

Presentation to Water Review Committee

9/26/2013

Thank you for hearing our concerns today. The surface water users of the San Luis Valley, and more specifically the users of surface water that is non-tributary to the Rio Grande are not the state's largest voting bloc, but we are the stewards of large tracts of land in and near the mountains that historically have supported sustainable ecosystems, wetlands, wildlife, tourism and a food supply for humans that requires virtually no other input besides the water that flows down from the mountains. Gravity, not fossil fuel is the engine that drives a system of irrigation that has produced food for over one hundred years while simultaneously supporting the aquifer and a local economy.

My name is Tom McCracken and I own and operate Green Earth Farm just outside Saguache. We have owned our farm for 25 years. My farm uses surface water and does not have an irrigation well. Our crop water needs differ somewhat from the ranchers needs but many of our concerns are the same. The dewatering of Saguache creek by unmitigated pumping of irrigation wells in the valley is of huge concern for us. We have had to drop vegetable and potato production from our farm plan due to scarce and unreliable water flows in the creek. Some of the problem of course is due to drought, but I believe unregulated pumping of ground water and the associated drop in the aquifer has also led to a decline in stream flows.

When we bought our farm in 1987 it was common for Saguache Creek to flow all the way to Hooper, 30 miles downstream from Saguache. For the last 11 years the stream has rarely flowed past Hwy. 285 just south of town.

In a 2001 court order the State Engineer was charged with "curtailing the undecreed uses and decreed junior rights in favor of decreed senior rights", when a water shortage exists. The Water Right Determination and Administration Act of 1969 required the integration of wells into the priority system and required the administration of both surface and groundwater in accordance with that system. This is not happening at all in the northern SLV.

What has occurred is a backroom deal to offer a select few water users "winter recharge" rights while excluding other water users who may have had higher priority rights on the creek, while simultaneously initiating an "irrigation season" that

effectively transferred existing water rights to those new winter recharge right holders without compensation to the original water right holders.

For the first 22 years we farmed our place we could irrigate whenever we could get water out of the creek in priority. Now for 5 months of the year I cannot irrigate, even if the water is available. This is in my opinion a poorly disguised attempt to steal my water and send it to the aquifer to support more pumping by junior well users. It has decreased the productivity of my farm and put my crops at risk. When I am allowed to turn on the water, it now takes nearly 3 weeks for the water to travel the length of our ditch and arrive at the farm. It is nearly May before I can get water to the farm and it takes another 2 weeks to irrigate it all just once. This is not a viable situation for us.

We own a deeded water right. If the state wants to transfer our water to someone else or to the aquifer we deserve compensation. It is an eminent domain type situation. There has never been an irrigation season on Saguache Creek. Other drainages in the valley that are tributary to the Rio Grande may have irrigation seasons in the original decrees, but not here. I would not have purchased this property had I known there was an effective lien on my water by the state. The title search indicated no liens or restrictions on the water rights.

Instead of backroom deals and water grabs, phony data and rules meant only to preserve the status quo for as long as possible, why not instruct the Division Engineer to regulate the water as they were mandated to in 1969? Set a sustainable level for the aquifer that will support the wetlands, grasslands and surface flows that historically existed, and then when the water table drops, shut off wells that are not augmented with wet water using the priority system. The last wells to be drilled get shut down first. First in use, first in priority is what the law says. Keep shutting down the wells until the aquifer stabilizes and returns to normal. This is how the surface water is administered and well users should have it no differently.

Well pumpers should not be given an advantage in the marketplace, especially since all wells are junior to the surface water rights that support the aquifer and a truly sustainable food production system.

Thank You