



Water Rights Committee Report
Karl Davis, Committee Chairman
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Written and submitted by: Karl Davis

Date: March 20, 2021

Charter: To protect the water rights that are decreed to Big Elk Meadows.

Committee Members: Karl Davis as Chairman, Members as Victoria Darling, Roy McCutcheon, Bill Tolle, Paul Flanagan, Alan Hatfield, Patrick F. Gill, Selina Davis

Water Rights Operation - State Requirements

The Water Commissioner for Division 1, District 4 has provided BEM with a small set of operating requirements:

1. When our right to store water is Out of Priority then we need to match the water flows of the upper and lower flumes. This prevents us from storing water “out of priority”. If we are storing water out of priority then we slightly increase the flow of water through the lower flume to drain off the excess stored water.

This is a challenge. Water enters through lake 1 (Sunset) and exits through lake 5 (Meadow). We draw water from lake 4 (Mirror). To maintain the quality of the water in lake 4, we do not want water passing through it. As soon as we open the gate on lake 3, its bottom biomass passes into lake 4 and we can fail state water raw water tests for the next three months.

2. The accounting spreadsheet has 5 categories for us to account for our stored water. Our requirement is for the Owed to River Account to be at or near 0 at the end of each month.

This is a challenge because if we over release what we owe then the account will reduce to 0 but not below 0. That additional water is not counted. The state has allowed us to carry forward this water to the next month but that is not easy to account for.

3. The Water Commissioner has to approve our water releases from the Ish Reservoir. It will be approved if the release is for “return flow” and it will benefit a downstream senior water right holder that is calling for water. It could become a problem if any of the release is for “augmentation” and the commissioner forces us to do the release from BEM instead of the Ish Reservoir.

This is a big challenge and it strains our relationship with the state. Last summer, I tried to release my augmentation water from the Ish reservoir to satisfy a call for water from the senior water right holder. The Commissioner had to step in and force us to release the water from BEM to satisfy a Junior Water Right holders call for water from Pinewood Springs.

4. The state has given us a new requirement. Starting on November 1st of the 2020-2021 water year, we have to report whether our household water source was from the pipeline or the well group. We have to take daily readings of the three wells then subtract their total from the master meter to give us the amount of pipeline water we used that day.

This is a new requirement and will create a new record keeping task that has to be transferred onto our water accounting spreadsheet under a new tab.

Feedback from our Water Engineer

Jared had a meeting with our district Water Commissioner. It looks like Pinewood Springs is set to place a call for water this year. We might have to release some of our augmentation water from BEM.



Old Ish Annual Meeting

The Old Ish Annual Meeting was not held in person due to COVID concerns. Because of the current water level in the Ish Reservoir, the board did not assign an inches per share amount at this time. They will do so during or after the Spring runoff.

The Old Ish level is currently at 16.45 feet or 1532 acre feet. If the Spring runoff can provide another 1000 acre feet and bring the lake level to 21.7 feet and hold 2548 acre feet then the Old Ish lake is considered full and we would probably be allocated 24 acre feet to use for augmentation. This is likely to happen given the recent snow storm. But it is unlikely that the New Ish portion of the lake will reach full capacity at 35.2 feet and 6826 acre feet of water. If the lake does fill then we will get an additional amount. In recent years the lake did fill and we would end up with 30 acre feet.

Our lakes are currently 73 percent full at 79.7 acre feet. Our rights have only been in priority for 12 days since last April. This is a big problem. Some years, our rights are in priority 50-60% of the time. During dry years, a large percentage of rights holders cannot operate their exchanges properly. When the Spring runoff starts to recede and I know our storage amount plus the amount of water we are allocated from the Ish Reservoir then I will call the water commissioner and start negotiations.

Our water rights were in-priority from February 10th through February 21st. On March 16th, our rights went back into priority. The call affecting district 4 is on the South Platte and is junior to ours:

3/16/2021 NORTH STERLING CANAL LOWER PLATTE BEAVER D 44723.00000 6/11/1972

Big Elk Meadows Association

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