

Where does my faucet water come from?

Ultimately your water comes from the melting and dispersal of the winter snowpack, into streams and groundwater. On a more specific level, it depends on where you live in the Upper Gunnison River valleys:

- If you live outside the incorporated towns and cities or water and sanitation districts, your water probably comes from an alluvial well – a well that taps into the water table recharged by melting snow and/or the stream running near where you live.
- *Town of Crested Butte*: Your water is drawn directly from a small tributary of Coal Creek, the stream that runs through the town. It is piped from the stream to a small reservoir on the bluff west of town, from which it is treated and piped to your home.
- *Town of Mt. Crested Butte*: Springs on Crested Butte Mountain, small reservoir in Washington Gulch.
- *Crested Butte South*: Large municipal wells.
- *Almont*: Residential wells.
- *City of Gunnison*: Gunnison’s water comes from alluvial wells not far from the Gunnison River that are recharged by the river. The water is treated as it is taken from the groundwater, and pumped up to the large tanks on the hillside above WSC University; from there it is distributed to city homes and businesses. The City also has a water right for the irrigation ditches that run through part of the city; that water comes directly from the river a few miles north of Gunnison.
- *Lake City*: Two municipal wells.

What is a ‘water right,’ and do you need one?

A water right is a registered right to *the use of a certain amount of water*. It is a right registered with the Colorado State Engineer; it does not connote actual ownership of the water – just the right to use the water *consumptively* (the water disappears from the watershed, as in lawn or farming use) or *nonconsumptively* (the water remains in or is returned to the watershed after use, as in hydropower). If you live in one of the valley communities, you will be contracting with the community or its utility to use water for which the community or utility has the necessary water right covering your use of the water, so you do not have to obtain a separate water right. If you have built a house within the community, you paid a “tap fee” that constitutes your contract to have water supplied to your home. If you are building a new home outside of the valley’s communities or utility districts, you will probably need to obtain a water right for your well.

For more about water rights and Colorado water law, go to the Colorado Division of Water Resources website at <http://water.state.co.us/Home/Pages/default.aspx>.

What is the difference between senior and junior water rights?

Water rights are registered and administered strictly on a basis of priority: first in time, first in right. Those with the oldest decreed water rights on a stream have *senior* rights; those with later decrees are *junior* to any prior senior rights. When there is not enough water in the stream to satisfy all the water rights on the stream, *seniors* may place a “call” on the stream, and *juniors* must give up some of their decreed water to assure that the senior right holders get all of their decreed quantity. This is typically done when the junior rightholder is upstream from the senior placing the call.

What is an augmentation plan, and do you need one?

An augmentation plan is a plan whereby, in the event of a call by seniors on a stream, a junior water rightholder contracts with a senior rightholder to replace the junior's out-of-priority depletions in time, amount and location; this enables the junior rightholder to continue using his water. The Upper Gunnison River District, for example, offers for sale augmentation plans for the East River Valley for very senior water from Meridian Lake Reservoir (also known as Long Lake) above Crested Butte. *Since the Upper Gunnison Basin was declared overappropriated in 2002, new residents building in the unincorporated parts of the Basin are generally required to obtain an augmentation plan.* Inquire at the Upper Gunnison River District office for more information.

For more about augmentation plans and how to obtain one, go to <http://ugrwc.org/>.

Can I use water from the ditch running through my property?

The short answer is no. All water running in manmade ditches is adjudicated for use by whoever dug the ditch or their heirs or subsequent property owners. The same is probably true for the water of any natural stream running through your property, although the Colorado Constitution acknowledges a right to divert water from natural streams in an above-average water year – the diverter can just not count on having that water every year. It should be noted, however, that if you would like to use some of the water from a ditch on your property, getting to know the owner of the ditch and the use right on the water can sometimes bring informal accommodations for occasional use.

Am I allowed to kayak, float, or fish on any stream?

Streams on public lands are generally open to the public for all recreational purposes. The situation is much more ambiguous, however, for streams flowing over private lands. By the Colorado Constitution, all the water of the state is the property of the people, but the riverbed over which the water flows is the property of the landowner. So kayakers, rafters and other “floaters” claim to be able to legally float through private property so long as they do not touch down on, land on, or otherwise “trespass” on the riverbed itself or the banks of the river. The State of Colorado continues to debate, often heatedly, over “private property rights” versus a “right to float” on the people's water (unimpeded by low bridges, fences, and other obstacles occasionally used by property owners to prevent floating without illegal land portages around said obstacles). Until that debate is resolved, recreational river users need to check land ownership before launching.

For more about this conflict between private rights and public access, go to http://lawreview.colorado.edu/wp-content/uploads/2013/11/10.-Helton-FINAL_s.pdf.

Do you have any other water-related questions? Send them to Beverly@ugrwc.org!