHEREAS, the Board of Directors of the Rio Grande Water Conservation District duly appointed a Board of Managers for Subdistrict No. 6; and

WHEREAS, said Board of Managers has drafted an official plan for Subdistrict No. 6; and

WHEREAS, said official plan includes a groundwater management plan; and

WHEREAS, said official plan, known as a Plan of Water Management, was approved by the Board of Managers of Subdistrict 6 on September 4, 2019; and

WHEREAS, said official plan has been presented to the Board of Directors pursuant to section 37-48-126(2).

**RESOLUTION**

NOW, THEREFORE, be it resolved and adopted by the Board of the District that:

1. The Board of Directors hereby approves the official plan of Subdistrict No. 6.
2. The Board of Directors hereby directs District staff to submit said official plan to the State Engineer, as required by section 37-48-126(2).

RESOLVED this 9<sup>th</sup> day of September, 2019.

ATTEST:

RIO GRANDE WATER  
CONSERVATION DISTRICT

By: *Dwight Martin*  
Dwight Martin  
Secretary/Treasurer

By: *Greg Higel*  
Greg Higel  
President

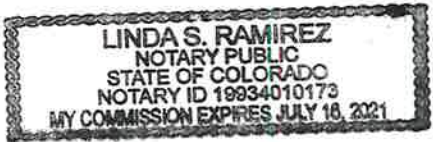
COUNTY OF ALAMOSA    )  
  ) ss  
STATE OF COLORADO    )

Subscribed and sworn to me this 9<sup>th</sup> day of September, 2019, by Greg Higel, President,  
Board of Directors of the Rio Grande Water Conservation District.

Witness my hand and seal.

My commission expires: 4/16/2021

*Linda S. Ramirez*  
Notary Public



**RESOLUTION  
OF THE BOARD OF DIRECTORS OF THE  
RIO GRANDE WATER CONSERVATION DISTRICT**

**TO APPROVE THE OFFICIAL PLAN FOR SPECIAL IMPROVEMENT  
DISTRICT NO. 5 (SAGUACHE SUBDISTRICT)**

WHEREAS, on December 18, 2017, the District Court, in and for Saguache County, entered the Order Establishing Special Improvement District No. 5 of the Rio Grande Water Conservation District (“Subdistrict No. 5”); and

WHEREAS, the Board of Directors of the Rio Grande Water Conservation District duly appointed a Board of Managers for Subdistrict No. 5; and

WHEREAS, said Board of Managers has drafted an official plan for Subdistrict No. 5; and

WHEREAS, said official plan includes a groundwater management plan; and

WHEREAS, said official plan, known as a Plan of Water Management, was approved by the Board of Managers of Subdistrict 5 on July 30, 2019; and

WHEREAS, said official plan has been presented to the Board of Directors pursuant to section 37-48-126(2).

**R E S O L U T I O N**

NOW, THEREFORE, be it resolved and adopted by the Board of the District that:

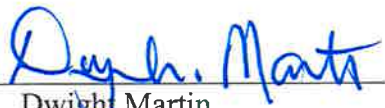
1. The Board of Directors hereby approves the official plan of Subdistrict No. 5.
2. The Board of Directors hereby directs District staff to submit said official plan to the State Engineer, as required by section 37-48-126(2).

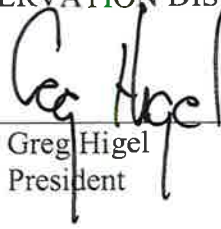


RESOLVED this 9<sup>th</sup> day of September, 2019.

ATTEST:

RIO GRANDE WATER  
CONSERVATION DISTRICT

By:   
Dwight Martin  
Secretary/Treasurer

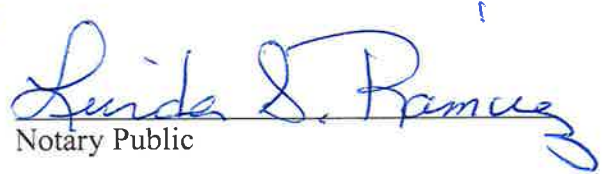
By:   
Greg Higel  
President

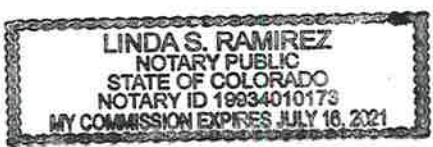
COUNTY OF ALAMOSA )  
  ) ss  
STATE OF COLORADO )

Subscribed and sworn to me this 9<sup>th</sup> day of September, 2019, by Greg Higel, President,  
Board of Directors of the Rio Grande Water Conservation District.

Witness my hand and seal.

My commission expires: 7/16/2021

  
Notary Public



**RESOLUTION  
OF THE BOARD OF DIRECTORS OF THE  
RIO GRANDE WATER CONSERVATION DISTRICT**

**TO APPROVE THE OFFICIAL PLAN FOR SPECIAL IMPROVEMENT  
DISTRICT NO. 4 (SAN LUIS CREEK SUBDISTRICT)**

WHEREAS, on July 21, 2017, the District Court, in and for Saguache County, entered the Order Establishing Special Improvement District No. 4 of the Rio Grande Water Conservation District (“Subdistrict No. 4”); and

WHEREAS, the Board of Directors of the Rio Grande Water Conservation District duly appointed a Board of Managers for Subdistrict No. 4; and

WHEREAS, said Board of Managers has drafted an official plan for Subdistrict No. 4; and

WHEREAS, said official plan includes a groundwater management plan; and

WHEREAS, said official plan, known as a Plan of Water Management, was approved by the Board of Managers of Subdistrict 4 on August 6, 2019; and

WHEREAS, said official plan has been presented to the Board of Directors pursuant to section 37-48-126(2).

**RESOLUTION**


NOW, THEREFORE, be it resolved and adopted by the Board of the District that:

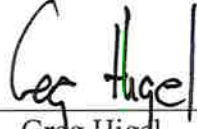
1. The Board of Directors hereby approves the official plan of Subdistrict No. 4.
2. The Board of Directors hereby directs District staff to submit said official plan to the State Engineer, as required by section 37-48-126(2).

RESOLVED this 9<sup>th</sup> day of September, 2019.

ATTEST:

RIO GRANDE WATER  
CONSERVATION DISTRICT

By:   
Dwight Martin  
Secretary/Treasurer

By:   
Greg Higel  
President

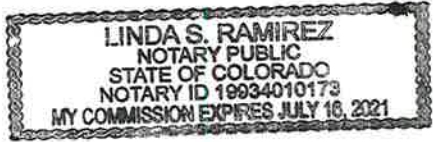
COUNTY OF ALAMOSA )  
   ) ss  
STATE OF COLORADO )

Subscribed and sworn to me this 9<sup>th</sup> day of September, 2019, by Greg Higel, President,  
Board of Directors of the Rio Grande Water Conservation District.

Witness my hand and seal.

My commission expires: 7/16/2021

  
Notary Public



## Closed Basin Project Timeline

Colorado's compact debt and saturated soils had been decades-long problems

In 1963 a USBR engineering report estimating salvage waters was published as the possibility of a federal project to recover salvable waters was being considered. One of the assurances of the report was that their plan would not adversely affect existing irrigation developments; another was there would be no right to demand continuation to import water from the project to the Rio Grande.

That same year a salvage decree was entered W-3038.

In 1967 an engineering report was prepared for the State of Colorado, Colorado Water Conservation Board. It explains what salvage is, where it comes from, and listed practices that had to be regulated/managed by Division 3 in order to insure the protection of salvage water for the project.

In a USBR report in 1970, it was stated that once Colorado achieved debt-free status under the compact by use of salvage waters, the users of the project would pay for construction and operation. This was in preparation for Congress to act.

In the late 1960's and throughout the 1970s, irrigation practices changed from flood irrigation and sub-irrigation to the center pivot sprinklers. In addition, there was a flush of well permits issued and new withdrawals were taking place.

In 1972 the Congressional Act enabling the Closed Basin Project was passed, but funding was not. Priority 4 in this Act includes well augmentation (depletions to streams). The Act requires that users of these waters pay USBR production costs. In 1972 RGWCD filed for a water right to the salvage project.

In 1979 the SLV Definite Plan Report was prepared by USBR. The proposed project area was enlarged. There was an acknowledgment that hydrologic conditions had changed considerably. The Operations Committee was to assure that there would be no more than a 2-foot drawdown below existing water table and to insure there were no other adverse effects of the project's pumping. It was stated that Phases 1, 2, and 3 can be operated without Phases 4 and 5 being constructed, satisfying the primary intent of the authorizing legislation.

In 1982 the project's funding was made available for the project to move forward. Local responses published in the Final Supplement to the Environmental Impact Statement indicated that the water table had already been lowered two and a

half feet by the new irrigation practices. By 1982 there were already over 1,700 center pivot sprinklers being used. Any possible salvage was being intercepted by these wells, and had been throughout the 1970s. Salvage waters are the seepage into ditches and the sump from saturated surface soils.

In the mid-1980s Elephant Butte Reservoir spilled twice, releasing Colorado from the compact debt.

In 1988 the CBP pumping began to export water to the Rio Grande. There was no longer a compact debt, the foremost reason for the pumping project.

In 1989 USGS published the results of an engineering study with the cautions that further studies needed to follow.

By 1992 all 5 phases of the project were completed and operational.

\*\*\*\*\*

Based on the Elephant Butte spills and the replacement of flood and sub-irrigation practices, new wells permitted by DWR, and more efficient center pivot sprinklers, there was no more salvage water available and no more compact debt. The 1967 report made clear that if salvage was not available the project would be mining water. No further studies were done to determine where the waters being pumped by the project were coming from.

Why has the project pumped over 600,000 acre feet of water without the USBR, RGWCD, or DWR(Div 3) trying to determine where the waters were coming from?

(The 1967 report clearly defines salvage as the end product of flood and subbing practices. It also lays out how the salvage source must be protected by DWR and warns against further well development.

Why haven't DWR's bank of professional engineers and modelers asked how the project could possibly be pumping salvage waters when salvage vanished with center pivot irrigation?

Who are the beneficiaries of this 31-year long pumping project? water accounts (compact and depletions)? bank accounts? "image" and "legacy" credits?

Is the RGWCD Board of Directors ready to take responsibility for moving beyond this travesty of justice?

## Project Effects Spread

Currently 64% of project's production is coming from the USFWS Baca Refuge. Even when canal water was moving across the valley over high water tables, there were only two canals that crossed Hwy. 17; one was a half mile north of Hooper, the other 4 miles north of Hooper. Two canals were six or seven miles west of Hwy 17, 6 and 8 miles north of Hooper. Phase 4 and 5 wells are several miles north of these formerly salvagable areas. Phase 4 and 5 wells are in the confluence of western, northern, and eastern valley streams, all with decreed water rights, used in irrigating ranch lands.

The cone of depression around a well is greatly expanded when a well field is present. The CBP wellfields are taking water from storage in the unconfined aquifer and alluvium of north Saguache County streams to be exported to the Rio Grande. Project wells are 80 to 100 feet down-gradient from north valley stream beds and when these lands and streams are dewatered, the underlying soils have to be restored or water cannot spread out on the land being irrigated. Pumping in the unconfined aquifer also increases upward leakage of the confined waters through the multitude of older ungrouted confined wells. This affects a much broader area than the project area. This phenomenon has been creeping northward over the past 30 years. After the CBPs high-production year in 1997, Rito Alto Creek had acres of cottonwoods die-off in '99. Refuge lands and other ranchlands suffer the same losses of a water table to support their surface water rights. Thistles, knapweed, and wiregrass are the opportunists when lands have been de-watered.

Local information: Between Hooper and Road T, south edge of Moffat, the water table used to be 1 foot down, now it is 6 1/2 to 7 feet. RG18 west of Hwy 17 near project was at 5-6 feet in 1991-2, now at 17-18 feet. In 1986, the water table halfway between Mosca and Hooper was at 8 feet; it is now at 19 feet (Central Pump Co). One mile south of Moffat, the water table is at 12 feet June, 2019. The water table below the bed of San Luis Creek is at 3ft10in north of U60 June, 2019. San Luis Creek has not flowed past AA in 20 years—it flowed through Moffat through the 1980s. In 1988 from March to May my water table was close to the surface, dropping a foot or so as the season progressed (plants using the water). In 2010, in April, the water table was at 7 feet. This is one mile north of Moffat east of the Hwy17.

Agencies and subdistricts are growing dependent on CBP production which is causing injury to Subdistricts 1, 4, and 5.

## Closed Basin Project Resolution

Whereas, prior to the construction of diversions, waters from the Rio Grande did not come into the Closed Basin; after diversions and prior to the 1970s, flood irrigation and the practice of sub-irrigating crops caused water to flow from the western side of the closed basin to the east

And whereas the shift to center pivot irrigation and the state's permitting new wells on newly broken out ground in the over-appropriated aquifer both prior to and during the funding and build-out of the Closed Basin Project

In consideration of the significant changes in the Closed Basin's hydrology since the formation of Rio Grande Water Conservation District and its original purpose and attempts to solve problems at the time perceived to be ongoing

In recognition that the project's 1970s and 80s engineering and proposed "new water rights" for RGWCD did not, in fact, protect neighboring lands from injury, and were not able to deliver expected reduction of phreatophytes or meet production goals and have continued to pump waters that were not salvage

And recognizing that the last engineering report was in 1989 by USGS; and that the impacts of the CBP have never been quantified in the unconfined and confined aquifers or in regards to stream depletions,

In consideration of the changes in climate patterns and irrigation practices which no longer make it possible to put excess water into the west side of the closed basin and pump it out on the east side, changes which have resulted in the current problem of water flowing from east to west where the sump has moved,

The hydrology of the closed basin is dynamic and the CBP has accelerated change. Well regulations and the tenants of hydrology assume that all pumping affects streams; thus surface water users of Subdistricts 4 and 5 cannot be made whole until depletions from the CBP are remedied—primarily on San Luis Creek, Saguache Creek, and Baca NWR surface water rights and other streams that have historically flowed into San Luis Creek.

The CBP's evidential lesson is that there is no excess water in our over-appropriated system recognizing that most appropriations were made during wet periods. In consideration of Subdistricts 1, 4, and 5, each of which is charged to restore the aquifers, any water saved and stored upstream would flow to the aquifer's lowest point, the Closed Basin Project's well field.

And inasmuch as pumping in the San Luis Creek alluvium affects the alluvia of all its historically connected tributaries, with all lands up-gradient suffering loss, including the water table which supports those flowing streams

And whereas the year-round pumping of the CBP will continue to pump up-gradient waters which are not salvage from Subdistricts 4 and 5, and will intercept inflow, not salvage, from the Sangres which recharges the Baca Refuge whose surface water rights are among the oldest and best in the valley,

I am requesting a cease-production of all wells in Phases 4 and 5 by the end of 2019.

How to move forward with the remainder of the project with its reduced flows will be a subject the RGWCD will need to discuss. Ceasing well production on Phases 4 and 5 does not have to be permanent, though it could be.

The RGWCD representative to the Operations Committee will make our decision known at the October meeting of that committee.



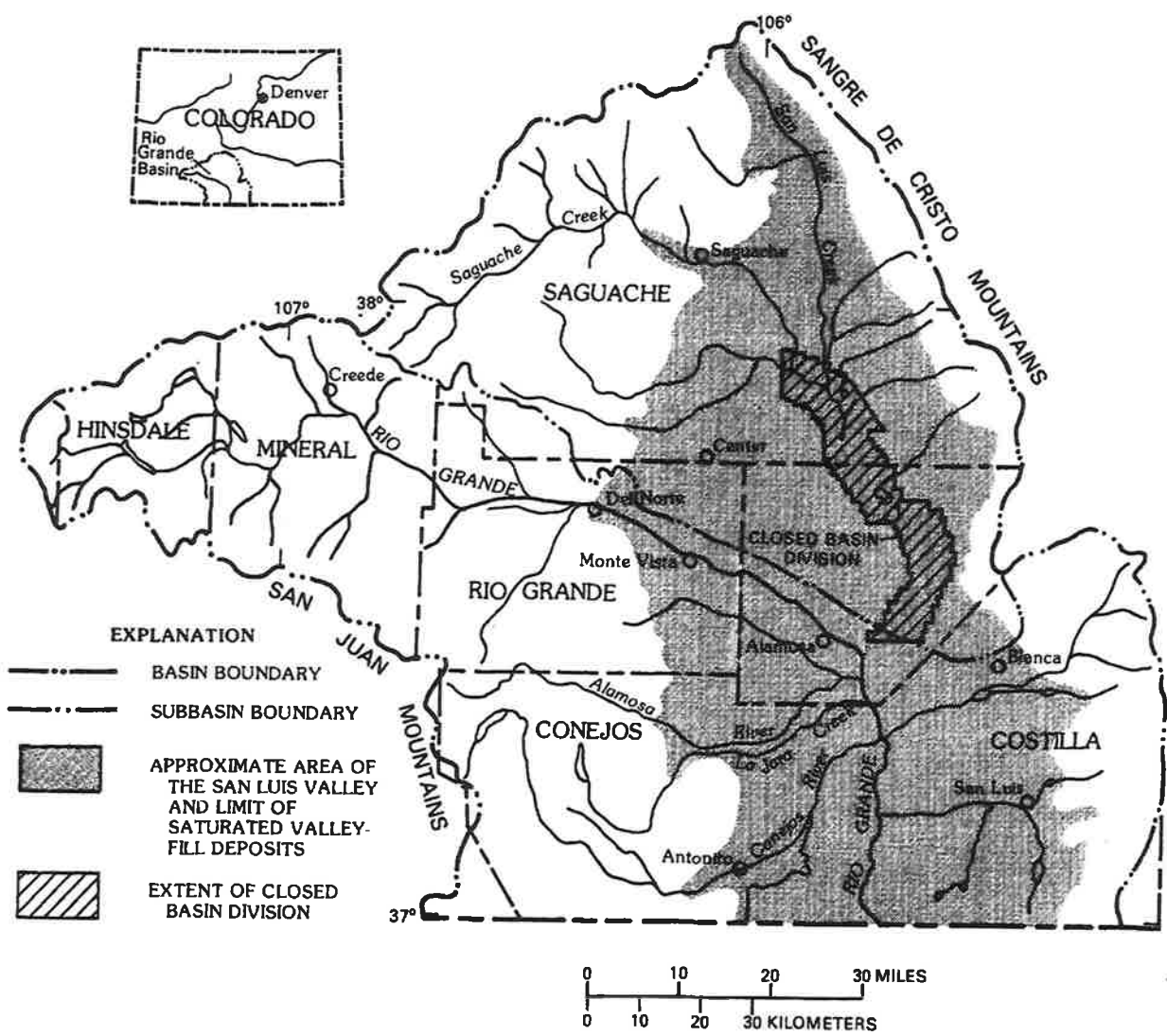


Figure 1.--Location of the Closed Basin Division in the San Luis Valley.