

BENEFITS OF WATER DISTRICT'S WELL AUGMENTATION

By: Terry Scanga, Upper Arkansas Water Conservancy District Director at Large

Typically water discussions are characterized as dry subjects except when it involves your own water. I suppose that is why I must be interested in this subject and have always been. I blame my paternal grandmother for this curiosity about water and water enterprises. 110 years ago, in 1889, she caught a neighbor appropriating water from her water division box; water which was not his to take. Being of quick temper she reached down and picking up a stone flung it across the South Arkansas River striking this water thief in the forehead. She nearly killed him! This water thief brought assault charges against my grandmother. At the courthouse in Buena Vista the judge ruled that my grandmother was innocent since she was pregnant at the time and this man should not have taken advantage of a woman in waiting. The interesting part is that the theft of water was not the major issue. Consistent with the time, water was appropriated without regulation by a governmental entity. A water type court was established in 1890, the date of the first general adjudication. Prior to 1890 individuals regulated water by custom; that is who ever appropriated the water first was in first right and, of course, this caused a lot of dissension among neighbors. A form of regulation was sorely needed and in time the custom of prior appropriation developed into our current body of water laws. More recently, the same has occurred regarding the appropriation and, use of ground water.

It took another hundred years for the State of Colorado to recognize the need for well pumping regulations. It was necessary for the State to lose the Kansas water suit to adopt the long needed well pumping rules in the Arkansas basin. The inconsistent and actually non existent regulation of ground water was the catalyst for the formation of the Upper Arkansas Water Conservancy District and the now familiar Well Augmentation Plan known by the Directors of the District as 92CW84.

The District was formed by the individuals who violated of the orders of the Colorado State Water Division engineer in 1977. The irrigators refused to discontinue the diversion of their water from the river until the unregulated irrigation wells in the lower Arkansas Valley were shut down. In 1977, although the irrigators were forced to follow the dictates of the water engineer and cease and desist, the water district caused the state engineer, in the interim, to exercise caution in the administration of surface rights. Finally, with the Colorado vs. Kansas lawsuit, and the ensuing loss by Colorado the citizens of the upper valley were vindicated. That is ground water was now regulated with the same criteria as surface water-by the doctrine of prior appropriation and beneficial use. This change caused chaos in areas of extensive irrigation by wells and consternation in the remaining areas of the Arkansas Valley. In Chaffee County, Western Fremont County and in particular the area served by the UAWCD'S well augmentation plan there was little or no disruption of activities.

For many years, the directors of the UAWCD were aware of the need to provide for well augmentation as a means to replace the depletions caused by well pumping to augment the flows of the surface streams in the area. The board believed from the outset of the District that well pumping was being done outside of the law of prior appropriation and at

the expense of the surface water rights. Water rights with a date of appropriation later than 1890 are able to be exercised only a few days during most years and later rights almost never. Therefore, wells, most of which were dug after 1900 and the majority after 1948 are never in priority. The only means available to allow pumping is by exemption of the law or augmentation with a surface water right which is in priority and stored in a reservoir for release according to a regimen adjudicated by a water court. The district augmentation plan is a "blanket" plan, which can provide augmentation by an administrative mechanism, with the required ultimate approval by the Colorado State Water Engineer.

In the early years of the UAWCD, the municipalities of the valley benefited immensely from the District formation. In particular, Salida was rescued by early warning to set their house in order, and assistance from the UAWCD. Around 1979, the State Water Engineer was literally prepared to shut-down city's water operations that had not converted Agricultural Water to Municipal Water or had not augmented wells or surface rights which were being diverted out of priority.

Working through the late Salida City Councilman Dick Bondurant, the District's Board Chairman, Mr. Denzel Goodwin, the Board, and the District Manager, Mr. Ken Baker, set out to help correct the insufficiencies in Salida's water resources. First by warning, then by augmenting the later Harrington ditch water decrees (Salida's early Harrington Ditch Decree is less than 4 cubic feet per second (cfs) . Their later Harrington rights cannot be appropriated until more than 12 cfs are satisfied by earlier decrees.) and winter use of these decrees with storage in North Fork Reservoir and utilization of an exchange decree on the South Arkansas River. Similarly, Poncha Springs and Buena Vista were given assistance.

In regard to the well augmentation plan, the benefits to this county and the district are numerous and will be even more beneficial in years to come.

1. Over 50% of the augmentations provided by the district to date are for prior existing wells.
2. 10 % of the augmentations have been for commercial enterprises many existing i.e.: Monarch Ski Area, Denoyer Flower & Garden Center, and Mountain Spirit Winery to name a few.
3. To date 200 Acre Feet (AF) of water, the amount now augmented, is being replaced to the streams of the district annually and at the time of year when the availability of water is lowest. To illustrate the amount of water which this represents the Arkansas River has averaged less than 300 cubic feet per second and at times less than 200 cubic feet per second during the months of March and April. 200 AF would sustain nearly half this flow of the river for a period of 24 hours, a significant amount of water.
4. The effect of storing and placing to beneficial use within the district increased amounts of water helps increase the amount of ground and surface water that will be available for diversion at a later date, due to underground storage of return flows through central and domestic water treatment systems.

5. The financial benefits to the citizens of the district, by reducing the cost of unavoidable augmentation, are enormous. A private augmentation plan for one household can range from \$30,000 dollars to upwards of \$50,000; if the water and associated storage would have been available, which without the district is doubtful in many areas of the valley. Augmentation under the UAWCD enterprise's blanket decree costs \$2,000.00 per unit, enough for a dwelling with \$100.00 per year management fee.

6. The future of the valleys water resources will be preserved for future generations by the development of reservoir systems integral to the operation of 92CW84 -THE GENERAL AUGMENTATION PLAN, and RULE 14 AUGMENTATION- Augmentation for large irrigators and municipal augmentation plans. The perfection of storage decrees for Boss, Rainbow, Cottonwood and O'Haver will provide needed future storage reserves for the upper valley. It is fortunate for the future generations that these storage plans will come to fruition in their lives because of the district's efforts today. These plans are long term and those who work on these plans today will not see the end results, but that is the nature of water plans. Today we are planning for 2050 and beyond. In this valley, never before the formation the UAWCD has an entity worked on water plans this far into the future, and simply because prior to 1977 there was no vehicle like the district.

Several months ago I sat across the Water District's boardroom table from the mayor of Salida. He was lamenting the need to begin the city's comprehensive plan. Offering my thoughts, I suggested to him that his planning committee "plan for growth", not create a plan which seeks to "prevent growth".

Growth is inevitable, and the valley's leaders hold the keys necessary to develop the infrastructure so future generations will not be saddled with the onerous problems such as lack of water, lack of sewage treatment facilities, poor roads, poor schools and lacking the necessities of a modern society. The one entity that has planned and planned well is your Upper Arkansas Water Conservancy District. The District's directors challenge the area's other entities to step-up to the plate.