

Water trial ends 1st week

BY RUTH HEIDE

ALAMOSA — If the first week of the state water rules trial in Alamosa is any indication, the trial will take every bit of its scheduled six weeks.

Attorneys did not quite make it through three witnesses during the first week of the trial over proposed state water rules governing new withdrawals in the confined aquifer of the San Luis Valley.

More than a dozen people have been designated as witnesses for the state in addition to witnesses who will be called by those protesting the state's rules. Engineer Allen Davey will still be on the witness stand on Monday as the trial enters its second week before District Judge O. John Kuenhold. Davey testified nearly all day on Thursday and was questioned Friday morning by attorneys representing the objectors to the state rules. Davey's testimony focused on diminishing water resources in the San Luis Valley and the data he gathered and reviewed which led him to that conclusion.

Davey's motives questioned

Opponents' attorneys on Friday questioned Davey's scientific methodology in compiling his data and his motives alluding that the lifelong Valley resident may have allowed his personal feelings to affect his scientific judgment.

"You care deeply about the Valley and its resources, its natural resources," attorney Allan Hale said while questioning Davey.

Hale said Davey wears two hats, that of a resident of the Valley who grew up here and cares deeply about the Valley's resources and that of a professional scientist. "It would be very difficult it seems if the perspectives that those two hats brought to your situation did not agree? Wouldn't it create a bit of a dilemma?" Davey responded "I did not experience any dilemma."

"And the reason you didn't experience a dilemma is because you have reconciled personal experience with your perspective as a scientist and you think they agree?" Hale asked. Davey said he did not follow Hale's logic.

Davey said he studied available data extensively to arrive at his conclusions. He said if the data had shown a long term trend indicating there was additional water for appropriation he would have presented that information, "but it is not there."

Hale asked if the fact the inflow into the Rio Grande Basin is 1.15 million acre feet and total pumping in the confined and unconfined aquifers is about 640,000 acre feet, "doesn't that mean the total annual inflow exceeds total pumping?" Davey said that was true but added "We don't want to dry up all our wetlands and vegetation in the Valley. I don't think that's morally responsible to do that."

Hale asked Davey if he knew how much the life of the aquifer would be shortened by an additional pumping of 100,000 acre feet from the confined aquifer. Davey responded "Do you propose completely de-watering this aquifer? Is that what you are suggesting?"

Hale said he did not say de-watering but was wondering how many years it would take for that amount of pumping to shorten the life of the aquifer because it was not in the groundwater model run.

Davey said "Obviously if you had a large additional withdrawal from the aquifer you would see tremendous decreases in the aquifer, tremendous impacts through the Valley." He said the increased pumping of 2002 "gave us an idea what would happen if we had an additional withdrawal, and the impact has been significant."

Still to come ...

Earlier in the week Eric Harmon testified about the Valley's complex hydro-geology and the possibility of land subsidence if underground aquifers are drawn down too far. He was on the stand for more than two full days.

The first witness, who will be brought back to the stand later in the trial, was Steven Vandiver, retired division engineer for the Colorado Division of Water Resources Division III and current manager for the Rio Grande Water Conservation District. He described San Luis Valley hydrology and the Rio Grande Compact and said in his professional opinion the Valley's water supply is overappropriated.

Among those still scheduled to speak on behalf of the state rules are leaders in the local water community Rio Grande Water Conservation District Board President Ray Wright and Rio Grande Water Users Association Board President Roy Helms; Agro Engineering's Kirk Thompson; water experts such as David Cooper who have studied the Valley's hydrology; men like Willem Schreüder who developed the Rio Grande Decision Support System; and Colorado Division of Water Resources State Engineer Hal Simpson and his Deputy Ken Knox.