

September 26, 2013

All of us will offer our thoughts and if you have questions, we invite you to visit us in Saguache for further discussion and a tour of the landscape for which we are stewards.

I have been ranching for the past 40 years, 25 of them in Saguache County near Moffat in the San Luis Creek Watershed. During the last fifteen years, the area where I live has lost its water table and suffered severe drought most of those years.

In 1876, the framers of the Colorado Constitution included the Doctrine of Prior Appropriation in the Colorado Constitution. The Prior Appropriation Doctrine recognizes the value and importance of water supplies to productivity of the land, and provides for the allocation of water based on priority. I've heard comments about Colorado needing a "water plan." Colorado has a water plan, and it is Prior Appropriation Doctrine. The San Luis Valley is a high mountain desert and is the largest, driest area in the state of Colorado. Prior to the development of high-capacity wells in the San Luis Valley, the Prior Appropriation Doctrine provided a reliable, fair means of allocating scarce water supplies. With the development of high-capacity wells, the State Engineer abrogated the Prior Appropriation Doctrine, handing out well permits like they were candy. Unlike candy, which ruins your teeth and makes you fat, the unrestricted, unregulated well permits have ruined the San Luis Valley. Some people have also become fat by taking water that belongs to senior surface water rights. The State Engineer, who is charged with protecting the water rights of its citizens, has failed to take any action to protect the San Luis Valley and senior water rights, and has substantially contributed to its degradation on private lands, state lands, and federal holdings.

You received by email a letter I wrote to the newspapers after a conversation in person with Mike King at an Alamosa meeting. If tax-paying citizens are required to do the work of the state's employees, why has the state employed these folks?

In a meeting with Dept. of Interior regional representative, Allen Gilbert, (under Sec. Ken Salazar), he commented that government likes to check out its own problems. This was after he saw the same observation well data which was presented in a power point shown to Moffat community members in March 2011 and commented, "So you do not trust these to be accurate?" When asked, "What do you recommend?" one rancher suggested he get a backhoe and find water.

The plunging aquifer graph shows the de-watering of an aquifer, which is being justified by the state engineer's office as well as local "water experts." What they are not telling everyone is that pumping an aquifer lower and lower without recharge causes subsidence, the collapse of porous sediments which were formerly suspended in water. Over time, the compacting of aquifer-bearing materials shrinks an aquifer's capacity to store water. This is a measurable and predictable loss over time and is being ignored.

This is a stewardship issue. Lack of groundwater management is reducing the San Luis Valley's

aquifer capability to recover its capacity for water storage. Allowing this for the past decade of drought and 20 years into the future (Subdistrict Plan) is stealing the future economic potential from the area they purport to "save." Why won't the model's hydrologists tell the pumpers and the public this?

A 31-year old NEPA document on the Bureau of Reclamation's Closed Basin Project on the east side of the valley is out-dated due to changes most specifically since the year 2000 and the past dozen years of drought. The project is operating outside the parameters of NEPA. The project has violated the terms of the document upon which public comment was received and should have been re-evaluated by an independent study with a new public comment period. Monitor wells are in drainages and near flowing artesian wells which have provided intentional artificial data. Current mitigation efforts have not been re-evaluated and are most likely insufficient to address the drought.

The Closed Basin, north of the Rio Grande, has been disproportionately hit by the lack of adequate groundwater monitoring and management.

In 2012, the court made a ruling that goes against former rulings and the true hydrology of the valley. When court cases are more about winning than about justice, many of the losers are good stewards who trusted their public servants. Among the losers are the meadows and songbirds, forests and wildlife, wetlands and waterfowl: habitat for Colorado's human, agricultural, and wildland resources. Colorado's natural resources are being squandered for a concept of self-governance which lacks flexibility and accountability.

The formerly mentioned compacting of aquifer sediments, subsidence, is also called induration. A people's capacity for hope becomes indurated when every appeal for justice is met with dismissal, denial, or some other form of humiliation.

I am requesting the repeal of SB04-222 which in nine years has served only to delay groundwater management at the huge cost to taxpayers and ecosystems.

I am requesting that the State Engineer's office be pressed to immediately set forth rules and regulations, an action which was part of the December 2011 Supreme Court Decision, and which have been promised "soon" and repeatedly over the past four years.

I am also requesting an independent hydrologic study of the northern valley, specifically Saguache County. North valley waters are being used and taxed inside subdistrict borders by junior priorities with no compensation to the senior water rights being injured. Pumping from a floodplain, especially a deep and ancient one, diminishes or stops surface flows as waters move downward through the alluvium from 15 to 20 miles upstream. The state of Colorado is defrauding and deceiving its citizens with delays, promises, and pretenses of "getting things right." It would be wise for Colorado to initiate an independent hydrologic study before Texas or New Mexico decides to do so.

Peggy Godfrey

## Real Wealth

My neighbors don't live close to me  
But we've each got our niche  
Government says this area's poor  
Our secret is: we're rich.

My wealth won't buy insurance  
It won't trade in for much  
But "rich," to me, is measured  
By things no one can touch.

The hint of mint in native hay  
Fresh, sweet mountain air  
Owls perched high in cottonwoods  
A golden eagle pair  
Sheep that run toward my voice  
Love in a little boy's eyes  
The frying smell of just-caught trout  
A winter when nobody dies

The pleasure of making a garden  
Soft soothing drizzles of rain  
One dazzling double rainbow  
Good lessons that come without pain  
Summers that age into autumns of gold  
Wind humming songs like a choir  
Sun shining bright on crystals of ice  
That glitter like diamonds on fire

Courage to face the disasters  
Laughter to lighten the load  
Humor to flavor the tasteless times  
Common sense to level the road  
Joy filters through my senses  
I know this life is healthy  
Won't build up my bank account  
But dang sure makes me wealthy.

by Peggy Godfrey