

September 25, 2013

Water Resource Review Committee
Colorado State Capital
SCR 356
Denver Colorado

I would like to thank you for taking your time to read my concerns.

As we all know we have been in a drought for the past three years especially here in the San Luis Valley.

I'm from the northern part of the San Luis Valley and my wife and I have a ranch on Saguache Creek. I was the Water Commissioner for Saguache Creek for 25 years (Division 3, District 26) and then the Well Commissioner for Division 3 until my retirement on September 2003. Since then I have remained active in water and was appointed to the Rules and Regs. Advisory Committee for the San Luis Valley, representing Saguache Creek.

My concern: The over and unregulated pumping in the Northern end of the San Luis Valley.

Wells have gone unregulated and have over pumped, unless they are held to their adjudication.

On April 19, 2012 a group met with the State Engineer in Alamosa about the pumping along the Saguache Creek corridor. A map with the area out lined in green showed that approximately 52 wells pumped around 23,087 A.F. in 2011 that was 40% increase over 2009. One farm alone pumped 11,436 A.F (with out any surface rights). On average Saguache Creek flows around 35,000 to 38,000 acre feet in a year. At that meeting we were told that until the model comes out and rules and regs are adopted his hands are tied. His hands are tied and our lively hood is at stake. When you have purchased over \$75,000 in two years in feed and see semi after semi hauling hay out of state to a corporate farm it makes you wonder why you are in the business of ranching.

If wells were held to the same standard as surface rights in respect to Duty of Water (one c.f.s. to 40 or 50 acres) and in priority then maybe the aquifer would start showing a recovery and over pumping would not be a problem!

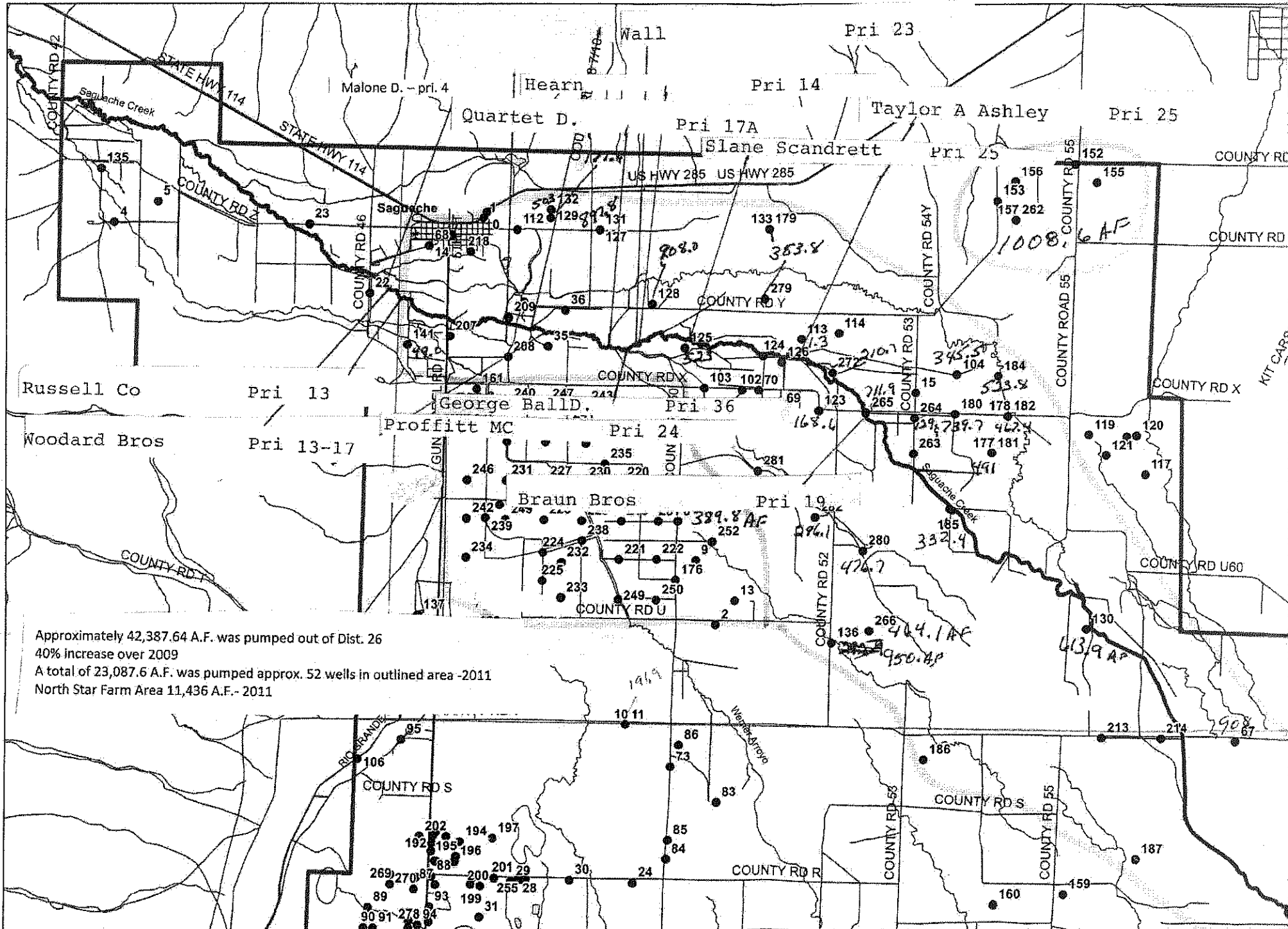
Since the implementation of Policy 2010-01 (Irrigation Season in Water Division3) Surface Users once again have taken another hit, limiting when they can and cannot divert the water that they were once historically entitled to. This is just an example: On September 20, 2013 the call sheet for Saguache Creek showed that there was 112 C.F.S. available for delivery and only 77.20 C.F.S. was delivered, a 34.80 C.F.S. loss to the system on that day. September 24, 2013, 135.10 C.F.S. was available for delivery and 87.90C.F.S. was delivered, a 47.20 loss to the system on that day, going to the underground aquifer. Yet on November 1, 2013 the seniors surface rights will be called out by a junior recharge decree and recharge of the aquifer will be the main priority. Rewriting Colorado Water Law?

I agree with Mr. Ed Nielsen in all the points he made in his letter dated September 16, 2013. A Special Water Master should be appointed in Division 3, and the State Engineer should not be promoting Sub Districts. Who's going to protect Senior Surface Rights?

I feel that Senate Bill 04-222 should have not applied to the entire San Luis Valley as not everyone was in favor it in the beginning and ask that it be repealed. I would also like to invite you to the Northern part of the San Luis Valley and see what the decline in the underground aquifer has done to our area.

Respectfully submitted,

Tim Lovato



Approximately 42,387.64 A.F. was pumped out of Dist. 26
 40% increase over 2009
 A total of 23,087.6 A.F. was pumped approx. 52 wells in outlined area -2011
 North Star Farm Area 11,436 A.F.- 2011

Map of Saguache Subdistrict
 Prepared by Davis Engineering Service, Inc. October 26, 2011