

# San Luis Valley's water fight for keeps, lawyer tells historians

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FORT GARLAND — A water warrior says the San Luis Valley must continue to fight to protect its resources.

"You can't just keep taking the water out of this valley without suffering the consequences," David Robbins, who led the winning battle against American Water Development Inc. several years ago, told a crowd at the San Luis Valley Historical Society's annual meeting Saturday.

Robbins, a partner in a Denver law firm and attorney for the Rio Grande Water Conservation District, the lead opponent to AWDI, specializes in natural resources and water.

In an hour-plus talk at the Fort Garland Museum and Cultural Center, Robbins said he viewed the greatest threat to San Luis Valley water as "anything that upsets" water levels.

"There is a wealth of water in the San Luis Valley. The problem is we have a compact predicated on a set of conditions promulgated in the 1920s and 1930s," he said.

As there is additional development in the San Luis Valley and increased water consumption, there is increased stress on the river system, Robbins explained.

Robbins noted that at the time the Rio Grande Compact was adopted in 1938, the framers assumed conditions at the time would continue and if not, Colorado would at least continue to get water to the New Mexico state line.

Irrigation practices of the 1920s and 1930s involved numerous wells of limited capacity and flood irrigation from irrigation ditches resulted in aquifer recharge. Those practices changed and in the late 1950s and early 1960s, deeper wells were drilled to feed sprinkler systems. The amount of recharge diminished.

What came about was a drop in artesian pressure. Streams and rivers dropped to restore that pressure and river flows diminished, Robbins said.

For several years, Colorado failed to meet its compact obligations to the downstream states of New Mexico and Texas. The result was a suit in federal court which forced San Luis Valley farmers to curtail water usage in order to assure compact obligations to those states.

Colorado's 990,000 acre-foot arrears were erased in 1985 when a wet year resulted in a spill at Elephant Butte Reservoir in south-central New Mexico.

Just because there is water in the river does not mean Colorado can use it, Robbins said cautioning residents that the "balance is very close."

Should a dry cycle happen, and it appears one is coming, valley residents may have to curtail water usage, he said.

The debate shouldn't be about the water available but the question should be how much more can be used before that balance is destroyed, Robbins said.

Robbins said Closed Basin water, sent down the Rio Grande to help with compact commitments so farmers upriver can irrigate their crops, would be among the first water to be turned off since it is a junior water right.

For much of the year, Closed Basin water, taken from groundwater and from water pumped from about 150 shallow wells, is used at the wildlife refuges. If there is sufficient water so it does not need to be pumped, that is best, since leaving water in the ground is a more efficient storage method, Robbins explained. Besides it saves the cost of pumping.

Robbins said the framers of the various water compacts in the state "did a beautiful job" of protecting Colorado's water for the future.