

Setting the Record Straight about Water in the San Luis Valley

GET THE FACTS

The San Luis Valley has been the target of water export proposals for decades. The latest one is being proposed by Renewable Water Resources (RWR), a Centennial, Colorado-based company that wants to export water from the San Luis Valley to the Front Range. In their communications, RWR has shared misleading or false information about number of key facts about water in the San Luis Valley. These facts set the record straight and clarify misinformation.

Valley Courier
FRIDAY, SEPTEMBER 4, 2020

Valley Water districts clear the air



Courtesy photo by Heather Dutton The Rio Grande, as well as farmland are in full view near Del Norte.

Posted Feb 26, 2020

[alamosanews.com/article/valley-water-districts-clear-the-air](https://www.alamosanews.com/article/valley-water-districts-clear-the-air)

Fiction: RWR's proposal is created by people of the San Luis Valley.

Fact: The project was **not** created by people of the San Luis Valley (Valley). It was created by RWR whose owners reside outside the Valley and include Sean Tonner, a former assistant chief of staff to Governor Bill Owens. RWR purchased Rancho Rosado from the estate of Gary Boyce, who attempted a previously defeated water export proposal. In fact, there is widespread opposition against the RWR water export proposal from those in the Valley, including all the local water districts, the City of Alamosa, Town of Del Norte, City of Monte Vista, Town of Saguache, nearby environmental groups, Rio Grande Basin Roundtable and many local farmers and ranchers.

If RWR staff did live in the Valley year-round and were active community members as they claim, they would appreciate what this community has accomplished under the leadership of the Rio Grande Water Conservation District, Conejos Water Conservancy District (RGWCD), San Luis Valley Water Conservancy District and the Colorado Division of Water Resources. The communities, government and citizens of the Valley are mobilizing positive approaches for maintaining underground water supplies and the economic base of the community. These local solutions are a much better approach than permanently transferring water to the Front Range.

Pumping and exporting water would have a detrimental effect on agriculture, the economy, wildlife and quality of life in the Valley.

Fiction: The San Luis Valley is too dependent on agriculture and it should diversify its economy.

Fact: Agriculture is a vibrant industry in the Valley and the region's primary economic driver. As reported by the US Census and the Bureau of Labor Statistics for 2013, the gross domestic product of counties in the San Luis Valley totaled more than \$3.3 billion, the equivalent of slightly more than 28,000 full-time jobs.

During 2016, at least \$61 million in capital investment was made by 383 businesses in the San Luis Valley. The top investments by sector were:

- 1) Ag, forestry, fishing & hunting: **\$37 million**,
- 2) Wholesale: **\$5 million**,
- 3) Transportation & warehousing: **\$4.5 million**,
- 4) Retail: **\$2.8 million**,
- 5) Information: **\$2.7 million**.

(Source: SLV Development Resources Group-Comprehensive Economic Development Strategy (CEDS)-December 2016).

Fiction: A \$50 million, one-time community fund would be a significant benefit to the community and help diversify its economy.

Fact: While it may sound like a lot at face value, this is a ONE-TIME payment, and \$50 million does not go very far over time. The longer-term economic consequences of the potential damage to local agricultural economy far outweigh any short-lived benefit from such a payment. Agriculture is the backbone of the entire economy in the Valley, and harm to that sector would harm every other sector.

Fiction: The San Luis Valley sits on a vast, ocean-like reservoir that holds one billion acre-feet of renewable water.

Fact: This figure is far from accurate and has been used by other previously failed water export proposals and debunked in court. The origin of the claim of two billion acre-feet stored in the deposits underlying the Valley is a USGS report from 1971 where geologist Phil Emery estimated the levels of water in the aquifers. Emery later noted when testifying under oath in a trial against another export plan that he had miscalculated his estimate. Further court decisions, including Colorado Supreme Court, studies and the State of Colorado's Rio Grande Decision Support System groundwater model, have shown there is no unused (unappropriated) water in the basin. This means that all of the surface and groundwater in the deep and shallow aquifers have been distributed (allocated) to existing water users. In fact, there are already more water claims than can be satisfied, making the Valley's water supplies "over appropriated."

Fiction: Water for the RWR project would come from 2000 feet below the ground and have "no impact whatsoever on any wildlife or vegetation" or the environment.

Fact: RWR has expressed its intent to pump from a series of deep wells in the very concentrated area of the deep groundwater zone at the north end of the Valley. Pumping from the deep groundwater (confined) aquifer will have impacts on the shallower aquifer that sits above it (unconfined aquifer) and streams, wetlands and rivers since all water in the valley is connected to some degree.

Extensive, concentrated pumping in this area could have significant impacts to area wetlands, streams and groundwater, including those that flow through the Great Sand Dunes National Park and Preserve, Baca National Wildlife Refuge and numerous important ecosystems on public and privately-owned lands.

Pulling water in a concentrated area could also affect the streams, rivers and ponds within and flowing through the Sand Dunes. The spring and summer runoff of Medano Creek is a major draw for visitors to the Sand Dunes, which support 400 jobs and bring in a cumulative impact of \$36 million annually to the region.

Fiction: The State Engineer is threatening to shut off irrigation wells with no compensation for area farmers.

Fact: There is no pending action by the State Engineer to shut off irrigation wells. In response to the recognition by local water users and state officials that groundwater use in certain parts of the basin is unsustainable, local leaders worked to pass legislation that allows communities within the Valley to create plans to balance water use and supply. The RGWCD then formed Groundwater Management Subdistricts (Subdistricts) to create and implement plans of water management. These actions allow the Valley water users to work together to recover aquifers themselves, rather than facing sweeping orders from the State Engineer to shut down or curtail wells. Subdistrict 1 has been in operation for 10 years and has several more years to recover the groundwater to levels identified as the sustainability targets in the legislation that enabled Subdistricts. The State Engineer and Colorado Division of Water Resources have provided critical support and are working closely with local water managers to ensure implementation of the plans for water management are successful.

Fiction: The San Luis Valley is the only place in Colorado that has a "one-for-one" law that applies to aquifers. That law requires any water project that takes water out of an aquifer must put the same amount of water back in. RWR will actually put more water back into the aquifer than it will take out each year.

Fact: In 2004, the Water Court in the Rio Grande Basin upheld the State Engineer's "Confined Aquifer New Use Rules for Division 3 (Confined Aquifer Rules)," which encompasses the San Luis Valley. The confined aquifer is the deeper of two aquifers. The Confined Aquifer Rules require any new use pumping to be offset at a one-to-one rate in order to mitigate any injury (harming another water user's right to use their water) to the fully appropriated confined aquifer. Water users can accomplish this by recharging the confined aquifer with surface water or stopping an existing draw on the system.

All water in the San Luis Valley is fully appropriated; this includes streams and rivers (surface water) and both the unconfined and confined aquifers (groundwater). Therefore, there is no unallocated water available for new uses or to offset pumping as required by the Confined Aquifer Rules; any new use will require an existing use to be stopped. In the case of the San Luis Valley, the primary use of water is for irrigation of farms and ranches. To make water available for export out of the Valley and to comply with rules requiring mitigation of injury to the aquifers and surface streams impacted by pumping, Renewable Water Resources will have to buy existing water rights and dry up significant acres of farms and ranches. This will impact the agriculture communities, wildlife that depend on irrigated agriculture for habitat, and the economies that support local farms and ranches. This widespread impact is the reason opposition to the project is so diverse and far reaching.

Fiction: Colorado's Water Court System ensures that any property owner whose water rights are injured by a project like the Renewable Water Resources proposal must be compensated.

Fact: The Water Court does not guarantee compensation will be provided to an injured water rights owner. A water rights' holder (which is different than a property owner) who believes RWR has or will negatively impact their ability to use their water must file a grievance in water court and expend their own time and money to participate in the legal case. This is expensive and too costly for many in the San Luis Valley.

Fiction: Pipelines have been exporting water out of the San Luis Valley for the last 100 years.

Fact: There are no existing pipelines out of the Valley. There are two ditches that take water across the Sangre de Cristo mountains from Medano Creek to a ranch in the Wet Mountain Valley. These ditches divert a small amount of water from May to July totaling about 1,063 acre-feet per year, a significantly smaller amount than the 20,000 acre-feet per year proposed by RWR.

Fiction: RWR would only take 22,000 acre-feet of water annually out of the San Luis Valley.

Fact: There is *no* water to export in the Valley. All the water in the Valley has already been allocated to other users, and not everyone gets to use the water they have the rights to in a given year. RWR's plan includes a pipeline projected to cost at least \$600 million and would be capable of transporting more than 22,000 acre-feet a year. Once it starts, it won't stop.

Fiction: There would be a 9,000 acre-feet of water net gain for the whole system.

Fact: If this could even be accomplished it would require permanently drying up an additional 10,000 acres of land or more in the Valley. Additionally, RWR's plan to pump water in a high concentrated area could damage other ground and surface water in the area, including the creeks, streams and ponds that flow through the Great Sand Dunes National Monument, the Baca National Wildlife Refuge and the San Luis Lakes State Wildlife Area.

It makes no sense to pump water out of the San Luis Valley during a time farmers in the area are making self-imposed cuts on irrigated land.

Fiction: The Renewable Water Resources project is proposing to retire more water that it aims to develop and ensures farmers and ranchers who voluntarily wish to sell their water rights will be paid generously.

Fact: If this could even be accomplished, it would require the permanently drying up an additional 10,000 acres or more of land in the Valley. Local San Luis Valley stakeholders are partnering to develop a plan that will fairly compensate farmers and ranchers who voluntarily wish to sell for their water and the water will remain in the Valley. Many believe this is a better solution than selling it for a speculative project led by a Centennial, Colo-based business that is planning to pipe it out of the Rio Grande basin to the Front Range.



Water Connects the San Luis Valley

#StopWaterExport

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