

Testimony Before the State of Colorado House of Representatives

Ag Committee

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In Support of HB 16 – 1314

Presented by Donald L Jones

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We are currently over augmenting the South Platte River which is resulting in tremendous loss to the citizens of Colorado in general plus causing serious and widespread damage to progressively more and more Colorado citizens, individually. The Northern Colorado Water Conservation District estimates that over 3,000,000 acre-feet of water left Colorado at the Nebraska State line since 2009, none of which was put to beneficial use for the citizens of Colorado which our Constitution requires. The majority of the water which left the state occurred during the winter months which means it was not all the result of precipitation. A lot of the water that left the state was surface water flows created by high groundwater levels.

If we had been able to use only half of this lost water to raise corn, Colorado could have benefited by over \$350 million in economic activity. Further, the groundwater levels are rising at an alarming rate along the South Platte River causing damage to farmland, basements and septic systems in many stretches of the River. This damage is progressively becoming huge for not just farmers but also for residents and businesses as well. Since well pumping was curtailed in 2003 northern and northeastern Colorado has lost between \$50 million and \$100 million per year in economic activity from lost agricultural production. The large majority of this loss is very subliminal and has resulted in vacant and unused commercial buildings throughout our rural areas along the South Platte River. The lost economic activity has also reduced assessed valuations in our Northeastern Colorado Counties. In our rural counties agriculture is the primary driving force for our economy and irrigated agriculture provides the largest component of that economic activity. I am concerned about my friends and neighbors in northeastern Colorado and I hope our state leaders are as well. We need our ag economy in northeastern Colorado, it is really all we have to sustain our livelihood and our communities. Past buy and dry activity has damaged our local economies and will continue to damage the general Colorado economy significantly if we do not find a better way to manage the South Platte River and utilize our surface water and groundwater assets along the South Platte River. While buy and dry is certainly not the answer, responsible, practical and real-time conjunctive use of the South Platte River is certainly a better alternative than what we are now doing.

Why is this damage occurring, let me explain. The present models used to compute the amount of augmentation water needed to replace post pumping depletions so wells can pump each year are antiquated and inaccurate. These models were created based on research largely completed in the 1950s and 1960s, the River has changed drastically since then. If the current models in use today were

accurate, there would not be high water tables along the South Platte today. Decreed augmentation plans currently in use on the South Platte are required to replace past posts pumping well depletions created by past well pumping for the period from 1974 through 2015 which is over 40 years. Most of these past posts pumping depletions no longer exist or the water table would not be rising at the rate it is today. The current data indicates the cones of depression created by annual well pumping today are recharged very quickly each year after pumping stops in the fall. Further, decreed augmentation plans currently in use today have to provide evidence that they have a portfolio of water available today to be able to replace future pumping depletions for periods of 3 to 8 years into the future based upon River conditions which existed on the river during the 2002 drought. Essentially the well augmentation plans, such as Centrals WAS plan for example, have to replace posts pumping depletions for the 1974 through 2015 before they can pump their members wells in 2016 plus Central has to prove that they have enough water to replace the posts pumping depletions they will create for the next six years into the future based upon the extreme drought condition that exists on the river in 2002. There has never been six consecutive years of drought conditions on the South Platte equivalent to the conditions that existed on the river in 2002. This is clearly overkill. Essentially the WAS plan has to replace past posts pumping depletions for 40+ years plus provide evidence of the ability to replace extreme posts pumping depletions for six years into the future. There is something wrong with this picture and it needs to be changed! HB 16 – 1314 will help improve this situation.

The objectors to well pumping in the past have said the well users stole the surface water rights owners water prior to 2003. That is simply not true, the well water was pumped legally and in accordance with the then applicable administration of the South Platte by the State Engineer's Office. The majority of the wells allowed to pump prior to 2003 are now gone, abandoned or otherwise not in use, so the amount of pumping today is far less than prior to 2003. The past posts pumping depletions addressed in HB 16 – 1314 need to be forgiven so we can begin to manage the South Platte in real time and for the benefit of all Colorado citizens. Even if you make the presumption that past well pumping caused damages to other water users on the South Platte, in the past, it is clear those damages have now been repaid since the water table has now risen to extremely damaging levels in most reaches of the South Platte. Even incarcerated criminals are given time off for good behavior, so it is now time the well users get a break for past pumping consequences. Further, every single decreed augmentation plan up and down the South Platte River benefit from this bill. Especially the augmentation plans run by senior water rights holders which have augmentation plans like the Morgan Ditch, the Bijou Irrigation Company, the North Sterling Irrigation System, the New Cache LaPoudre Irrigation Company, the Upper Platte & Beaver Canal Company to name only a few.

The objectors to this bill will argue that dewatering areas along the river where the water tables are rising and have cause significant damage by using dewatering wells and piping the water directly back to the River is the answer to the problem. Dewatering is not the answer due largely to the cost and the impractical pipeline system needed to create a network that will transport the water directly back to the River. Further, pumping the water directly back to the River, even if a practical system could be designed and built, will only increase the amount of water leaving the State of Colorado at the Nebraska state line. What we do need is more conjunctive use between surface water and the underground aquifer in

order to better manage the South Platte in real time. In my opinion, we need to better utilize the underground aquifer we are blessed with on the South Platte plus build more surface storage so we can better manage the South Platte River water assets for the maximum benefit of the citizens of Colorado.

The past posts pumping depletions, that no longer exists, need to be forgive so we can begin to manage the South Platte in real time and better utilize the Colorado water assets for the benefit of Colorado and not Nebraska, I urge you to vote to advance this bill for the benefit of all of Colorado. The objectors to those of us advocating for more conjunctive use and better management of the South Platte have a name for us that they use in a derogatory fashion. They call us "Dreamies". I, however, consider the name a compliment. I do have a dream. That dream is for better management of the water assets of the South Platte for the benefit of all Coloradoans. I hope and dream that the operation of the South Platte that I leave behind after I'm gone will better benefit the people who depend on the river and its aquifer in the future. I certainly hope the system will be better managed after I'm gone than it is today.

Thank you for your time.

Respectfully submitted,

Donald L Jones and he let you 20 years already in