

I was invited to serve on a panel along with Hattie Johnson from American Whitewater and Jim White from Colorado Parks and Wildlife. I was listed as being from The Family Farm Alliance, representing agricultural interests, because the Alliance had recently released a Policy Brief addressing Colorado River interests in the context of negotiations on 2026 Operating Guidelines. I had the privilege of working on that policy development, where I brought my Dolores Project perspective. My remarks for the panel presentation focus on my Dolores Project lessons learned, many of which were in tandem with Lower Dolores rafting and fishery environmental interests, and they are built on the foundation of the Alliance policy.

SWCD seminar March 31, 2022 Final

**“Balancing Protection and Use of our Natural Resources”** The Don Schwindt perspective

Water is life. There is a ton of hard-to-understand complexity in that simple sentence. Humans, both as individuals and with its societies, have an incredible ability to understand and utilize, some of the complexities of life. They also have an amazing ability to ignore essential components to that life. Misunderstanding or inadequate recognition can lead to an arrogance in advocacy for policies, often based on differing agendas or biases. We all need to approach today’s hydrology challenges with much more humility about how much we don’t know. We need to show more respect for the knowledge of our predecessors, and their policies, as we collectively strive for workable solutions that will serve our descendants. How does life follow water? We need to generate thorough scientific answers to that question to build a strong foundation for successful new policies.

I will share some of my history. In 1975, Jody and I rented our first farm down McElmo Canyon. The farm’s water rights had an 1886 date and were based on return flows from MVIC’s Dolores River 1885 water rights. I had to learn to be an artist with the shovel, or “idiot stick” that was the tool for water application on my early farms. By the end of 1976, we had two more farms, along with a ton of debt, that were in the Montezuma Valley service area of MVIC. In spite of only two weeks of spring irrigation water that year, we survived the drought of 1977 on significant groundwater that raised some crop. My second farm was at the tail end of MVIC’s ditch system, where the water supply was much more erratic, which caused me to run for the board of MVIC in 1980, where I began my water board “career”. In 1983, I was appointed to the board of the Dolores Water Conservancy District. My water board opportunities, along with my hands-on farm experience, have given me the privilege of learning Colorado and federal water law through the perspective of the Dolores Project, from my just-more-than-a-kid days to today.

All of the water supply for my community in the San Juan Basin is trans basin diverted from the Dolores River Valley. I think this unique Colorado geography/hydrology/legal experience has been a wonderful template for gaining an understanding of the issues also being faced by the state of Colorado and the entire seven Colorado River Compact states. We are all responding to

a new, more volatile hydrology, and warmer climate. We have critically important environmental, economic, social, and cultural communities that are served by a range of diverse senior and junior Colorado River water rights. Both State and federal law are woven together through contracts and law that are complicated and difficult to understand. I think that my San Juan Basin community is a microcosm of the success of our American “gift of self-government” where new communities have been established that provide the opportunity to live the American dream. The Montezuma Valley area, with its public forest and BLM lands providing summer and winter grazing and the irrigated country providing a home base, still allows first generation ag producers to get established, something rare in today’s world. As we struggle to meet the challenges that our current hydrology is bringing, we have to design a path forward that will retain the tremendous success that irrigation water has brought to the Montezuma Valley. We have a good set of legal and science-based tools to work with. But we are going to have to bring a new, more realistic mindset, to our collective problem solving.

The Dolores Project was the last traditional BOR project to be constructed. But it was more than that. Early in my career, I viewed it as a wonderful example of a new, transitional project that could serve as the model for the continued water development that many of our growing western communities would need. The Project provided a late season supplemental water supply to the senior rights that had been used by MVIC and its predecessors for one hundred years. It also doubled the irrigated acreage in our community utilizing as sophisticated irrigation technology as any place in the West. The new acreage expanded into the dryland farm country north of the MVIC area and also, importantly, expanded south to the UMUT reservation to create a thriving tribal farm with “wet water” in lieu of a “reserved paper water right”. NEPA compliance also resulted in the second largest beneficiary of new project storage supply going back into the Lower Dolores River below McPhee to recreate a year-round flow, instead of the 100-year-old dry summer river when MVIC was diverting almost all of the Dolores River flows.

McPhee Dam was the first project feature to be constructed. Its immediate beneficiary was the downstream river users while infrastructure construction for Project supply delivery continued for another two decades. The rafting releases were able to expand beyond the BOR’s long term planning expectation. Additional NEPA process resulted in changing the BOR’s planned flow regime to a new environmentally managed pool supply. Unrealistic expectations for both of those uses became wired into the public and remain today. The rafting community established 800cfs per day as their minimum requirement. But the reality is that only 14 days’ supply for that water demand equals the entire years allocation to the Ute Tribal farm. Early efforts by Colorado Division of Wildlife to describe the water needed for the downstream fishery beyond rafting releases as equaling nearly 90% of the entire available Dolores Project water supply! The Dolores River just can’t provide that much water downstream from McPhee. Those water demand expectations are even more unrealistic when looked at through the reality of the last two decades water supply. Colorado’s state constitution established the right to take water from where it was found and put it to use where it was needed. The early Montezuma Valley residents

did that with Dolores River water. A fair analysis of environmental uses in the San Juan Basin compared to the Dolores Basin uses of the same water has to be part of our collective discussions. The McElmo basin provides new successful habitat for native fish and terrestrial fauna.

The last two decades of hydrology have demonstrated the need for all parties to accept the reality of learning to manage a new, more volatile and potentially permanently reduced, water supply than was contemplated with the junior rights that the Dolores Project relies upon. We cannot survive continuing to pretend that the Dolores River has the ability to meet all the articulated demands. We all have to come together and prioritize the water uses to match with available water supply. We need to bring a new mindset to our prioritization discussions. My history with the Project, and the complicated laws and contracts that it operates under, give me some ideas about what should be priorities moving forward. The Family Farm Alliance has generated some policy positions that are valuable and applicable to my community as well.

Next, I want to share some perspectives from the three irrigation beneficiaries of the Dolores Project. My MVIC farming view is strongly positive. MVIC's senior rights have provided my farm with good cash flow even through the poor water years. That is the beauty of prior appropriation. The minimal project water supply available in 2021 was described as "challenging," by one junior Project user. In spite of that terrible lack of water, the message I get from both the full-service country and from the UMUT tribal farm is that they are resilient. They are determined to find a positive path forward. I think that the senior and junior rights can find constructive ways to work together for the benefit of our entire community. We all have shared in the wonderful success of the Project that truly was the dream of MVIC's first predecessors. Irrigated agriculture from the Dolores River has brought life to a dry valley, with not just food production and its economic benefits, but critically important environments for wildlife and other cultural benefits associated with the new irrigated ecosystem. There is no better place in the state to compare the benefits that came with surface irrigation to what is supplied by more efficient water delivery systems. We have them side-by-side being served by senior and junior Colorado water rights. Both systems bring their unique set of critical values. We need to maintain those values.

Here are some words from Family Farm Alliance policy: "Agricultural production in" our San Juan Basin community "is part of an irreplaceable national resource that is vital to U.S. food security, the ecosystem, and overall drought resilience. It must be protected by ensuring water remains on-farm.

The severe drought has led to a troubling narrative in some media coverage that seems to imply the current conditions warrant taking water from farmers to make more available for cities and the environment. This narrative ignores the value of ag water use and the interdependence

between irrigation, wildlife habitat, and emergency drinking water supplies. These calculations also ignore environmental instream flows and the critical groundwater storage benefits that result from agricultural water use.

Removing water from farms and ranches will have unintended ecosystem and societal impacts.”

In summary: our expected more volatile hydrology is going to require new flexible solutions in order to continue the success that has already been developed with current water rights. We cannot look to agriculture as the reservoir for other uses. We have to prioritize **all** water that is used for environmental purposes, both upstream of McPhee, and including the San Juan Basin environment. We have to explore all potential “augmentation” water supplies, first by aggressively putting forest health water back into the system. We need to strategically utilize groundwater storage opportunities. Mother Nature uses a longer planning horizon than we do, which makes her more adaptable than us; we need to learn to manage to her long-term actions. We need to find a way to avoid more “challenging” 2021 type years and find ways to store the high side of the more volatile expected hydrology. The Dolores River does not have spare water to send to Lake Powell to enable big cities either on the Front Range of Colorado, or in the Lower Basin, to just keep growing by “standing up” an unworkable demand management program.

I think the DWCD board has to be a leader in designing a workable path forward. I personally have a number of concepts that I think could be helpful. I have faith in the “water community’s” planning abilities. The Dolores Project has been innovative from before construction started. I remain confident that we have good “tools” to work from. Some folks around the west are saying that the Dolores Project was a mistake. I disagree. The proof is evident if you just spend some time here. Even with the new hydrology we will find a way to maintain our strong healthy community. I would point you to the policies developed by the Family Farm Alliance for more substantiation and detail. And I would be glad to share more of my localized thinking in a setting where we have more time. I thank SWCD for this opportunity to speak.