
Water Acquisition and Management Subcommittee Position Paper: Colorado Water

Introduction and Background:

Commencing with the first meeting of the Water Acquisition and Management (WAM) subcommittee on July 26, 2002, a listing of all potential sources of water that might provide supplemental flows to the middle valley was ‘brainstormed.’ That list included the possibility of acquiring water from sources within the State of Colorado. Brief discussions at subsequent WAM subcommittee meetings centered around the possibility of acquiring water from willing sellers within the Rio Grande basin in Colorado or possibly from the Closed Basin Project.

Assessment:

The Rio Grande basin in Colorado is fully appropriated. All water within the basin is subject to the laws of the State of Colorado and the Rio Grande Compact. Any water that might be voluntarily “undiverted” by a Colorado water user would be, under Colorado state law, available for diversion by downstream users within Colorado. Furthermore, if that water were to cross the Colorado-New Mexico state line, it would at that point be part of Colorado’s delivery to New Mexico under the Compact. Also at that point, it would become public waters of the state of New Mexico. Such water would then be available for diversion and consumption by water users within the state of New Mexico above San Acacia.

The Closed Basin Project was authorized by PL 92-514 in 1972. The purposes of the project, in priority as listed in the authorizing legislation, are as follows:

- Assist Colorado in making annual deliveries under the Compact.
- Maintain the Alamosa National Wildlife Refuge and the Blanca Wildlife Habitat Area.
- Offset any accumulated deficit in water deliveries by Colorado under the Compact.
- Provide water for irrigation and other beneficial uses in Colorado.

Deliveries from the Closed Basin Project to the Rio Grande during the life of the Project have averaged about 25,000 acre-feet per year (AFY). This is equivalent to approximately 35 cubic feet per second (cfs). Deliveries to the Rio Grande for the last three years have averaged about 17,000 AFY, or 23 cfs. Deliveries have declined in recent years due to biofouling of the Project’s production wells. Operation of the Project is subject to numerous constraints contained within the authorizing legislation, including a limitation of the allowable drawdown of groundwater levels and water quality standards.

As with any potentially “undiverted” irrigation water in Colorado, all water delivered from the Closed Basin Project to the Colorado-New Mexico Stateline is also a part of Colorado’s delivery to New Mexico under the Compact. At the Stateline that water becomes public waters of the State of New Mexico and becomes available for diversion and consumption by water users within the state of New Mexico above San Acacia.

Conclusions:

- The Rio Grande basin in Colorado is fully appropriated.

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- Under Colorado law, any Colorado water potentially acquired by the Program would be available first for use by other Colorado water users; then, any potentially acquired water crossing the Colorado-New Mexico Stateline would become part of Colorado's delivery to New Mexico under the Compact.
 - At the Stateline, any potentially acquired Colorado water would become public water of the State of New Mexico and, as such, this water would then be available for diversion and consumption by water users within the state of New Mexico above San Acacia.
 - The WAM concludes that acquiring water from Colorado and successfully delivering it to the Rio Grande below San Acacia appears to be impossible.
 - Accordingly, the WAM also concludes that no further discussion of the acquisition of water from sources within Colorado should be considered.
 - Finally, the Interim Steering Committee, at its November 18, 2002 meeting, directed the WAM subcommittee to discontinue investigation of seeking supplemental Program water from sources within the State of Colorado.