

DATE: 8/29/2020

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REGARDING: The development of SITLA's 5,000 acres in northern San Juan County (Spanish Valley Block).

To complete the proposed development by SITLA, it will be necessary to divert surface water from the Colorado River or the Green River. According to the State Engineer, the total amount that can be diverted from groundwater and surface water is 5,000 acre-feet per year.

Is there sufficient river water for this development in the next 50-years? We would answer no, because the water budget of the Colorado River Basin has been in a deficit position since the beginning of the 21st century. The water managers of the seven states, Mexico and the Tribes are currently developing strategies (Drought Contingency Planning) to avoid shortages (curtailments) to junior water right holders.

Drought Contingency Planning: <https://www.usbr.gov/dcp/index.html>

Since May of 2019, the Lower Basin states are voluntarily reducing their consumption to keep the level of Lake Mead above elevation 1,090 feet, and the Upper Basin states are currently developing strategies to keep the level of Lake Powell above elevation 3,525 feet.

By December 31, 2026, the feds and the states will complete new water shortage guidelines for the Colorado River Basin.

Review of Interim Guidelines : <https://www.usbr.gov/lc/region/programs/strategies.html>

NARRATIVE

The natural flow of the Colorado River Basin is decreasing

The 30-year average of unregulated flow into Lake Powell has declined 2.31 million acre-feet (19%) since 1991. The 30-year average is used to develop the Annual Operating Plan for the Colorado River, pursuant to 43 U.S. Code § 1552, Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs.

Annual Operating Plans: <https://www.usbr.gov/uc/water/rsvrs/ops/aop/index.html>

In the decade of the 2000s, the 30-year average was: 12.04 million acre-feet
In the decade of the 2010s, the 30-year average was: 10.83 million acre-feet
In the decade of the 2020s, the 30 year average will be: 9.73 million acre-feet (provisional).

Some of this loss is due to increased consumption by the Upper Basin in the last 30-years, which was 561,600 acre-feet (averaged). By subtracting this consumption by the Upper Basin states, the decrease in the natural flow would then be -1.748 million acre-feet. This natural loss of water is greater than the total annual allocation of Utah, which is 1.323 million acre-feet.

Water Delivery Infrastructure

The stages of a water development project includes planning, reviews by the public and attorneys, permitting, financing, and construction. The time-frame to complete the project is, at best, 30-years distant. For example, Washington County secured their water right for the Lake Powell Pipeline 24-years ago (1996) and are currently in the permitting stage.

We do not know how much this infrastructure would cost. The estimated cost per mile for the Lake Powell Pipeline is 14 million dollars.

Between now and 2060, the natural supply deficit is projected to double. Considering the overriding goal to keep Lake Powell above 3,525 feet, junior water right positions would likely receive, by the decade of the 2030s, mandatory curtailments seven out of ten years (70%).

2012 Colorado River Basin Supply and Demand Study: https://www.usbr.gov/watersmart/bsp/docs/finalreport/ColoradoRiver/CRBS_Executive_Summary_FINAL.pdf

SAN JUAN SPANISH VALLEY SPECIAL SERVICE DISTRICT Water Right Number 09-2349

The water purveyor of northern San Juan County is San Juan Spanish Valley Special Service District (SJSVSSD) and their water right number is 09-2349.

The administrative record for WR #09-2349 can be examined here: <https://www.waterrights.utah.gov/cgi-bin/docview.exe?Folder=09-2349>

The ORDER of the State Engineer for WR# 09-2349 can be viewed here: <https://www.waterrights.utah.gov/docImport/0558/05586984.pdf>

DISCUSSION POINTS: ORDER BY THE STATE ENGINEER, 2013

Page 2: *"The applicant desires to divert 5,000 acre-feet and deplete 2,503 acre-feet of the diversion."*

Page 5: *"Water right laws in Utah were written specifically to address shortages in water supply and establish a priority system to protect senior rights during times of shortage."*

Page 12: *"The amount of water approved to be diverted based on this decision is 500 acre-feet of groundwater in Moab-Spanish Valley and 100 acre-feet of groundwater on Bridger Jack Mesa. A groundwater monitoring plan must be submitted and approved by the State Engineer before any groundwater is diverted under this application."*

Discussion: The senior water right holders for Moab & Spanish Valley are Moab Irrigation Company (priority year is 1891), Moab City (priority year is 1891) and Grand County Water Conservancy District (priority year is 1959). The priority date of SJSVSSD is September 27, 2017, and would be subject to curtailments by the State Engineer should a groundwater shortage occur in Moab-Spanish Valley.

Discussion: If the pumping from this well does not impair other users, which would be verified by the results of the monitoring plan, the State Engineer will allow more use. Over time, SJSVSSD may discover the yield of this well could be less than 500 acre-feet per year, or more than 500-acre feet. The quantity of water for development in Spanish Valley is not precisely known at this time, and developing long-term planning documents are premature and inappropriate.

Assuming the number is indeed 500 acre-feet per annum, this amount would service a maximum of 1,000 households. The number of serviceable households decreases significantly if any or all the property owners decide to produce their own food, plant large trees for shade, and landscape the surface to protect their soil from erosion.

The groundwater at Bridger Jack has a dangerous level of natural uranium. We strongly suggest the development of groundwater from the aquifer near Bridger Jack be abandoned to avoid harming human health problems and possible litigation. A water sample report for Water Right 05-3892 near Bridger Jack can be examined here

Bridger Jack water sample report: <https://www.waterrights.utah.gov/docImport/0628/06285725.pdf>

CONCLUSION

This development project by SITLA for their Spanish Valley Block was conceivable 50-years ago, when groundwater and surface water in the Colorado River Basin was still available for beneficial use. It is not conceivable today, because the water demand in the Colorado River Basin has exceeded the natural supply. Until the water budget returns to a stage of surplus, this project is not feasible.

The best management practice for northern San Juan County is to be pro-active about assuring dependable water services for the existing residents, to continue providing sanitary sewer services for this community, and to continue monitoring the groundwater very carefully, so as to avoid water shortages and legal interventions.

We advise you not to build a river water delivery system, because this would permanently embed curtailments into an expensive public water supply. The debt burden would become a significant impact to the county and residents.

Sincerely,

John Weisheit
Conservation Director for Living Rivers