

## Group threatens to sue Colorado over river flows

By SUSAN MONTOYA BRYAN, Associated Press  
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ALBUQUERQUE, N.M. (AP) — A Western environmental group is threatening to sue Colorado, saying its management and allocation of water in the San Luis Valley is putting New Mexico's stretch of the Rio Grande at risk.

WildEarth Guardians delivered its notice of intent to sue this week. The Santa Fe-based group points to a two-month review of the river's flows at the state line, arguing that flood irrigation soaks up most of the water that makes its way into the Rio Grande from snowpack in Colorado's San Juan Mountains before it crosses into New Mexico.

What's left is a small amount for downstream users and endangered species such as the Rio Grande silvery minnow and the Southwestern willow flycatcher, the group said. With limited flows, the environmentalists argue the species' habitat is being compromised and the federal Endangered Species Act is being violated.

While Colorado will unlikely relinquish any of its water, WildEarth Guardians' notice suggests that boosting the river's flow to protect an endangered fish and a rare bird is an issue separate from the decades-old compact that mandates how much water Colorado, New Mexico, Texas and Mexico get from the Rio Grande.

"The problem just keeps getting worse, and if you look at those tables, Colorado is taking pretty much all the water, especially in really dry years," Jen Pelz, WildEarth Guardians' wild rivers program director, said Wednesday. "The only reason why they deliver anything is because of the compact obligations, but the ESA is a separate obligation. It's a federal law, not a negotiation."

Carolyn Tyler, a spokeswoman for the Colorado Attorney General's Office, said Wednesday that the office just received the notice and had yet to review it. She added that Colorado is in compliance with the terms of the compact.

New Mexico has been ravaged by extreme drought over the past few years. The state has watched its reservoirs shrink to record low levels and stretches of the Rio Grande have gone dry, forcing federal wildlife biologists to engage in futile efforts to scoop up silvery minnow and relocate them to wet portions of the river.

According to WildEarth Guardians' notice, runoff in the Rio Grande Basin in April 2013 was forecast to be 51 percent of normal at the Del Norte measuring gauge, which is close to the headwaters in Colorado. During April and May, the notice stated that Colorado consumed on average 75 percent of the flows before they reached the measuring gauge near the state line.