



## Water Rights Committee Report

May 21, 2022

Karl Davis and Ryan Sommers, Co-Chairpersons

**Members:** Victoria Darling, Karl Davis, Paul Flanagan, Patrick Gill, Alan Hatfield, Roy McCutchen and Bill Tolle

**Purpose:** To protect the water rights decreed to Big Elk Meadows

### Action Items

- **(Complete) Action Item:** Turning over many regular water release and water accounting duties to Applegate Group. This will help BEMA maintain consistency and ensure we're meeting our obligations. BEMA will still be in charge of data collection. **(In Progress) Action Item:** Working on due diligence application (due November 2022) for conditional water rights

This year is shaping up to be a difficult year. Unless we see a significant change in weather patterns we will struggle with how to best respond to the current situation. Our lakes are full from Spring runoff, but soon the flow from the West Fork of the Little Thompson will slow and if we do not get sufficient rain, will cease. This is not unusual. What is unusual is the depth of the drought. Spring runoff this year is way below normal. So much so that Ish Reservoir is not going to fill. What that means for us is that we will not receive the amount of water we usually receive to operate our exchange. We normally receive 24 acre feet of water of which 13 acre feet goes back to the Little Thompson in the form of Return Flows (it's a technicality). This leaves 11 acre feet that we can use to replace 11 acre feet in our lakes. In other words, we release water from Ish reservoir instead of releasing that water from Big Elk Meadow's lakes. In the best of years, we would need around 17 acre feet of water to preserve all of our water in our lakes, but when the creek stops flowing, which it usually does every year, our lakes lose volume through seepage and evaporation anyway and the 11 acre feet, when well-managed, maintains our drinking water source, keeps things looking good, and preserves the health of the lakes and fish stock.

The current allocation of Ish water is 6 acre feet. Legally, we still owe 13 acre feet in Return Flows plus we will still need upwards of 17 acre feet to get through the season. One possible worst case scenario is that we will have to reduce the volume of water in our lakes by  $17 + 7 = 24$  acre feet. When full, we have about 108 acre feet spread over 5 lakes. The math does not work well in our favor.

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In an unprecedented move, Ish has asked those that do not need water to survive to give their allocation this year to farmers that do require the water for their livelihoods. Since we release all of our water anyway we are negotiating with Ish and the Water Commissioner as to how best to approach the situation.

The water rights committee has to balance various needs. The most important is to maintain sufficient source water to provide domestic water to our houses. Then there is overall lake health and preservation of fish stock. And there is abiding our legal obligations. We do not get to decide if we want to reduce our lake volumes. Nature and the courts decide.

Some scientists are saying that we are in the worst drought in the past thousand years. Regardless, some years are worse than others and this may well be one of the worst in recent memory. Then, it may start raining next week, Ish may fill and all will go back to normal. A number of years ago, Ish allocated only half the normal amount, 12 acre feet, and then a month later we got rains and they reissued another 12.

Another point to remember is that even if water is coming into the lakes from above does not mean we get to keep it. Our water accounting is complicated and governed as much by the courts as by nature. Your Water Rights Committee will work hard with all of the tools at our disposal to preserve the lakes as best we can. Not everyone is going to be happy.

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