Wolfe to irrigators: Comply or shut down

By RUTH HEIDE

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ALAMOSA Wells will be shut down.

Colorado Division of Water Resources State Engineer Dick Wolfe and Deputy State Engineer Michael Sullivan reminded the large crowd attending a well rules advisory committee meeting on Thursday they mean business about implementing groundwater regulations.

"You are going to get shut off," Wolfe responded to a question on Thursday about what will happen to irrigators who neither have an augmentation plan in place nor belong to an organized water management subdistrict after the grace period for the groundwater regulations is over.

"That's the intent of the rules. We made it very clear. There are three options: groundwater management plan accepted by the court, like a sub-district ; augmentation plan; or you get shut off."

Sullivan reiterated, "You form a sub-district , get an augmentation plan or you turn the wells off and go to Hawaii or wherever you go and quit irrigating."

Although it has been two and a half years since the well rules advisory committee met, the timeline for state regulations of groundwater use in the Rio Grande Basin is now moving rapidly forward.

Wolfe and Sullivan said they expect to have all the pieces of the rules in place in about six months. The rules would then be submitted to water court for approval. The groundwater rules will affect thousands of wells throughout the Rio Grande Basin, encompassing the San Luis Valley. Domestic wells are exempt, but most irrigation, commercial and municipal wells will be covered under the rules.

Whether or not there are protests to the rules and delays through the courts, the time clock for compliance with the rules starts ticking when they are submitted to the court, they said. That is when they are considered promulgated, Wolfe and Sullivan explained. Wolfe said the rules are effective 60 days after they are published with the water court.

The state engineer has built in timelines for people to comply with the rules. For example, irrigations have one year following the promulgation of the rules to get an augmentation plan filed with the court or join a sub-district .

"We have built into this some realistic and achievable benchmarks people can meet," Wolfe said. He recognized that many people are already making decisions about what they are going to do to comply with the state rules.

"These rules are coming. They are going to be put in place, and if you don't meet these benchmarks, drastic things are going to happen."

"You can start now," Sullivan encouraged irrigators in regards to becoming a part of a sub-district or submitting their own augmentation plan. He said if someone gambled on court delays holding the rules in abeyance, that person would probably lose.

"If you don't meet your benchmarks, you are basically done," he said.

Wolfe said he hoped there would not be any protests to the rules because he has given the public every opportunity to be involved in the rule-making process.

He added, "and the legislature told us this is what we have got to do. If this fails, something will happen. The legislature will have to step in. I am very confident we will get through this."

He said it is possible the court could remand the rules back for corrections and refinement, but he was hopeful that all of the work upfront and all of the public involvement beforehand would result in success.

Wolfe also encouraged those who are forming subdistricts throughout the San Luis Valley to get them organized and not wait until the groundwater rules are promulgated. Data is available

now, or will be in the next few months, for the remaining sub-districts to become organized and develop plans for water management.

One of the biggest factors for the delay in subdistrict and groundwater rules implementation has been the refinement of the Rio Grande Decision Support System, the computer model used to calculate depletions from well users to surface water rights, streams and the aquifers. The groundwater model now has most of the data available for the sub-districts to proceed.

Wolfe encouraged those attending Thursday's meeting to email his office with suggestions on how the proposed regulations could be improved. He and his staff reviewed the proposed rules and the changes that had been made since the last advisory committee meeting more than two years ago.

Wolfe and his staff will return to the San Luis Valley the end of November or first part of December for another advisory committee meeting.