

Trustee Corner

So...Why Town Ditches?

By Kate Vasha

Saguache is gridded by a system of open ditches that carry water during the summer irrigation season. The ditches are as old as the town, legacy of the *acequia* system that brought water for lawns and gardens in the days before a modern water and sewer system was put in from 1966-1968.

Some new- —and not so new- —comers to our town question why we need the ditches at all these days, asking the Town Board why they can't just fill them in.

The short answer: If you like having water coming out of your faucets, you should like the ditches and help take care of them.

But, wait, you may be thinking: Town water comes from wells, right? So what does that have to do with ditches?

To answer, I'll have to run through a short and wildly simplified history of Colorado water law. The first thing you need to know is that in this state water is a property right. The right to use water is owned, and that ownership is administered by its own court system—yes, Water Court.

When Anglo settlers came to the San Luis Valley and started using water from creeks and rivers, they filed in court for the right to use the water. (Earlier Hispanic settlers used water in a more communal way.) The basic rule of water use on Saguache Creek and elsewhere is "First in Time, First in Right." That means the owner of the #1 surface water right on Saguache Creek get to take water from the creek for irrigation before owner of the #2 right, and so on down the line. The Town of Saguache is lucky to own a good surface water right: Half of #7.

Why is this important and what does it have to do with ditches and the town wells?

Simply put, surface rights tend to be senior to rights held by people who own and use well water. When center pivot irrigation replaced the older system of flood irrigation in

the Valley, more and more wells were drilled, and the massively increased use of well water started dropping the water levels in and around the Valley and affecting those senior water rights. That's what the surface rights owners have been saying for years in court. As someone once said, "In Colorado, whiskey's for drinking, water's for fighting."

After years of wrangling, in 2012 the Colorado Supreme Court gave the go-ahead to a plan that decrees that all users of non-exempt wells in the Valley—commercial, agricultural or municipal—have to create augmentation plans to mitigate injuries to surface right owners. (Residential wells that pump less than 50 gallons a minutes are exempt.)

This means that owners of wells that aren't exempt either have to augment (replace) water they are pulling out of the ground or pay into an augmentation fund—or shut their wells off. This has led not only to more wrangling, but also to the creation of sub-districts, which I will NOT go into here.

I am finally getting to why you should love our ditches, but first have to tell you about one more Colorado water term: "Use It or Lose It." Simply put, that means that if you have a water right and don't use the amount of water you're allowed, you can lose that right. And that is why it's important for us to maintain our ditches and keep water flowing through them.

Here it comes—the connection between the ditches and our wells: Because the Town owns a senior surface water right, we can use the water we are allowed under the right in the augmentation plan for our town wells. Since an augmentation plan is based on "historical use" of surface water, the more water the town diverts into our ditches, the more our municipal wells can legally pump. Without our water right and ditches, we would have to try to buy other surface water rights or pay into the augmentation system—costs that would show up in your water bill.

The Town Board is working with water experts to decide exactly what our augmentation plan will be. But whatever it finally looks like, you will be able to thank those pesky ditches and the water that runs down them for allowing us to have a plan that works and for keeping your water bill down.