

Beg, Borrow and Buy: Ouray Struggles to Shore Up Water Rights

by [Samantha Wright](#)

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OURAY - The City of Ouray has submitted an emergency water supply substitute plan to the Colorado Division of Water Resources which outlines the ways in which it can offset out-of-priority depletions to the Uncompahgre River.

While the CDWR has not yet given the plan its seal of approval, city officials are optimistic it will get Ouray out of hot water with the Uncompahgre Valley Water Users Association, which in May placed a call on the City of Ouray's municipal water supply.

The city's water rights are junior to two major categories of water users on the Uncompahgre River – those above and below the Ridgway Reservoir, corresponding to the Upper and Lower Uncompahgre River. The emergency water supply substitute plan, produced by Wright Water Engineers, identifies different solutions for each category.

In order to offset out-of-priority depletions for the Lower Uncompahgre River call that is currently in effect, the city will use augmentation water from shares it recently leased in the Montrose and Delta Canal. In the event of an Upper Uncompahgre River Call (anticipated to occur sometime this month), the city will obtain augmentation water from Crystal Lake reservoir in Ironton Park.

In addition to identifying the means by which the City of Ouray will offset out-of-priority depletions to the Uncompahgre River, the emergency plan also painstakingly calculates all of the city's water consumption, including potable indoor water, lawn and garden irrigation, and hot springs water, pegging that number at 498 acre feet per year.

Much of the water consumed in Ouray (433.3 AF according to the report) eventually returns to the Uncompahgre River via the Hot Springs Pool outflow and the town's wastewater treatment plant.

A percentage of the water is simply used up, however, never to return to the river basin again. This amount, estimated at 88.5 AF, is considered to be a water depletion – water the city “owes” to downstream users with senior rights when a call is in effect. The City of Ouray's water depletions are mostly a result of lawn and garden irrigation, and evaporation from the Hot Springs Pool.

Although such numbers are carefully calculated, they are not exact, due to the fact that the City of Ouray does not have water meters and therefore cannot accurately measure its water consumption.

Nevertheless, the city is “probably okay now that it has this plan in place,” said Jason Ullmann, Assistant Division Engineer for Water Division 4. “It hasn't been

officially given the blessing from the state engineer's office but that is in process. It usually can take a few weeks but we will look for draft approval fairly quickly."

Perched in a scenic setting in Ironton Park at the foot of the Red Mountains along Highway 550, Crystal Lake Reservoir holds 31 acre feet of water, according to the United States Forest Service. Its water comes from Fullmoon Creek, a tributary to Red Mountain Creek and the Uncompahgre River. The USFS acquired Crystal Lake from private owners in the 1990s, and intends to drain it this summer to improve and update the dam infrastructure. These improvements could not come at a better time, as far as the City of Ouray's water rights problem is concerned.

The city, by putting some measuring devices on the lake, can take credit for the water that is spilled into the Uncompahgre Watershed to satisfy a number of ditch users above Ridgway Reservoir who have senior water rights, should they make a priority call. During the last drought year in 2002, such a call was made in mid-July.

"The Forest Service has to release water from the lake anyway," said Ullmann. "They have agreed to release it at a time the city needs a substitute supply."

The Montrose and Delta Canal is the paramount calling water rights on the Uncompahgre River downstream of Ridgway Reservoir. In early June, the Ouray City Council agreed to spend \$4,500 to lease existing water rights in the M&D Canal, in order to satisfy that entity's call on Ouray's municipal water supply.

The lease provides 1.1 cubic feet per second of water from the Oldcastle Southwest Group d/b/a United Companies (United) until Jan. 1, 2013. It is not enough water to cover the city's entire projected consumptive use this summer, but will go a long way toward addressing the problem, said City Administrator Patrick Rondinelli.

United owns 55 acres of property near Montrose that was historically irrigated with water from the M&D Canal, but which has since been converted to other uses including a gravel pit. Although the land is no longer irrigated, the water right associated with it is still intact.

The plan calls for the Ouray to offset its out-of-priority depletions to the Uncompahgre River by utilizing this leased water right when a call is in effect.

Such measures are merely a temporary solution to a problem which will likely become more acute in the coming years of projected water wars.

The City of Ouray's long-term water augmentation plan hinges on purchasing water rights to the Red Mountain Ditch, a historic trans-basin diversion that starts in the Animas River Watershed near the top of Red Mountain Pass and is piped into the Uncompahgre River Watershed.

The ditch, after undergoing repairs, will supposedly add enough water into the Uncompahgre River basin (6 cubic feet per second) to offset the city's out-of-priority depletion in the event of another call by senior downstream users.

The City has entered into a contract to purchase the Red Mountain Ditch, and has filed with the Division 7 Water Court which oversees the Animas River basin for the change of water right. The water court has yet to rule on the matter.

In the meantime, the Ouray City Council approved contract modifications with current ditch owners William and Carolina Alexander this week, allowing the city to move forward with purchasing the water right and conducting needed repairs on ditch infrastructure while awaiting the water court's final decree.

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