

Appendix B

Public Stakeholder Involvement

1. June 7, 2017 Public Meeting Sign in Sheet
2. July 17, 2017 Public Meeting Sign in Sheet
3. July 17, 2017 Meeting Summary
4. Matrix Summarizing Comments Received on the Draft Plan

SIGN IN SHEET

Public Meeting on the Dolores Project Drought Contingency Plan

7-Jun-17

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SIGN IN SHEET

Public Meeting on McElmo Concerns about the Dolores Project Drought Contingency Plan

17-Jul-17

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**Public Meeting on McElmo Concerns about the
Dolores Project Drought Contingency Plan
July 17, 2017
draft – 7 pages**

Mike Preston, general manager of the Dolores Water Conservancy District, opened the meeting. He discussed the meeting format and the type of feedback being sought. Written comments on the plan were to be taken through July 21. The boards of the DWCD and the Montezuma Valley Irrigation Company will receive copies of all the letters/comments that come in, as well as the summary of this meeting. The boards will make the final decisions about the content of the Drought Plan.

Ken Curtis, engineer with the DWCD, said a Planning Task Force consisting of representatives from the DWCD, MVIC, Ute Mountain Farm and Ranch Enterprise, Colorado Division of Water Resources, and Bureau of Reclamation worked on this plan along with Harris Water Engineering, Inc., of Durango.

Ken said for more than 100 years, McElmo Creek has been linked to return flows from MVIC diversions. The timing and magnitude of return flows began to change with the Dolores Project, which included the Towaoc-Highline Canal to deliver water to MVIC shareholders in the South Valley and the Ute Mountain Tribal Farm. The Towaoc-Highline Canal was engineered with pressurized irrigation deliveries to reduce the input of salinity into the Colorado River system. The Natural Resources Conservation Service (NRCS) provided cost share money for on farm irrigation systems that could efficiently use the pressurized deliveries through side roll, and in some cases center pivot irrigation systems. All of these salinity reduction measures changed the timing and magnitude of return flows into McElmo.

Since then, MVIC has begun to undertake other improvements, such as beginning to put leaky open ditches into pipelines and providing much improved irrigation deliveries to those shareholders. MVIC shareholders have also taken advantage of NRCS cost share money to build shared pipelines to distribute water to shareholders beyond MVIC headgates. The Drought Plan considers continuation of such improvements to upgrade deliveries to shareholders, and create efficiencies that will leave more carry-over water in McPhee Reservoir, which is a primary purpose of the Drought Plan.

Ken said the changes in return flows to McElmo have been occurring incrementally for decades. Water managers expect salinity-based on-farm efficiency improvements to continue. MVIC has also expressed a desire to continue improving its delivery system, as funds allow. Ken stressed that funding is a key limiting factor for such projects.

He said this Drought Contingency Plan came about partly because managers are aware that approximately 30,000 acre-feet of water leaves the state via McElmo and they consider that evidence that there is water that can be conserved. This idea represents an engineering perspective and doesn't take into account political, social or environmental impacts to individual residents of McElmo Canyon have raised concerning the Drought Contingency Plan.

Ken said he doesn't believe the Drought Contingency Plan proposed actions will actually dry up McElmo and that was not the intent behind the Plan. The drought plan does not contain many new or original ideas. The recommendations have been talked about for at least 10 years. Ken said the plan's limited focus on McElmo was not the result of deliberate intent. The plan was focused on the three irrigation entities that rely on Dolores Project Storage allocations (Ute Farm and Ranch, MVIC and DWCD).

The Drought Contingency Plan is a planning document, not a decisional document, and as such does not require a NEPA process because there is not specific Federal action to focus NEPA analysis, until a specific project is selected for implementation with the necessary detail to require and provide a basis for NEPA. The recommendations in the plan must be activated by the boards. To be implemented, the plan's recommendations require funding, and often would require negotiations and Bureau of Reclamation approval.

Ken said he can see that readers might interpret the plan as mandating certain actions, but it does not do so. Any proposal in the plan that involves multiple entities will require BOR input, and agreement by Dolores Project allocation holders, so most of the ideas in the plan are essentially "parked" until the impetus and funding to implement them come together.

Next steps:

→Ken said the Planning Task Force will try to include language in the next version of the Drought Contingency Plan clarifying that the plan in and of itself does not implement proposals that are considered as options.

Comments, Questions, and Discussion

Steve Fusco raised the issue of compliance with NEPA, the National Environmental Policy Act. He said he has a background in NEPA and he is with the Black Dike Pipeline Company. He said the company put in a pipeline using their own funding as well as federal and state dollars. He said NEPA should be part of the drought planning process because the federal government is involved and managers are looking to the federal government to support this plan.

Ken Curtis said the BOR will ultimately have to speak to that question. He said DWCD is not required to comply with NEPA under this plan until a specific project is selected for implementation. This doesn't mean NEPA compliance is either good or bad.

Mike Preston said typically a NEPA process is required when a defined and specific federal action is involved. He said a NEPA process that tried to address all of the options presented in the Plan would be both expensive and non-conclusive without the level of detail that makes analysis of specific and well defined actions necessary and possible. However, if certain measures in the plan are implemented, chances are NEPA will come into play. Managers will vet that question with BOR.

Bernard Karwick addressed several concerns of McElmo residents, including the issue of selective benefit. He said residents wonder whether DWCD board members are comfortable signing on to a plan that eliminates drought for some people but creates it for others. He asked whether it is right to ad-hoc pick out aspects of the environment to prioritize while ignoring others. He asked whether planners have considered that if water is taken out of McElmo Creek to help native fish in the Lower Dolores River, that might wipe out fish in McElmo Creek.

Bernard recommended the board members admit there are issues they didn't anticipate that will have to be considered. The drought plan should work for everybody rather than benefiting some residents at the expense of others. There are people in McElmo who are some of the least advantaged in the county and anything that results in less production would be a great hardship for them. He said Ken Curtis had stated that there are aspects of this plan that will result in less water in McElmo, but nobody has estimated their impacts.

Ken said he believes two or three particular actions are the main concerns of McElmo residents. The plan includes numerous suggested actions, many beyond the McElmo watershed, but residents' concerns focus on certain lateral piping, on-farm efficiencies, and the pump-back proposal.

John Simpson, Assistant Division Engineer with Division 7, said he has read the plan and the letters of comment and he believes there are concerns that need to be addressed. The Division of Water Resources administers according to state statute and water court decrees. This is a unique situation because of the trans-basin diversion from the Dolores River to the Montezuma Valley which creates return flows into McElmo. Trans-basin water can be used to extinction if the diverter maintains dominion and control. DWR lets the diverter (MVIC or DWCD) have the opportunity to maintain dominion and control over that water, but once it goes into a stream it becomes available for appropriation and subject to McElmo adjudicated rights.

Marty Robbins, water commissioner with District 32 of Division 7, said once water leaves the use of individual farmers in this MVIC system, they lose dominion and control of that water and it reverts to the state for appropriation. He said on-farm efficiency projects and equipment programs are the main reason for declining water levels in McElmo.

John Simpson said the state has no say regarding on-farm efficiencies such as switching from a ditch to a center pivot and there is no obligation for return of water to the river. The state does not require those users of the trans-basin diversion to maintain a specified level of return flow. If they do not supply any return flows to the stream, the state has no input.

Chuck Greaves asked whether return flows are subject to the state water rights of McElmo irrigators. He was told that is correct. He then asked how water could be pumped back from Hartman Draw and re-used.

Ken Curtis said the pump-back would involve a junior water right. Managers are discussing pumping back water only when McElmo users have their water rights priorities met, because the pump-back proposal cannot be senior to existing water rights.

Steve Harris of Harris Engineering said the District has not filed a pump-back water right. At this point the pump-back project is nothing but a concept.

Chuck asked about a proposal in the plan to increase inflow into Totten Reservoir. It was clarified that junior water rights would be involved and this action cannot be implemented until senior water rights of McElmo irrigators are supplied.

Mike asked if McElmo residents see other opportunities outside the Drought Contingency Plan that might help address their concerns. Bernard Karwick said there are many, but residents do not have extensive knowledge of water law so it would be difficult for them to suggest to water experts what to do.

Perry Hensley asked whether water rights apply to pump-back. Marty Robbins said they absolutely do. Steve Harris said the idea was to pump water when it is going out of state and there is not a call on McElmo Creek. Mike reiterated that any new water right, which is what is being discussed, would be junior. McElmo adjudicated water rights would have to be met first.

Next steps:

→Ken said the Planning Task Force will work to make sure this is clarified in the plan.

Perry said he looked at guidance from BOR under the WaterSMART grant program. There is a section regarding the vulnerability assessment. That assessment is meant to cover all possible impacts of drought on everybody in this district, including social, environmental and political impacts. He said it would be good for the plan to spell out how McElmo users would be adversely impacted by any drought. He would like the vulnerabilities described in the plan to be broader in scope and the plan to be more specific about who would be impacted and why.

Perry said if enough individual farmers improve efficiency, this would affect McElmo. He asked whether McElmo users would be able to participate as a shareholder in MVIC. Brandon Johnson, general manager of MVIC, said the board is looking into that possibility. He said they will set up a sub-committee and have a conversation with McElmo users because such users are in MVIC's service area.

Steve Harris said that option is listed in the plan very broadly. He doesn't know whether it is workable but if there is a way to make McElmo's supply more secure and reliable, maybe the plan can set the stage for that.

Vince Lee voiced a concern that the plan does not show adequate concern for the environment. He said extensive studies have been done of the riparian corridor in McElmo Canyon and it was found to be one of the most valuable in the county for supporting wildlife. He said, absent issues of survival, it makes no sense to take any actions that would compromise such a valuable environmental resource. He said the Montezuma Land Conservancy has the data from their surveys.

Sheldon Zwicker of McElmo questioned the assumption that the 30,000 acre-feet of water leaving McElmo is strictly return flows. He said a lot of that amount represents seasonal floodwater. He suggested that, there is not much water that goes out the lower end of McElmo during irrigation season. If there is a plan to pump back some water when it's not being used, it probably will not work. Sheldon said McElmo drains a large area, including the Montezuma Valley, the north side of Ute Mountain and much of the north side of Goodman Point, so there is considerable water during flash floods, so the 30,000 acre foot number may not be realistic.

Ken said the Planning Task Force will look at this issue more closely, but he believes the pump-back proposal has a \$40 million price tag so it will not likely be implemented soon. Perhaps that needs to be clarified.

Mike said the district has worked with the state to try to model flows in McElmo but even the best modelers have not succeeded, because flows into McElmo come from a wide range of variable sources.

Ming Adams said people in the county are inter-related. She said actions that impact McElmo Canyon affect jobs, real-estate values, tourism, and tax revenues throughout the county. She questioned whether anyone has the right to say McElmo users are not as important as others. She and her husband run a guest ranch and raise beef and eggs. Water is their lifeline.

Ming also said there are rare birds in the canyon that need water. That water supports cottonwoods and an extensive ecosystem. She asked why anyone should create a drought with a drought plan and turn an oasis into a desert. She also noted that Road G through the canyon is a scenic byway.

Mike agreed the canyon is beautiful and said the comments noted economic benefits such as the emerging wine industry. He said efforts to advocate for these aesthetic and economic benefits should avoid species issues that would trigger federal intervention related to the Endangered Species Act and other regulations that could complicate future efforts to improve water reliability in McElmo.

Chris Majors said the key issue is not so much the drought plan drying up the creek, but the timing of the water. A lot of water arrives in February and March and isn't used. He said the drought plan should be utilized as a mechanism to create storage for McElmo residents' adjudicated rights and to capture the water being wasted in floods and during winter. Increasing storage in the lower valley would mean keeping water in McElmo. That will do more to guarantee the water supply than fighting this plan will do. He said MVIC is inevitably going to continue becoming more efficient.

Perry said the benefits from conservation could be sold as new stock to McElmo users. The shift from ag to residential uses, might also make additional water available.

Mike said the Planning Task Force will try to fine-tune the plan and look at the storage idea. This plan can't solve every concern but if the issues can be framed to look for a solution, that would create a foundation for future actions that go beyond the drought plan.

Vince Samuels asked whether there are existing plans and studies looking into additional sites for storage. Steve Harris said that was not the purpose of the drought plan but it can be mentioned for future consideration.

Mike said the state is dedicating Water Plan implementation money to storage projects, but mainly for planning and permitting purposes. Getting a storage project built requires an enormous effort. The Southwest Basin Roundtable might entertain a request for funding to study a storage-project proposal, particularly if the project would benefit multiple parties. Other options could be considered as well.

Tamara Tozer Sturman asked whether the plan for the future is for residents with adjudicated water rights to purchase water from MVIC. Ken said her question does not have a simple answer. A few elements of the plan will incrementally lessen water going down McElmo Creek. Water managers will look at alternatives such as Chris's suggestion about storage, but Tamara's question is something that would need to be worked out with MVIC. Ken said the plan can suggest this as an option, but such an arrangement is not an outcome that the Plan can achieve, but rather a separate negotiation with MVIC.

Mike Preston said in the drought year of 2013, irrigators relying on storage water in areas up north from Yellow Jacket to Dove Creek had only a 30 percent supply as did the Tribal Farm. The DWCD in 2013 had 30,000 acres of land to which it provided 6 inches of water for the entire irrigation season. This was devastating for farmers and the district both. The Drought Contingency Plan is intended to increase carryover storage as well as to propose other ideas that help mitigate the impact of drought related shortages.

Efficiency measures are aimed at increasing carryover storage in McPhee, and there was no intent to harm McElmo. Mike said efficiencies will also help make the farmers more resilient during drought times. But McElmo comments have suggested that drought impacts on McElmo should be considered as well.

Ed Millard requested clarification from Division 7 about dominion and control. He said in the past, Division 7 said it was possible to track water and maintain control.

Marty Robbins said that is true as long as it's measured in and measured out. In an on-farm situation it would be difficult to prove if water co-mingles.

Ed asked if it is possible for MVIC to take dominion of that water if put it is into a natural streambed. John Simpson said Ed is correct and that is the law, but the physical realities of administration may be different. DWR's intent is to protect every water user, not to take sides.

Next steps:

→Ken said the Planning Task Force will ask MVIC to help clarify that issue. He said it is an MVIC issue and DWCD needs to defer to MVIC leadership on this.

David Grenoble said McElmo is more dependent on irrigation water than most of the county because it almost never rains there, even when it's raining elsewhere in the county. He also raised a concern about water in the Wilson Ditch being very dirty. He said that if water for the lower Wilson Ditch could be piped from Hartman Draw through Mud Creek and into the beginning of the ditch it would save them a lot of loss.

Next steps:

→Marty Robbins said he can discuss this with David. There is a salinity-related project involving BOR and NRCS that will be taking place in the near future and could be applied for.

Dion Hollenbeck said on-farm conservation will dry up Hartman Draw and Wilson Ditch. Mike said the Drought Contingency Plan can set the stage for discussions of such issues and possible solutions, but pursuing those solutions will take a concerted and organized effort by McElmo water users.

Several questions were asked about funding of projects. Robert Stump of the Bureau of Reclamation said he believes anything from drought contingency plans that is proposed for implementation must compete for funding. The plan does not implement anything.

Mike said in his experience with WaterSMART and its programs, he has learned there is drought contingency money from BOR for projects, but those funds involve a highly competitive selection process with very specific criteria. These grants generally require a 50% match.

Perry raised a concern that there is no representative from McElmo working on the Drought Contingency Plan. Mike said that McElmo concerns would have to be discussed with the water boards. Ken said DWCD board meetings are public and anyone can attend.

A question was asked about another public meeting regarding the next revision. Ken said one is not planned. Mike said the revised draft will be posted on the DWCD website, doloreswater.com. The goal is transparency.

Greg Black, MVIC board member, said MVIC has formed a committee to meet with McElmo users. This committee is not related to the drought plan. Gerald Koppenhafer, MVIC board president, said MVIC is a privately held company and will not do injury to its Class A shareholders who own the company. Those shareholders own this water.

Gerald also pointed out that the changes in return flow patterns have been primarily driven by on-farm irrigation efficiency measures. This has been a much bigger impact on return flows than the few pipeline projects that have been undertaken so far by MVIC. He specifically mentioned irrigated land that he owns that used to run a lot of water into McElmo under furrow irrigation; now that he has pivots on these fields there is almost no runoff into McElmo.

John Tomac asked about the current level of MVIC efficiency and said the water in the creek has been dropping. Gerald said MVIC is probably not even close to achieving 50 percent of desired system efficiency yet. He said on-farm efficiencies are what has dried up the creek rather than improvements to the company's delivery system, but if the company were to put all its ditches into pipelines, it would have a major impact on McElmo. The MVIC board has discussed this issue for several years.

Next steps:

→Mike reiterated that all comments received will be sent to the two water boards, along with this meeting summary. The boards will decide the language and content of the final plan. It will be sent to BOR in November and BOR's comments will be received in January. Mike said the boards will finalize the plan in March.

→Mike emphasized that while different proposals and suggestions can be mentioned in the plan, discussions about actions to help McElmo residents will largely occur outside of the plan – for instance, the discussions with MVIC. However, it is a good idea to mention such proposals in the plan because future projects may require BOR approval or funding.

Representing	ID	Date	Input By	Method	Summary of Input
McElmo Creek	1	6/22/17	Adalyn & Jude Schuenemeyer	email with attachment	<i>See attached email and letter.</i> Owners of a farm and orchard enterprise in McElmo Canyon. Expressed concerns over (1) reducing flows in McElmo to the point of desert conditions; (2) Plan actions negatively impacting water rights of users in the canyon; and (3) no stakeholder involvement from McElmo Canyon or Lower Wilson Ditch Association users in the draft plan development. Passion was expressed over the canyon's importance to the communities of the Four Corners, from it's agriculture uses to its tourism.
McElmo Creek	2	6/6/17	Bernard Karwick	email	<i>Email quoted:</i> I was wondering if there will be anything forthcoming that will describe how NEPA, CWA, ESA and other compliance requirements of the WaterSmart grant are being handled or avoided? Also, is there any information available on how the comment process and collaboration with the stakeholders will work? For example: Will we submit comments and then that will be the end our of participation? Is there a way to submit questions to help us understand? Who are the ultimate decision makers as to what the plan contains or omits? Is there an opportunity to interact with them?
McElmo Creek	3	6/7/17	Bernard Karwick	email	<i>See attached email.</i> Karwick described concerns and asked questions regarding (1) the limbo McElmo users are when it comes to location within/out DWCD taxed properties and the "use to extinction" body of the law; and (2) environmental impacts . Possible concepts to consider for inclusion in the Plan: (1) include mitigation downstream in McElmo; (2) lands joining DWCD; (3) estimate supplemental water needed in McElmo during droughts in light of effects of proposed actions; (4) estimate minimum flows to avoid environmental deterioration in canyon; or (5) further expand MVI Class C shares or expand the Totten Program.
McElmo Creek	4	7/21/17	Bernard Karwick	email of letter	<i>See attached letter.</i> Topics commented on were (1) drought planning should not create drought; (2) environmental concerns should be distinguished from environmental damage; (3) clarity of intent and purpose; (4) collaboration; (5) historical issues; (6) review prior to implementation; (7) ground water; (8) DWCD policy inconsistencies; (9) McElmo Creek transit water loss study; (10) Hartman Draw pump-back; and (11) additional drought mitigation measures not already included.
McElmo Creek	5	6/22/17	Bob Helmer	email	<i>Email quoted:</i> As a McElmo Canyon resident and a board member of the Lower Wilson Ditch Association I request there be a extension of the study period and the inclusion of all water owners within the Dolores Water Conservancy District. I reference the letter from Chuck Greaves to represent the myriad other details and concerns of myself, our ditch, and fellow residents. <i>Sent follow up email clarifying:</i> Please be further advised that our property appears to fall within the DWCD boundary, that we have paid a mil levy to DWCD since 2000 and a levy for Dolores Water Bond/Debt since 2007.

Representing	ID	Date	Input By	Method	Summary of Input
McElmo Creek	6	6/23/17	Bruce Downer	email	<i>Email quoted:</i> I am a resident, farmer and irrigator who lives in McElmo Canyon. This mailing is to voice my concern with the DWCD Drought Contingency Plan and the probably negative impact(s) the plan might have on the McElmo Canyon irrigation systems. I have reviewed the draft of the plan and all indications are that any and all impacts on the irrigators who live in McElmo Canyon have been completely ignored. I find these actions to be very, very alarming, unfair and quite possible illegal. I am in hopes that DWCD will open up discussions with the residents of McElmo Canyon in an effort to bring equity to all who appear to impacted by Drought Contingency Plan. Anything short of that would be considered a travesty that would surely result in, at the very least, litigation.
McElmo Creek	7	6/23/17	Chris & Kristen Anderson	email	<i>Email quoted:</i> As a property owner in McElmo Canyon, we depend on the water supply from the Lower Wilson Ditch to maintain the vegetation on our property. We use the water to provide pasture for our livestock and to grow food for our family. The water rights that are bound to our property deed are one of the primary reasons we chose to live here. Taking or diminishing these rights (which are in full use) is a violation of Colorado State Law and is just plain wrong. Our quality of life and our property value would suffer greatly if our access to water is reduced. I agree in full wit the comments provided by our association (see attached letter). Please do not reduce our water rights or in any way reduce the quantity or quality of our water. We and many others in McElmo Canyon depend on these rights.
McElmo Creek	8	6/19/17	Chuck Greaves	email with attachment	<i>See attached letter.</i> Comments provided on behalf of the Lower Wilson Ditch Association, LLC. Topics raised in the letter include: (1) no meaningful collaboration; (2) no NEPA compliance; (3) senior water rights; (4) agriculture; (5) threatened and endangered species; (6) wildlife; (7) homeowners; and (8) tourism.
McElmo Creek	9	6/20/17	David Grenoble	email	<i>See attached email.</i> A commercial hay and grape grower who diverts from the Lower Wilson Ditch expressed concerns over the impacts of the Plan on water quantity and timing of water as it relates to his diversions and crop production.
McElmo Creek	10	6/19/17	Dion Hollenbeck	email	<i>See attached email.</i> A user of Wilson Ditch is concerned about impacts on McElmo Canyon. An orchard grower, he is objectionable to the (1) short public comment period; and (2) no EIS done.
McElmo Creek	11	7/18/17	Dion Hollenbeck	email	<i>See attached email.</i> Additional comments were provided after attending the July public meeting. His concerns are with the his perceived attitude of MVIC and his history of past interactions with the board regarding drying up of water in Hartman Draw. As the responsible person for monitoring the ditch's headgate he has seen the transition from spilling of 50% of the water coming down Hartman Draw to no spilling and decreased flows below their water right.
McElmo Creek	12	7/21/17	Eric Lindgren	email	<i>See attached email.</i> A water rights holder in McElmo Canyon expressed concern and identified areas in need of clarification: (1) general concerns of negative impacts to McElmo Creek and decreased flows; (2) for actions using existing or new water rights please identify these rights and priorities.
McElmo Creek	13	6/22/17	Gary & Susan Kyle	email	<i>See attached email.</i> McElmo Canyon residents expressed concern that the draft Plan does not include the needs of the farmers and ranchers in McElmo Canyon or Montezuma Valley in general. Existing water rights date back more than 100 years and could be affected if historical water flows are depleted. The health of the farming and ranching of the canyon directly affects their way of life and the community's.

Representing	ID	Date	Input By	Method	Summary of Input
McElmo Creek	14	7/21/17	Gary Adams	email of letter	<i>See attached letter; also provided the video shown at public email.</i> Users of the Hamilton and Murray-Zwicker-Tozer ditches who own a guest ranch expressed these concerns: (1) the Plan appears to lessen drought in one area while increasing it in the canyon; (2) historical perspectives vary on quantities of flows existing prior and due to MVIC's trans-basin diversion return flows; (3) the amount of decreased flows in the canyon should be quantified; (4) the Plan lacked thorough consideration of the potential impacts to the eco-system, wildlife, environment, water quality, agricultural heritage, agritourism and real estates values.
McElmo Creek	15	7/10/17	John Kelley	email	<i>See attached email.</i> The water right owner provided a brief history of acquiring his land, water rights and irrigation practices. In recent years, he has seen a decrease in water availability to his lands from either diversions or springs. He wanted to express his concern that adjudicated rights not be lost in the shuffle. He is willing to work together to improve the overall situation regarding water conservation and ensure it's best usage.
McElmo Creek	16	6/21/17	Karmen King	email with attachment	<i>See attached letter.</i> A home and water rights owner in McElmo Canyon is concerned with the dimensions water flow in the Lower Wilson Ditch and how that would greatly affect their irrigation parties, quality of life and secondary impacts to the area. The owner is in support with comments provided by C. Greaves.
McElmo Creek	17	7/21/17	Lynda Larsen	email	<i>See attached email.</i> A homeowner and irrigator in McElmo Canyon and a member of the Lower Wilson Ditch Association expressed concern that the Plan failed to acknowledge that the entire Wilson Ditch is in DWCD boundaries and members of this ditch pay property taxes to DWCD but receive no benefit from this membership and the ditch's interests were ignored in the Plan. In order to benefit the ditch and provide some return on their 50+ year investment into DWCD they would like to see (1) acknowledgement of their status as DWCD members in the Plan in a way that distinguishes them from the rest of McElmo Canyon irrigators; (2) including in the Plan some provisions in times of drought to guarantee water delivery to Wilson Ditch via Hartman Draw; and (3) measure the water so delivered such that it will not be subject to the senior priorities of the downstream McElmo irrigators who are not DWC members and who pay no taxes to DWCD.
McElmo Creek	18	6/20/17	Marc Yaxley	email with attachment	<i>See attached email; email and attachment are the same letter.</i> A land and water right owner in McElmo Canyon expressed passion and concern over MVIC's historical practices of wasting water to being excluded from the Plan's development to the rights of the river. Much concern was raised over the impacts of the pump back project and its affects on the baseflow, legal obligations to downstream users, and management of the facility. They are open to the possibilities of purchasing water form MVIC and would like to not be excluded in future discussions.
McElmo Creek	19	6/20/17	Marc Yaxley	email with attachment	<i>CC'd 'comments@durangowater.com' on an email. See attached email. Quoted text:</i> To Representative Marc Catlin, Senator Don Coram; I realized I should also send this note and comment to our state political leaders for our region as well as Scott Tipton and the Montezuma County commissioners. Please find the attached letter/file which we have sent to all local agencies here in Montezuma County pertaining to the Drought Water Plan the these two groups have come up with which does not fairly consider a long time user: McElmo Canyon land owners. These owners will/would suffer major loses of their water were to be cut off in favor of it being sent to others with no regard for the down stream users. Thank you for your time and help out on this issue anywhere you feel you can!
McElmo Creek	20	7/19/17	Marc Yaxley	email	<i>See attached email.</i> Mr. Yaxley attended the July public meeting and appreciated time take to educate everyone on the Plan's origin and general water information. As a user of the Wilson Ditch, he thinks it is unfair that one person many man years ago could decide to not join the MVIC and how that is now affecting him and others. He is supportive of joining MVIC and purchasing shares; what type of share he does not know and is unsure how delivery logistics would work. He also recommends that if the McElmo pump back project were to move forward that it provide water to McElmo Canyon users as the pipeline to pump water will most likely be constructed on most of their lands.

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McElmo Creek	21	7/15/17	Marilyn Dedrick	email	<i>See attached email. Quoted text:</i> I am writing this in regards to the Dolores Drought Plan. We own a home on 10 acres in McElmo Canyon. We have 20 shares of Lower Wilson Ditch water rights. We have irrigated pastures (approximately 4 acres) on which we pasture sheep or steers, an orchard with 15 fruit trees as well as 3 additional fruit trees and 2 vegetable gardens, all of which we could not sustain without irrigation. Our property values would decrease substantially without the ability to irrigate. I sincerely hope you will reconsider the effect your plans will have on the residents of McElmo Canyon, many of whom have farmed and ranches here for generations. Have you been down our canyon and seen the hay fields, pastures and vineyards? Do you buy produce at the Cortez Farmer's Market or hay for your livestock? You will destroy a whole part of what makes Cortez such a great place to live and raise a family!
McElmo Creek	22	7/20/17	Normand Birtcher	email of letter	<i>See attached letter.</i> A commercial bee keeper maintains several apiaries in McElmo Canyon. This area provides the bees a good source of nectar and pollen. The proposed pumping of McElmo Creek water into Totten will certainly reduce the water table in the riparian areas and dry up man of the irrigated fields which in turns has an impact on his bees. The EPA requires an EIS or EA for actions which should include economic impacts such as the negative impact to his beekeeping operation, vineyards and commercial orchards in the area. Please find a way to cooperate with local landowners and irrigators to provide consistent streamflows in McElmo Creek so as not to put him out of business.
McElmo Creek	23	7/18/17	Paul Maddex	email	<i>See attached email.</i> He described a scenario that with diminished streamflows this would cause negative affects to the canyon's greenbelt causing it to become susceptible to wild fire. A Fire Wise team once told him that irrigated lands are good for decreasing wildfire danger because they break up the landscape and reduce dangers. By drying up the riparian habitat and lands this would create a very likely wildfire scenario. Please consider an acceptable loss of property and potential life in return of a delivery an extra inch or two of water to other locations in Montezuma County.
McElmo Creek	24	6/20/17	Perry Hensley	email	<i>See attached email.</i> An irrigator that utilizes water from Hartman Draw is concerned about how diversions from Hartman to THC would occur and affect existing users. Please be specific in the Plan about the exact nature of the stated DWCD water right and articulate the potential impact it could have on the McElmo Canyon water users that also divert from Hartman Draw.
McElmo Creek	25	6/19/17	Rodney Carriker	email	<i>Forwarded from Carriker of his email sent to Scott Tipton (through Darlene). See attached email. Quoted text:</i> Where federal funds used to build the water system that want to take our water. Where federal funds used to develop the irrigation systems that they use? Where federal funds used to build this plan and implement it? Will federal funds be used to pump and take our water? When did the federal govt. start intentionally ruining eco systems, farm land, property values and American's homes.
McElmo Creek	26	6/19/17	Rodney Carriker	email	<i>Email quoted:</i> "My guess that the class action lawsuit brought by every land owner in McElmo canyon for current and future crop losses, current and future land value losses, and the loss of dirt in general when McElmo flash floods due to no plants holding the sand in place will so big, that it will out weight any liability insurance your board members have."

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McElmo Creek	27	7/21/17	Sheldon Zwicker	emailed a letter	<i>See attached letter. Quoted text:</i> In response to the study and preliminary draft Dolores Project Drought Contingency Plan, done by Harris Water Engineering Inc., this study is very misleading in respect to page 68, paragraph 7, stating 30,000 AF of water leaves the state annually, most of which is MVI return flow. In years of adequate or abundant water this partially true. In years of drought this is misleading. We must keep in mind that MVI irrigation season is normally 5 months. McElmo Creek runs for 12 months. During drought, which this plan is about, the water leaving Colorado is very minimal other than normal flooding in the McElmo drainage which spikes the flow out of the state, which most of the water is not useable. In times of adequate or abundant water there is no need for MVI or McElmo to seek more water. Harris Engineering Inc. has access to the same information that I do and should put this in true perspective to the MVI shareholders. To spend 15 to 16 million of tax payers money to pump back less than 18 cfs in times of drought is not feasible. Other issues to consider are environmental and economical draw back to the county.
McElmo Creek	28	6/26/17	Steve Fusco & Mark Montgomery	hard copy letter	<i>See attached letter.</i> These irrigators reviewed the draft Plan and appreciated the investigation into options to assure water delivery during drought conditions; including conversation and cooperation. The recently embarked on an improvement project of their own, to pipe the Black Dike Ditch (now known as the Black Dike Pipeline Company). Concerns were raised about the proposed McElmo pump back and other pump backs to Totten actions because they would result in huge losses of water to McElmo and result in degradation of the water quality; secondary impacts (fish, wildlife, vegetation, etc.) would be devastating. They would like to see the pump back option removed from the Plan. The draft Plan largely ignores McElmo Canyon and would like to see the Plan expanded to add McElmo interests by identifying everyone's needs and how to best accommodate those needs so that we all survive.
McElmo Creek	29	6/22/17	Tozer Family	email	<i>See attached email.</i> A passionate and concerned family in McElmo Canyon are worried their historical water rights are in grave danger from the proposed actions in the Plan. They believe DWCD is interested in selling water and this Plan proposes them taking their water that they own and selling it the highest bidder. They have worked hard to maintain their water rights. If this Plan is implemented it could and will ruin them, break them financially, and take all the value out of their real estate as well as ruin the beauty and charm of McElmo Canyon.
McElmo Creek	30	6/26/17	Vincent & Nancy Lee	hard copy letter	<i>See attached letter.</i> A landowner in McElmo Canyon and user of the Black Dike Pipeline expressed concerns over the possible impacts of the Plan to their pipeline, livelihoods, neighbors, and the entire riparian ecosystem. Specific concerns and questions were asked about the McElmo pump back action. A plan for the management of the resources is appropriate, but they believe that all affected parties should be involved and all costs of any changes proposed should be considered prior to any implementation, and mitigation of those costs undertaken wherever possible.
McElmo Creek	31	7/22/17	Vincent & Nancy Lee	hard copy letter	<i>See attached letter.</i> This letter was a follow up to previously submitted comments. Lee has offered the contents of the Montezuma Land Conservancy's (MLC) Strategic Plan for your deliberations. The 60 page document inventories the public values existing in MLC's two county area of interests. The values documented include scenic, historic, agricultural, ecological and other public resources that their state statute allows them to protect; specific references to McElmo Canyon are scattered throughout the document.

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McElmo Creek	32	7/21/17	Stephen Johnson	email of letter	<i>See attached letter.</i> A representative for Lizard Land, LP provided a comment letter expressing concerns with: (1) historical perspective of the early McElmo settlers; (2) specific comments on Sections 1.2, 1.3.1, 5.1.2.5, 5.1.4.2, 5.2.1.2; 5.2.6; (3) recommended making a separate sub-section for McElmo Canyon in the vulnerability assessment section; (4) for the Totten mitigation action language should be added to address releases to McElmo Canyon in times of drought; (5) he supports additional capacity in Groundhog to keep water in the San Juan Basin and prevent it from flowing down the Dolores; (7) further discussion is needed on McElmo users becoming members of an entity to provide a more secure water supply, including steps for this process; and (8) requesting additional opportunity for comment once the Plan has been updated.
MVIC shareholder	33	7/21/17	Carolyn Landes	email	<i>See attached email. Quoted text:</i> As a small shareholder in the Montezuma Valley Irrigation Company and a Large shareholder in the health and quality of life in Montezuma County, I am writing to express my concern about the Contingency Plan's potential negative impacts on the historically strong and significant agricultural base in McElmo Canyon. In addressing the important needs for water conservation in our region and beyond, it is vital that we remember our local community as a whole. To potentially shut off the agricultural life of any of our families, friends, and neighbors in McElmo Canyon (a truly unique growing area which supplies/supports ALL of us) is NOT the way to conserve. Leaving out the McElmo agricultural area in your initial planning may have been "legal"??, but it certainly was not in the best interests of our community as a whole. I am sure there are comprehensive and inclusive answers for drought contingency planning in our region and hopeful that you will identify them in the next draft. Thank you for extending the comment period.
MVIC shareholder	34	6/17/17	Ed Millard	email	<i>Email containing editorial comment.</i> On page 7 there is an "a" that should be "as" in the sentence: Mitigation actions proposed are categorized by structural and non-structural actions a implemented prior to a drought.
MVIC shareholder	35	6/17/17	Ed Millard	email	<i>Email containing an editorial comment.</i> On page 8 this is so mangled it probably needs a do over in sentence: For all irrigations , implementing needs financial backings . Signification opportunities exist if funding become available. On page 8 no comma after are: While some actions are , applicable no matter the severity or type of drought, others are only applicable during one type of drought.
MVIC shareholder	36	6/17/17	Ed Millard	email	<i>See attached email.</i> Specific questions raised in the email were: There are sections 2.4 and 2.5 on stakeholder involvement and public comment, are you going to put all, some or no public comments there in full? What exactly is "involvement" and why is that part empty? If you are including public comments in the plan in full you probably should've mentioned that in the letter. Who exactly is determining which public comments get included in the plan and when, Harris Engineering, the drought committee, DWCD board, MVI board, Ute Farms? Comments wont be integrated until after the public meeting right, if any are integrated?
MVIC shareholder	37	7/19/17	Ed Millard	email with attachments	<i>See attachments. Quoted text:</i> Attach is a PDF with my comments on the drought plan. The second PDF is a write up on DWCD's release of MVIC call water to the lower Dolores during the ramp down which is integrally involved in some of my drought plan comments. I didn't spend time on this, three hours, but I did have a few things to say.
MVIC shareholder	38	5/23/17	Russ & Kim Montgomery	email	<i>See attached email. Quoted text:</i> Regarding the Moonlight ditch improvements, I do not see any mention of or costs associated with obtaining easements across private property for the realignment, or even if the private property owners have been advised. While I completely understand the efficiencies gained by piping the Moonlight ditch, will there be a required EPA review to address the loss of wetlands that have been created by the spillage of water across our property at the current beginning of the piped section, as well as other seepage areas? The potential remediation costs/alternatives should be considered in your analysis. Our property is located adjacent to Narraguinnep reservoir and the Moonlight Ditch, at the junction of concrete ditch to pipeline.

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Dawson Draw	39	7/14/17	Jean Behr	email	<i>See attached email.</i> A water rights owner in Dawson Draw along the McAfee Ditch. They have seen continual dry up ditch over the year which lead to their neighbor installing a pipeline. Due to lack of planning the pipeline and understanding of his water right, the neighbor's pipeline can no longer carry his water. He is rightfully suspect of plans that will make systems "more efficient" depriving others of livelihood and property values.
Public	40	6/15/17	Win Wright	email	<i>See attached email.</i> Six specific topics were commented on: (1) rain barrels and roof-collection systems; (2) climate change affecting timing of water storage; (3) new (smaller) storage facilities; (4) lack of addressing groundwater; (5) emergency contingencies for hauling water to farmers; (6) transit losses down McElmo Creek.
DWCD Board	41	6/30/17	Don Schwindt	email with attachment	<i>See attached email and letter for further details. Quoted text:</i> Here are some shot gunned thoughts to provide context as you review. I appreciate your work on the draft plan. It reflects a positive change from the original proposal that you generated in response to concerns expressed at that time. In spite of the length of my comments, I tried to limit them to what I considered high priority concerns. I bring a little different mind set foundation to the effort. I think some tone change will make the plan much more acceptable. Many of the word choices and most of the additional history are provided to try and reduce the perception of threat generated by the plan as drafted. In addition to offering a few scattered specific word changes, I provided two sets of more significant suggestions: 1) concepts that I think are valuable that I left for you to wordsmith, and 2) in quotation marks, are words that I thought should specifically be used and that I spent time and effort to formulate. The comments are designed in a format for you to incorporate into a redline draft from me for your easier review. I expect it will be easier to understand if I talk my way through that format. I am expecting the process we are in will require an additional set of comments to the draft that you generate from all comments, before we have a final draft completed. The response from McElmo users is no surprise, these concerns have been around for a long time, and have percolated to the level of much more conscious concern and discussion from folks on both sides of the impacts in recent years.
San Juan Basin Farm Bureau	42	7/21/17	Linda Odell	email of letter	<i>See attached letter.</i> Believes the Plan should be a community plan and not just DWCD water users. Concerned that outside forces are trying to get water away from our area. Not a long letter please read because not sure the intent well summarized.
San Miguel County	43	7/21/17	Lynn Padgett	emailed a letter	<i>See attached letter.</i> SMC comments were by draft report section and many ways to clarify narrative. The concerns included: task force did not represent stakeholders; inflow outflow sheets were for law suit settlement; name snoTEL sites; believes drought planning should include recent dry years over long term hydrology; suggest that the water forecasting procedure be improved to better and sooner predict shortages; asked about the 700 AF for Paradox sharing in drought reduction; pointed out concern by biologists that peak flow may be more important than base flow to native fish; questioned where "saved" water would be used and suggested carryover storage; asked where hydropower revenues would be used if ever developed; suggested a new medium priority action to for increasing McPhee discharge water temperature for native fish; suggested changing crops that use less water; does not support new irrigated lands or new MVIC shares; questions he method used for setting priorities so that actions that did not harm some users for others be used; suggested deleting early season diversions for MVIC; a couple editorial comments.

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The Nature Conservancy	44	7/21/17	Celene Hawkins	email with attachments	<i>See attachments.</i> TNC was generally supportive of drought planning and provided extensive comments primarily regarding the fishery but also the process. TNC suggestions included: thought they should have been on the Task Force as a stakeholder; didn't think the fishery and boating was represented; wanted to see the vulnerability of the fishery expanded and provided narrative that that might be included; thought that water saved from actions should not be reallocated to other acres (e.g. Class C, McElmo and Redlands); suggested they might be able to assist in funding multipurpose actions; expressed concern about actions that would reduce peak flows such as Plateau Reservoir; included a few editorial items that we need to change.
CWCB	45	6/20/17	Taryn Finnessey	email with attachment	<i>See attached letter.</i> The CWCB comments suggested some changes to some language of monitoring to better describe the process. Substantive comments included: wasn't clear which actions will be pursued; suggested a set time period to update the plan; suggests the potential temperature rise from climate change be estimated for increased crop consumptive use; suggested expansion of the "triggers" for drought not only within a year but from year to year.
San Juan Citizens Alliance	46	7/23/17	Mark Pearson	email of letter	<i>See attached letter.</i> Supports improved on farm sprinkler systems. Suggests that more options should have been included to change to crops that use less water. Does not support Plateau because non native fishery is no longer a priority and peak flows are the priority now.
CPW	47	7/21/17	Patt Dorsey	email of letter	<i>See attached letter.</i> Expressed general support with the following issues: efficiency savings should not go to more uses but used for carryover storage; does not support Plateau Reservoir because it will reduce spill volume and flood CPW property; the description of Plateau seems to suggest the CPW believes that spill water is more important than increasing fish base flow; suggest we included leasing between full service irrigators also be available to fishery; suggested we didn't include all of the potential evaluations for response actions that were in grant application major one not addressed was crops that use less water the others can be explained; thought stakeholders should have been more involved; carryover storage should be emphasized even more; suggest removing action for MVIC to divert April/May water; asks why the modeling proposed in the application was not conducted; see last page of their letter for full list.