

SAN LUIS VALLEY IRRIGATION DISTRICT

P. O. Box 637 296 Miles Street
Center, Colorado 81125-0637

719-754-2254

May 17, 2017

Dear Representative Tipton:

The Board of Directors of the San Luis Valley Irrigation District would like to express their support for the Water Rights Protection Act you are seeking to introduce in Congress. The District provides water to approximately 70,000 acres of irrigated farm land in the San Luis Valley. We also own and operate Rio Grande Reservoir, the only storage facility on the main stem of the Rio Grande in Colorado. The Reservoir is located on the headwaters of the Rio Grande in the Rio Grande National Forest. The District holds fee title to the land on which the dam is located as well as adjacent lands, including land just acquired in a land exchange and donation with the Forest Service which provides the District with fee title to the land at and immediately below the Reservoir's outlet works. The remainder of the Reservoir encumbers National Forest land pursuant to an easement issued under the 1891 Right of Way Act.

As an entity with a major water facility located within the National Forest, the District closely monitors issues concerning interactions between federal agencies and entities with private water rights. The District is fortunate to have an excellent working relationship with the U.S. Forest Service personnel who oversee the Rio Grande National Forest and the operation of Rio Grande Reservoir and its related infrastructure. As noted above, we recently concluded a land exchange and donation with Forest Service which, while time consuming, was a cooperative process with beneficial results for both parties. However, we are aware that changes in personnel or interpretation of federal authority can significantly affect the process when a water user's facilities are on or surrounded by federal lands or require federal permitting or environmental approval. In those situations there is always the concern that the federal agency will seek a dedication of water to meet federal purposes as a requirement for obtaining a needed federal permit or approval. For example requiring a water user to by-pass a portion of its water right to meet perceived flow or environmental needs within the stream channel. Such a requirement decreases the amount of water legally available for diversion and put to beneficial use, and is contrary to Colorado water laws. The possibility of losing a portion of a legally vested water right, very often, causes water users to forego needed maintenance, repair, rehabilitation, or expansion of infrastructure, and to avoid in any way possible, federal permitting processes and environmental review.

The Water Rights Protection Act serves the important purpose of clarifying the law and assuring that implementation of federal permitting and environmental review processes will not present water users with a potential loss of a portion of their water right. It will provide water rights owners security in knowing that during permit acquisition or updates, the scope and extent of water rights will not be at issue. The District greatly

appreciates your work to introduce and enact the Water Rights Protection Act. We encourage other members of Congress to support this legislation to ensure the protection of vested water rights and the ability of all water users on federal lands to fully use their water rights for the purposes decreed by the state courts and administrative agencies.

Sincerely yours,

Randall Palmgren

Randall Palmgren, President