

Vern

memorandum

DATE: 14 Oct. 1980

REPLY TO: Jack Sanders, Amarillo, Tex (806) 378-5472

SUBJECT: Closed Basin -- Response from State Engineer on Query by Water & Power of July 10, 1980 (attached).

TO:

→ Mr. Vern Halbig
Fish & Wildlife Service
Colorado Field Office
330 S. Garrison St.
Lakewood, Colorado 80226

Mr. Melvin Weil, Refuge Manager
U.S. Fish & Wildlife Service
Alamosa - Monte Vista Ntl Wildlife Refuge
9383 El Rancho Lane
Alamosa, Colorado 81101

Area Resource Manager
Bureau of Land Management
1921 State Street
Alamosa, Colorado 81101

Mr. Ralph Curtis, General Manager
Rio Grande Water Conservation District
Post Office Box 816
Alamosa, Colorado 81101

Mr. Robert S. Wham
Attorney-at-Law
1421 Court Place
Denver, Colorado 80202

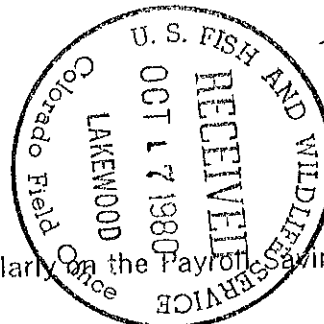
Field Representative
Water & Power Resources Service
Post Office Box 449
Alamosa, Colorado 81101

New Mexico Representative
Albuquerque Planning Office
505 Marquette Ave, NW
Post Office Box 252
Albuquerque, New Mexico 87103

Mr. J. William McDonald, Director
Colorado Water Conservation Board
823 State Centennial Bldg
1313 Sherman Street
Denver, CO 80203

Please excuse this informal method of transmitting subject response. We will use same in considering alternative mitigation features.

Jack



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RICHARD D. LAMM
Governor



URGENT
SAN LUIS

500.-

J. A. DANIELSON
State Engineer

DIVISION OF WATER RESOURCES

Department of Natural Resources
1313 Sherman Street - Room 818
Denver, Colorado 80203
Administration (303) 839-3581
Ground Water (303) 839-3587
October 7, 1980

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Mr. Robert H. Weimer, Regional Director
Water and Power Resources Service
Commerce Building
714 S. Tyler, Suite 201
Amarillo, Texas 79101

Re: Closed Basin Division
San Luis Valley Project

Dear Bob:

Thank you for your letter clarifying the facts surrounding the operation of the project division and its effect upon leakage from the confined aquifer. As you are aware, the U.S.G.S. has also provided additional information to indicate that the majority of the water for the division will be from a reduction in evapotranspiration losses. I am looking forward to additional information as the model is refined.

In response to your request that we comment upon the mitigation alternatives being considered by the Fish and Wildlife Service and your agency, I offer the following comments to the four questions submitted:

1. Question No. 1

The exchange of division mitigation water for diversion of Rio Grande water to the Monte Vista NWR may be legally acceptable provided the division mitigation water could be delivered to the Rio Grande at the same time and in an equal amount to the water diverted upstream at the Monte Vista NWR. We question the physical feasibility of the exchange due to the likelihood of icing problems in a surface canal during the month of February.

2. Question No. 2

Additional pumping of ground water on the Monte Vista NWR is questionable unless a detailed investigation can show that it would not result in injury to senior water rights. We would need more detailed information before we can address this question completely. Also, the results of the appeal of the Rules and Regulations case to the Colorado Supreme Court would have significant impact on this proposal.

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3. Question No. 3

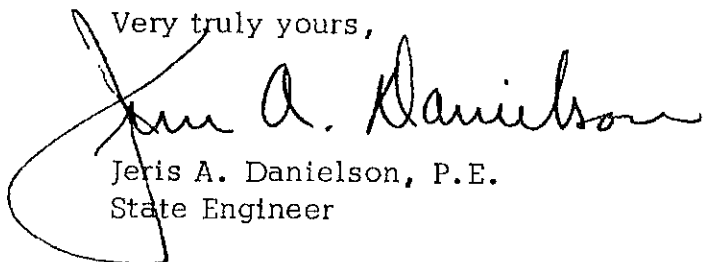
The question is very complex and is subject to the Rules and Regulation case. It is my opinion that this is an expanded use of the confined aquifer and also involves a change in use. In order to use the wells at an annual flow of 4,210 acre-feet per year rather than the 1,570 acre-feet, the effect upon senior water rights would have to be determined and this effect augmented, if possible, by the use of division water allocated to the Alamosa NWR.

4. Question No. 4

Again, this question involves the expanded use of water from the confined aquifer. The additional pumping of the confined aquifer has effects upon water rights located a considerable distance from the pumping and also has seasonal or temporal distributions which may not be remedied by the simple exchange of project division water. Considerable study of the proposed wells operation would be necessary before making a final decision. Also, any continued use of the confined aquifer based upon historic practices are subject to the outcome of the Rules and Regulation appeal.

I trust that the above comments are helpful to you and if you have any questions, please feel free to call me.

Very truly yours,


Jeris A. Danielson, P.E.
State Engineer

JAD/HDS:pkc

cc: D.H. McFadden, Div. Eng.

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